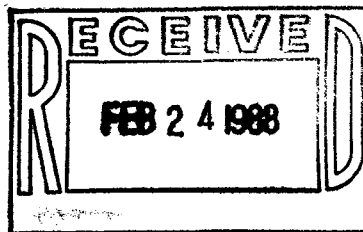


PETITION FOR FEDERAL RECOGNITION
OF THE JUANENO BAND OF MISSION INDIANS
IN COMPLIANCE WITH CFR PART 83

PREPARED FOR
ASSISTANT SECRETARY - INDIAN AFFAIRS
THE HONORABLE ROSS SWIMMER

SUBMITTED BY
THE JUANENO BAND OF MISSION INDIANS
16760 PARADISE MOUNTAIN ROAD
VALLEY CENTER, CALIFORNIA 92082



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PETITION FOR FEDERAL RECOGNITION
OF THE JUANENO BAND OF MISSION INDIANS
IN COMPLIANCE WITH 25 CFR PART 83

INTRODUCTION

The Juaneno Band of Mission Indians (also referred to in this petition as the Juaneno Tribe), whose ancestral and ethnohistoric territory ranged throughout the county of Orange, California, and whose historic and contemporary center is San Juan Capistrano in the county of Orange, submits this petition to the United States Department of the Interior for recognition as an Indian Tribe. The petition format follows the criteria in 25 CFR Part 83 of the Federal Register 47(61):13326-13328, on Tuesday, 30 March 1982,

This petition demonstrates that the Juaneno Band of Mission Indians meets all of the criteria established in 25 CFR Part 83. The Juaneno Band of Mission Indians has never formally requested federal recognition as a tribe and, therefore, has never been denied a federal relationship.

The tribal spokesman for the Juaneno Band of Mission Indians is Raymond T. Belardes. His telephone number is 619-749-2312. Tribal correspondence is sent to 16760 Paradise Mountain Road, Valley Center, California 92082. The other individual authorized to act on behalf of the Juaneno Band of Mission Indians, relative to the petition, is R. Paige Talley. Ms. Talley's telephone number is 916-391-0986.

HISTORICAL OVERVIEW

Introduction

The Juaneno, indigenous to southern California, were named after the San Juan Capistrano Mission, established in their territory by the Spaniards in 1776. Several variations of this name are found in the literature such as San Juan Indians (Ames 1873), San Juaneno (Shipek 1979), and Capistraneno (Keneally 1965), all denoting the same tribe, however. The term 'Axatcmeyam has been used as a tribal identifier (based upon Fr. Boscana's (1933) assignment), yet this term actually applies to the village located in close proximity to the San Juan Capistrano Mission and is merely a locational name (Harrington 1933). The term used by the Juaneno to describe themselves was puyumkowitchum, meaning "western people" (White 1963).

It has always been assumed that the Juaneno territory extended from Aliso Creek on the northwest coast up to Santiago Peak, south along the southern continuation of the Sierra Santa Ana, and southwest toward the coast and between the San Mateo and San onofre Creeks (Kroeber 1925). Yet, according to Fr. Boscana (Harrington 1934), the Juaneno occupied a village in Las Flores, approximately eight miles south of the aforementioned southern boundary. Furthermore, Juaneno oral histories provide information demonstrating that the northern aboriginal boundary may have extended at least as far north as Huntington Beach. In addition, both White (1963) and Kroeber (1925) assert that the boundaries presented are not precise, thus allowing room for correction.

Until the 1960s the Juaneno were treated, in written work, as a separate tribe from their cultural and linguistical cognates the Luiseno (see Kroeber 1925; Strong 1929). Though anthropologists intimated that the two groups might belong to the same tribe (e.g., Harrington 1934; Kroeber 1959; Sparkman 1908). In 1963, Raymond White published his work on the Luiseno Social Organization wherein he included the Juaneno as part of the northwestern extension of the Luiseno tribe. In 1978, Lowell Bean and Florence Shipek presented a chapter on the Luiseno in the Handbook of North American Indians Volume 8 and followed suit with including the Juaneno and Luiseno as one tribe. Despite this valid union, the Juaneno are a separate tribe, historically, and will be treated as such in this overview. Notwithstanding, it is essential that the similarities of the two groups be emphasized.

Although White (1963) was the first to detail why the Juaneno and the Luiseno should be recognized as the same tribe, Sparkman (n.d.:3), writing at the turn of this century,

delineated the Luiseno territorial boundaries and asserted that they included "Soboba and Temescal, and from there to the sea at San Juan Capistrano. The language spoken at this latter place differs considerably from that spoken by the rest of the Luiseno, and some would not include them as such." It is of interest to mention that Soboba is designated as a Luiseno reservation, established by Executive Orders in 1883 (Bureau of Indian Affairs 1984). Parenthetically, the Soboba Luiseno, it is said, moved to the area during the Spanish and Mexican occupation of California. Aboriginally, Soboba was Cahuilla territory (Katherine Saubel personal communication; White 1963).

Furthermore, when Kroeber (1925) and Strong (1929) were preparing their publications on the Luiseno and the Juaneno they had only Boscana's (1933) first version of Chinigchinich and, therefore, the separation occurred (White). In the first version Boscana presented two creation stories for the Juaneno: one said to be from the coast and another from the inland people. This caused confusion, for the former was so different from the latter, which was similar to the Luiseno, that anthropologists believed there were distinct differences between the two groups. In the second version of Boscana's Chinigchinich (Harrington 1934:15) the creation story of the coastal people is eliminated, Boscana stating that he felt it was the "foragings of their crude brains." With the cultural difference cleared up by Boscana "the need for cultural differentiation between the Juaneno and Luiseno is largely eliminated except for minor variations such as existed between any two widely spaced organized groupings" (White 1963:97).

Additionally, White's assertion is supported by the early explorers who made little distinction between the two groups (e.g., Hill 1927) and that Harrington (1934) used Luiseno data, in large part, to annotate Boscana's ethnography of the Juaneno, Chinigchinich.

In conclusion, the general climate, geography, flora, and fauna were very similar for the Juaneno and the Luiseno territories. Hence, "both the ecology and the topography favor the development of local political and geographic units at the expense of tribal self-identification, but do not justify a division of the people into separate 'tribes'" (White 1963:104).

First Contact

The earliest definitive European contact with the Juaneno was by the Portola expedition in 1769 (Bolton 1927). Fr. Juan Crespi maintained a diary of this expedition and recorded the Indian villages contacted along their route. On Friday, 21 July 1769, the expeditioners entered Juaneno territory--Las Flores. "Very near there we found a small village from which three men immediately came to visit us, with eleven women and

some children" (Bolton 1927:134). For the next seven days of travel in a northeasterly direction and reaching the Santa Ana River, the expedition of men came upon no less than six villages. Upon Portola's return trip to San Diego from Monterey the expeditioners met no Indians within the Juanenos territory; however, Crespi noted coming upon an empty village site that was inhabited during the trek north (Bolton 1927).

The Mission Era

Several factors determined the location of a mission site, not least of which was the many Indian villages located in close proximity to the proposed site. Other conditions were a port for easy access by sea, large pasture land, abundance of trees for lumber, and a fresh water source. The location in San Juan Capistrano seemed to have met with these criteria (Serra 1955-1966 Vol. IV).

The first attempt at establishing the Mission San Juan Capistrano was thwarted in 1775, because of the Indian uprising at the San Diego de Alcalá Mission. The San Juan Capistrano Mission was finally established in 1776 by Father Serra. Two years later, because of a faulty water system, the mission was moved to its present location, which is slightly east of the original site (Bancroft 1886-1890 Vol. I). The San Juan Capistrano Mission is situated halfway between the San Diego de Alcalá Mission and the San Gabriel Mission (both established prior to San Juan Capistrano). These missions are situated along the Camino Real, or King's Highway. The temporary administering padre, Father Serra, observed that the Indians of San Juan Capistrano were linguistically distinct from the Diegueno (Kumeyaay) of San Diego, however, they communicated easily with the Gabrielino of San Gabriel (Serra 1955-1966 Vol. IV).

After visiting the many Indian villages located near the Mission San Juan Capistrano, Father Serra believed that the Juaneno would be easier converts than the Indians of the six previously established missions in Upper California. Indeed, one record describes the account of two gentile chiefs requesting permission to reside within the mission establishment (Bancroft 1866-1890 Vol I). (It must be assumed that these chiefs wanted to settle their entire village population within the the mission boundaries.)

Mission life was structured such that the Juaneno were brought from their villages to be baptized and remained at the mission, forming the mission society. These neophytes assisted in the building of the mission and they were instructed in Catholicism, agriculture and stock-raising, and various vocations such as masonry, tanning hides and tallow rendering (Engelhardt 1922).

While the Juaneno were quick to learn most of the trades taught them, the Spanish language presented difficulties. Approximately 37 years after the mission was established the Juaneno remained incapable of speaking Spanish with any fluency. For example, when the Spanish authorities in Spain wanted to know how acculturated the mission Indian were they sent out a questionnaire. One of the questions asked what language the Indians spoke and if they understood Spanish. San Juan Capistrano's response was: "The Indians speak their native tongue while many of them understand some Spanish but not perfectly" (Geiger and Meighan 1976:19).

It is obvious that not all of the Juaneno desired entering the mission relationship to become converts and laborers. This is evidenced through Engelhardt (1922) who mentioned that there was a monjeria, or apartment of the girls. He explained that during the daylight hours the girls of age 12 and up were allowed to spend their free time with relatives who lived in nearby villages, but at night they, and women whose husbands were absent from the mission, slept in the monjeria. Anastacia Majel's aunt (the great aunt of a Juaneno tribal member) lived in the monjeria and she said that it was filled with young girls who were given little to eat, usually atole and pisole [sic]--"era muy triste siempre" (it was always very sad) (Harrington n.d.).

In regard to local government at the missions in California, one noted historian reported that:

In constituting native government, wisdom dictated that use should be made of the existing Indian organizations, natives of prestige being given important offices. Thereafter the civil officers were chosen by form of native election, under the supervision of the missionary, and approved by the secular head of jurisdiction. (Bolton 1962)

Though the neophytes selected officers from their own members it seems unlikely that the missionaries desired such a situation. According to Engelhardt (1927), Governor Felipe de Neve extremely disliked the missionaries and, therefore, ordered that the neophytes of each mission elect two alcaldes and two regidores (magistrates and councils, respectively) from the Indian population. The neophyte officials were granted some measure of control over their members, as they supervised the neophyte laborers and exacted punishment upon the "guilty or lazy" Indians (Tac 1952:99).

During Pablo Tac's short time at the Mission San Luis Rey, between 1822 and 1832, he remembered that the alcaldes carried a rod that symbolized they were "judge of other" (Tac 1952:99). He also explained that the "captain [chief] dressed

like the Spanish, always remaining captain, but not ordering his people about as of old, when they were still gentiles. The chief of the *alcaldes* was called general" (Tac 1952:99). Parenthetically, Pablo Tac was a Luiseno neophyte.

By the year 1812, the San Juan Capistrano Mission boasted its greatest number of neophytes, 1,361 (Engelhardt 1922). At this time, however, the mission was not prospering from its crops as it had in earlier years (Bancroft 1886-1890 Vol. II).

Records indicate that there were many Juaneno adults who were not baptized and, therefore, still considered as "pagans," but who had their children baptized. This is evident, for example, in the baptismal entry number 2723 in the year 1806, whereby the parents from the Juaneno village Jayabit were gentiles and they had their eight-month-old son baptized (San Juan Capistrano Baptismal registry). Such occurrences were common, as can be demonstrated through other entries in the baptismal registry for the San Juan Capistrano Mission and the same records for the San Diego de Alcalá Mission--where a number of Indians from Juaneno villages were baptized, yet their parents remained gentiles.

Although adobe houses were constructed by some of the neophytes, 34 houses for as many Indian families (Engelhardt 1922), the majority of the Juaneno continued to live in reed thatched huts. For example, the year the adobes were built was 1806, but mention of Indian huts persists in 1805-07 (Engelhardt 1922), 1817 (Bancroft 1886-1890 Vol II), and 1835 (Dana 1909). In 1835, Henry Dana made port at San Juan Capistrano to collect tallowed hides from the mission. He said of the beach-front view, "and the only habitation in sight was the small white mission of San Juan Capistrano, with a few Indian huts about it...we found several piles of hides, and Indians sitting around them" (1909:138). (Additionally, the petition establishes the use of thatched houses and caves as dwellings into the twentieth century.)

In 1805, and again in 1807, Senor Francisco de Paula Tamariz, a naval officer of the war ship *Activo*, came to the coast of California, making port in San Juan Capistrano (Engelhardt 1922; Hutchinson 1969). While in San Juan, Tamariz and the *Activo*'s chaplain solicited sexual favors from the young neophyte girls. The Juaneno reported the delinquent behavior to the administering Fathers, consequently a bitter and scandalous affair transpired among Tamariz, the Padres, and Spain (Engelhardt 1922). The Padres believed that Tamariz' activity with the Juaneno girls set a poor example for the neophytes: The very behavior the Fathers were trying to repress, cohabitation without the benefit of a Christian marriage, was, in some degree, blatantly exercised by a naval officer and the ship's chaplain (Engelhardt 1922).

It is evident that the Fathers were uncertain whether the Juaneno would revolt or act disreputably even near the end of the fourth decade of San Juan Capistrano Mission's existence. It is related that three soldiers abused one of the resident Fathers, Barona, when the latter wished to ride to the San Luis Rey Mission, as was often his custom. The Fathers, thus were concerned that such an action took place in the presence of the neophytes since they may have been unduly influenced by the poor treatment of Father Barona and, perhaps, exact their own kind of revolt (Engelhardt 1922).

Furthermore, records indicate that between 1776 and 1817 there were 254 fugitive neophytes from the Mission San Juan Capistrano (Cook 1943). There existed among the Fathers fear that should the neophytes rejoin the gentiles, they would all revolt against the mission (Cook 1943; Phillips 1975).

With respect to the Juaneno laboring in the fields of ranchers, neophytes were recruited for such tasks as early as 1810 (Bancroft 1886-1890 Vol. II; Engelhardt 1922). The majority of these Juaneno were taken to the fields against their will, hence Fr. Suner requested that the 100 Juaneno be returned to the mission. Controversy arose over Fr. Suner's edict for the ranchers wished assistance in cultivating the hemp fields, and the Juaneno neophytes were considered cheap labor. However, Fr. Suner was acting according to law, which read that the mission Indians could not be lent out to ranchers if they labored more than 10 leagues away from the mission and, most importantly, no one could use Indian labor against the Indians wishes (Engelhardt 1922).

Though the mission Fathers instructed the Juaneno in Catholicism it appears that while the neophytes seemingly accepted the Christian doctrine, they actually maintained their aboriginal beliefs. For example, in 1817, 41 years after the founding of the mission, a dying 35 year-old man could not be persuaded to partake of the Holy Sacrament. When questioned about his refusal he angrily responded "...I will not. If I have been deceived whilst living, I do not wish to die in the delusion!" (Boscana 1933:80). Father Boscana, the mission padre at the time of the incident, related that such occurrences were commonplace and explained:

These accounts generally conform to each other in substance, and he who has perused them with attention, or is familiar with the character of these Indians, knowing that when they appear the most intelligent and entitled to the greatest confidence they are the least to be trusted...As all their operations are accompanied by stratagems and dissimulation, they easily gain our confidence and at every pass we are deluded. (Boscana 1933:81)

In 1822, Mexico gained ownership of California from Spain. And by 1826, emancipation for the mission Indians was in sight (Hutchinson 1969). The Governor of California decided that the Indians who qualified for freedom, that is those who seemed more "civilized" than others, would be allowed to govern their own affairs, more or less. Others who preferred to remain with the mission would no longer be whipped as punishment, with exceptions (Engelhardt 1922). The mission Fathers were opposed to secularization because they believed the Indians were not assimilated and that the decree for secularization was a move on the part of the Mexican government to confiscate the Indians' land (Engelhardt 1922).

Though Governor Echeandia attempted confiscation of the mission property through an act of setting the Indians free, the missions were not secularized until 1833 (Bancroft 1886-1890 Vol. III). The secularization decree was mandated in 1830 and, then, rescinded by Echeandia's successor, Victoria (Engelhardt 1922). Governor Victoria returned to Mexico in January of 1832, however, whereupon Echeandia reinstated himself as Governor. At this point crime was high at San Juan Capistrano, with reports of frequent stabbings perpetuated by drunken Indians, who after their crime would yell, "I am free!" (Engelhardt 1922:107).

Governor Figueroa, appointed by Mexico's government, replaced Echeandia in January of 1833, and the San Juan Capistrano Mission was secularized the same year (Hutchinson 1969). The Juaneno were to be given property within the mission's holdings, irrigable land, and they were to aid in the common work under the control of the Commissioner of the mission, assigned by Governor Figueroa. The Fathers no longer were to control the temporal affairs of the Juaneno, only the spiritual (Radin n.d.).

On 21 September 1833, Captain Portillo, agent of the mission, wrote Governor Figueroa saying that on the 23rd he would begin distributing land to the Juaneno in the mission tract of San Mateo (located approximately eight miles south of the mission). In another letter to Governor Figueroa from Captain Portillo, dated the same day as the first piece of correspondence, it was stated that the Juaneno refused to leave the land they already lived upon, questioning why they must relocate when they had cultivated and irrigated plots of land from which they were supporting themselves. In the end, the Juaneno received the land of their choice. On 5 October 1833, Governor Figueroa reported to Mexico's government that he intended emancipation of all Indians at San Juan Capistrano. Even so, the Juaneno were not given Mexican citizenship (Bancroft 1886-1890 Vol. III; Engelhardt 1922).

In 1834, the mission was confiscated by California's government. Portions of the mission's land, along with some cattle and tools, were divided among the Juaneno, yet the majority of the land and the mission effects were distributed

to Mexican citizens (Radin n.d.). The effect on the Juaneno was thus:

The Indians, already thoroughly saturated with ideas about their freedom from missionary rule, and filled with importance of their new condition as citizens, had by the year 1834 become unruly. They caused the mayordomo trouble, and would recognize the authority of no one, not even Fr. Zalvidea. What followed was the decay of the Mission. (Engelhardt 1922:116)

Furthermore, Governor Figueroa held Father Zalvidea culpable for the ruinous state of the mission. Consequently, he wrote Father Duran, head of the California Missions, placing his grievance against Father Zalvidea. In response, Fr. Duran wrote:

I was of the same opinion myself, when I went down there last year. I spoke with the Father about the disorder I observed, but he told me that he could not remedy the trouble; that far from giving him support, the presidio commander of San Diego would take the part of the Indians; that, if the Indians did not want a mayordomo, this was enough for the comandante to remove such mayordomo; that if anything the missionary wanted to regulate would produce tumult. I myself experienced how an Indian alcalde presented himself before me with the demand that a certain mayordomo be removed and that for no other reason than because he, the Indian alcalde, was the judge and did not want mayordomos. Such is the situation. The truth is, the Indians must be either entirely subject or entirely free. To leave them half and half seems to me entirely impossible...I cannot lower myself to throw the blame on Fr. Zalvidea. All is owing to the insubordination of the Indians. (Engelhardt 1922:116-117)

Misrule of the mission and the Juanenos seemingly surfdom status served only to depopulate the mission of neophytes and to promulgate unrest among those who remained at the mission. The following serves to illustrate the above:

On April 8, 1839, Jose Delfin, an Indian neophyte of the Mission, on behalf of all his fellow neophytes, charged the administrator, Santiago Arguello, with wasting and misapplying the mission effects, in consequence of which the Indians, tired of working with-

out benefit to themselves, were deserting. He claimed that the administrator cultivated fields for himself with Indian labor; that he put his brand on the best horses; and that he bought animals with the mission brandy. Thereupon the sixty Indians remaining at work, demanded an administrator who was just and who had not so large a family. (Engelhardt 1922:121)

Governor Alvarado ordered the inspector of the missions, William Hartnell, to investigate the problems stemming from the San Juan Capistrano Mission (Bancroft 1886-1890 Vol. III). According to Hartnell, who assembled the Juaneno for a discussion of the matter, there were only 32 men, 21 women, 5 old women, 10 girls, and 6 children left at the mission. Hartnell explained the situation as follows:

When I made the Indians see [by talking their language] that I had not found in the conduct of the administrator any cause to take his post away from him, they, both men and women, became greatly excited, shouting that if I did not remove him everyone was going to run away because they were tired of feeding many mouths and furnishing clothing for as many people as compose the administrator's family. Neither the padre, who was exhorting them to patience, nor I, who said all I could to calm them, could succeed in quieting them. At first they wanted the administrator removed immediately... but when the padre assured them that anybody else who might be put in would be worse than the present one, and that I absolutely refused to do such an act of injustice, they asked to be left alone under the rule of the padre since they know that the mission is not in a condition to pay the salary of the administrator. They say that with the padre they will work happily even if he doesn't give them anything, because they know and believe that when the padre doesn't give it to them it is because there is nothing to give. Finally I told them I would send their complaints to the government. (Dakin 1949:224-225)

Shortly after Hartnell's meeting with the Juaneno, Santiago Arguello resigned his post as administrator of the San Juan Capistrano Mission (Dakin 1949).

In June of 1840, it was finally agreed among all concerned parties that Padre Zalvidea would take charge of the property, at least temporarily. However, the Father agreed to the

arrangement only if the families of the gente de razon could also settle at the mission and that "some civil authority be established over the Indian alcaldes" (Bancroft 1886-1890 Vol. III:626).

In late 1840, Padre Zalvidea refused to take charge of the mission as there seems to have been a conflict with the loss of Ramon Arguello's position as administrator. Yet the Juaneno would have none of the Arguellos as administrator so William Hartnell sought to ameliorate the situation by placing someone whom the Indians trusted as administrator, Agustin Janssens (Janssens 1953).

Unfortunately, shortly after Janssens' diligent effort to restore order to the mission there came an order from Governor Alvarado that the mission was to be formed into a pueblo and the mission land distributed. It was agreed, however, that the Indians should remain on the land they they already considered as theirs. Approximately 100 Juaneno and 40 non-Indians shared in the distribution of the mission's land in 1841. The majority of Indians lived in the San Juan valley, but a few of the families who were living in the trabuco valley remained there. These families were Magdalena, the grandmother of Almian Rios; Lazaro, the father of Acu; and Zepharino Tajores and his wife Aguida (Harrington n.d.).

By 1843, a decree was issued restoring temporal management of 12 missions, inclusive of San Juan Capistrano, to the padres. The padres were given control of the Juaneno except those who were freed in 1833, and those in service to private persons. The decree also provided that no land given by prior government regulations could be confiscated. All scattered neophytes, not lawfully freed or in service to other persons, were to be collected and returned to the mission (Bancroft 1886-1890 Vol V). In reference to the Juaneno who were in service, it is more than likely that they were domestics and laborers for individuals and large ranchers (cf. Dakin 1949). Furthermore, it was not always the case that the Juaneno desired such a status. This is evident with an issue from Governor Alvarado who, in the late 1840s, forbade the lending of neophytes to local ranchers (Engelhardt 1913 Vol. IV). Alvarado gave the order after an elderly Juaneno who had been lent out to a local rancher stole a horse and rode to the residence of the Governor in Monterey, California, so that he could voice his complaint in person. The old Indian of San Juan said to the Governor:

I am not an animal that I should be made
to labor for masters who are not to my
liking. Thou canst do two things with me;
order me to be shot if thou wilt, or give
me liberty if thou art a just man. It is
all the same to me. (Engelhardt 1913
Vol. IV:157)

The Juaneno, of course, were undesirous of returning to mission life and in 1844 they were "scattered" and there was no resident missionary at San Juan Capistrano (Bancroft 1886-1890 Vol. V).

In 1845, the mission was purchased at auction by an Englishman, John Forster. Prior to Forster's purchase of the mission, Governor Pico removed the missionaries and the Juaneno "from the homes they had reared for themselves by their industry" (Engelhardt 1922:159).

The American Period

With the signing of the Treaty of Guadalupe Hidalgo in 1848, California was ceded to the United States by Mexico. One of the provisions in the treaty assured that the Indians would not be displaced from their land:

And finally, the sacredness of this obligation shall never be lost sight of by the said government when providing for the removal of Indians from any portion of the said territories, or for its being settled by citizens of the United States; but on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain. (Treadwell 1911:705)

Similarly, the General Territories Act, passed by Congress in 1850, provided for the Indians right to remain on land secured during the Spanish and Mexican eras, unless treaties were negotiated with the Indians for reservation land. Notwithstanding, the General Territories Act did not protect the Indians right to land, nor did the Treaty of Guadalupe Hidalgo, as evidenced in the B.D. Wilson report on the Condition of "The Indians of Southern California in 1852" (Caughey 1952). Wilson referred to the Treaty of Guadalupe Hidalgo in that the provision for the Indians to remain the rightful owners of their land was not acted upon. One local newspaper, the Los Angeles Star (Caughey 1952), examined Agent Wilson's report and found virtue in his request for the betterment of the Indians condition since U.S. legislation seemed to lean toward extermination of the Indians. Because Wilson's survey of the Indians included mention of the Juaneno the following excerpt is presented:

San Diego, San Juan, and San Gabriel, in 1784 had a majority of all of the laborers, and servants in Los Angeles and San Diego counties. Today, in 1852, they are only 7,000, not half as many as were left by the mission Fathers eighteen years ago.

They taught the Americans to make adobes; they understood irrigation, planting season and harvest. They had practical knowledge which outlives their teachers. Their women were quick to learn household duties and often married foreigners and Californians, and made exemplary wives and mothers.

At the close of the Mexican War some of these old Mission Indians remained possession of lands under written grants from the Mexican Government. Some have sold out, others have been elbowed off by white men. All are now awaiting adjudication of the Commissioner of Land Titles.

A better crop and more commodious huts, a few chairs, and a table distinguish them from the mountain villages...

The abuses of the law have been cruel to the Indian in every country at all times and nearly fatal to him in California.

The chiefs generally understand their affairs very well, and are keenly alive to the welfare of their people. They punish murder and witchcraft with death, and if our local authorities should ask it as a favor they would hang, shoot, or bury alive any notorious horse-thief or cattle-stealer.

I wish the idea always to be kept in mind touching all these Mission Indians, namely that they have a common spirit of amenity for the whites. They want peace with the whites. (Rust 1890:20)

In 1850, two years prior to Wilson's report, California was admitted to the Union. Consequently, there arose the issue of treaty making with the Indians of this new state (Heizer 1978). As such, three agents for the Commissioner of Indian Affairs were sent to California in order to collect information regarding such things as social organization and cultural attributes of the various tribes, and to negotiate treaties (Commissioner of Indian Affairs Report 1850). The mandate from Acting Commissioner A.S. Loughery, on 15 October 1850, to the three California assigned agents read, in part:

As set forth in the law creating the commission, and the letter of the Secretary of the Interior, the object of the government is to obtain all the information it can with reference to tribes of Indians within the boundaries of California, their manners, habits, customs, and extent of

civilization, and to make such treaties and compacts with them as may seem just and proper. (Radin n.d.)

The Bureau of Indian Affairs agent assigned to entreat with the southern California Indians was George Barbour. Nowhere in the Bureau of Indian Affairs records is there evidence that Agent Barbour contacted the Indians of San Juan Capistrano. One document from the 1930s, however, indicates that the Juaneno believed Cecil Gononish, a signee on the Temecula Treaty, was one of their chiefs (Marcus H. Forster Collection).

The following portion of a report by Superintendent E.F. Beale (1853:311) illustrates why the Indians of Orange and Los Angeles counties were overlooked by the Bureau of Indian Affairs:

In looking over the map I am now preparing, and will soon send you, you will find that Los Angeles county contains of itself a very numerous Indian population, and of course one would presume that they would be parties to commence a course of conciliation with. I do not think so. These are my reasons: All the Indians of that county, or at least a large proportion of them, are "Christianos"; many have belonged to the old mission establishments. All of them have some connexion [sic] or dependence of the ranchos near them. They have traded or mixed with the whites, either in employment as servants or vacqueros, or lived on these extensive ranchos on the same footing as the lower classes in the feudal ages, and idle but sometimes useful retainer, until they become entirely dependent. They therefore are not much to be dreaded.

(It must be noted that Orange County was not incorporated until 1898. Prior to that date Orange County was part of Los Angeles County.) Because the U.S. government was only concerned with the matter of confining those Indians whose behavior warranted it it is no wonder that the more peaceful Juaneno were overlooked by Agent Barbour.

Entries from an 1856 diary of Judge Benjamin Hayes (1976) indicate that the Juaneno were, in fact, in need of a Bureau of Indian Affairs agent. Judge Hayes noted that people from Sonora, Mexico, raided the Indians, destroying their crops and taking their water. The Judge complained that there was not an Indian agent to look after the needs of the Juaneno (Hayes 1976). It was not until 1870, that an Indian agency was established in Temecula, California, which should have served the needs of the Juaneno, but because they were not federally recognized the Juanenos problems were not an issue with the

Bureau of Indian Affairs.

About the same time that Judge Hayes was bemoaning the lack of an Indian agency, Juan Flores and his band were terrorizing San Juan Capistrano and the surrounding communities. According to Alfonso Yorba, the Rancho of Niguel, located adjacent to San Juan Capistrano, contained a special cave where Juan Flores and his men hid from civil authorities. "A San Juaneno Indian, one of Flores' band, led the bandoleros to the cave, long used by the native Indians [Juaneno] of Niguel, and soon it became the seat of the bloody Juan Flores insurrection of 1857" (Yorba n.d.).

When Special Agent John G. Ames visited San Juan Capistrano in 1873, he reported to the Commissioner of Indian Affairs that the Reverend Joseph Mutt was adequately caring for the 40 Indians still affiliated with the mission, hence no further attention was given from the Bureau of Indian Affairs (Ames 1873).

Though only 40 Indians were identified by Agent Ames at San Juan Capistrano, there were during this same time several Juaneno villages inland from the coastal area (Wheeler 1879).

It is also established that many of the "scattered" Juaneno were living on ranchos in that portion of Los Angeles county which later became known as Orange county:

In the process of signing up Orange county's 300 or more Mission Indian descendants it has been discovered that the largest groups of the San Juaneno tribe are to be found living in San Juan, Santa Ana, Anaheim, and the Santa Ana canyon...

The groups...at San Juan are mostly of the original San Juaneno stock with slight admixtures of San Luis Rey and San Diego Indian blood.

There was once a number of quite old Indians living in and around Newport Beach. These were the survivors of the rancheria at San Juan's mission station or estancia on the lower Santa Ana river west of Fairview. Their old mission adobe, on land now owned by the Derby ranch, is still standing... (Yorba 1936)

Reportedly, so many Juaneno left the San Juan are because of the avarice and greed of the Pueblo officials during the early 1840s:

...the red men fled to the protection of Don Bernardo Yorba's great hacienda on the Rio Santa

Ana, where for more than a decade they worked willingly and happily under the rich rancho's benevolent sway. On his death they signified their attachment to him by deserting the rancho in a body, refusing to accept any other master. (Yorba n.d.)

On 26 July 1910, the Reverend St. John O'Sullivan became the resident Father at the Mission San Juan Capistrano. It was this Father who became interested in the educational welfare of the Juaneno and, therefore, established the parochial school at the mission in the 1930s. Until that time many of the Juaneno attended school at St. Bonafice, in Banning, and the Sherman Institute, in Riverside, California.

Alfonso Yorba had the following to say about Father O'Sullivan and the parish school he opened:

It is San Juan's parish school--open to all children of the parish--but a short visit to the mission during school time will convince the visitor that well over half the students are descendants of the neofitos of old. Theirs is an ancient right to be taught within the mission, a right returned to them by Msgr. O'Sullivan and insured them by a benevolent parishoner, now resident abroad, who defrays much of the school expenses. (Yorba n.d.)

Father O'Sullivan not only contributed to the educational welfare of the Juaneno, but also to the ethnographic literature of the tribe. A quick perusal of J.P. Harrington's unpublished field notes* establishes that a portion of the material was collected by Father O'Sullivan during his residency at the San Juan Capistrano Mission. In addition, Father O'Sullivan coauthored, with Charles Saunders (1930), Capistrano Nights, which depicts Indian life at San Juan, including some of the Juaneno myths and legends.

John Peabody Harrington conducted ethnological research among the Juaneno during Father O'Sullivan's ministrations at the San Juan Capistrano Mission. Mr. Harrington's field notes as well as his published work demonstrate that the Juaneno remembered their traditional customs and, in fact, continued practicing many of them (Harrington n.d.).

While Father O'Sullivan and J.P. Harrington were collecting cultural data, the Juaneno were electing a chief and joining

*/ During the archival research for this petition the anthropological archive division of the Smithsonian Institution was preparing Harrington's California field notes for publication on microfiche.

forces with a national Indian organization to strongly protest Bureau of Indian Affairs policy. The Juaneno were just one of 20 Mission Indian tribes (the majority were federally recognized tribes) who formed the Mission Indian Federation. This Federation was one of seven districts of the American Indian Federation, based in Sapula, Oklahoma (Marcus H. Forster Collection).

The Mission Indian Federation was active from 1919 and into the mid 1960s. It was in the latter years of the Federation's existence that one of its most predominant pursuits was the Land Claims Case--remuneration for land confiscated from the Indians by the United States (Castillo 1978; Price 1971). A review of documents contained in the Marcus H. Forster Collection indicates that the Juaneno, and the Federation, had little, if anything, to do with the first Land Claims suit, which began in 1922 and was settled in 1944. This, then, establishes that the Juaneno did not function as a political entity merely to urge claims against the United States.

It was with Clarence Lobo's leadership (1947-mid 1960s) that the Juaneno became active in the fight for fair compensation of confiscated land. The Juaneno appeared, as a tribe, on the petition *Baron Long et al. vs. The United States* (1950). Soon after the second Land Claims case ended, Clarence Lobo became ill and, consequently, left the San Juan Capistrano area because of his poor health (Clarence Lobo personal communication).

In January of 1979, a report entitled Cultural Resources and the High Voltage Transmission Line From San Onofre To Santiago Substation and Black Star Canyon was submitted to the Southern California Edison Company by Cultural Systems Research, Inc. (CSRI). The area in question covered three southern California Indian tribes' aboriginal territory: Gabrielino, Juaneno, and Luiseno. As such, CSRI ethnographers interviewed members from each of the three tribes. Of the Juaneno, 36 persons were interviewed. For the most part nearly 60% of the Juaneno respondents knew specific sites that have archaeological resources, were concerned about the destruction of burial sites, remembered migration patterns, and had some knowledge of plant and animal resources. Nineteen percent of the respondents knew of a Juaneno sojourn to the Pala Indian Reservation that apparently occurred in the early 1800s (CSRI 1979).

At the same time of the ethnographic investigation conducted by CSRI ethnographers there were two organizations comprised of Juaneno. Yet, neither organization formed a political unit, unlike previous decades. Both groups, The Capistrano Indian Council, Inc. (CICI) and the Parental Advisory Committee (PAC) were formed to receive funding exclusively for Native Americans (CSRI 1979). It was not until later in 1979, that the Juaneno Band of Mission Indians was established as a tribal entity. Many of the Juaneno tribal members belonged

to PAC or CICI.

In Chapter VII of CSRI's report it is stated that even though "the Juaneno group has never had a reservation to provide a land base, it has been able to persist and maintain a sense of ethnic identity" (CSRI 1979:7-1).

Today, the Juaneno tribe is active in the environmental review process within Orange County, holds regularly scheduled Tribal Council and General Council meetings at the village site of pange in San Clemente and at the San Juan Capistrano Mission, and the tribe participates in parades throughout Orange County. The tribal Spokesman, Raymond Belardes, officiates at monthly (often weekly) sweats. Also, this tribal leader is a spiritual person, known among California Indians for his strong religious guidance.

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DESCRIPTION OF THE CONTEMPORARY
JUANENO BAND OF MISSION INDIANS

The Juaneno Band of Mission Indians formalized their government in 1979, with a Constitution. The Articles of the Constitution clearly define membership in the Juaneno Band of Mission Indians, the General Council and its responsibilities, the Tribal Council and associated governing powers, and the Administration of the Tribe (See PART IV).

The Tribal Council meets on a regular basis to discuss matters such as the protection of cultural resources (inclusive of the disposition of prehistoric human remains and associated funerary items), assistance for members who are elderly and/or disadvantaged, the pursuit of tribal land, and the documentation of their history. The minutes of the Council meetings reflect business attended to and are on file at the Tribal Office. If requested, these minutes will be made available to the FAP staff.

Members of the Juaneno Band of Mission Indians and members from other tribes, both federally and non federally recognized, co-participate in carrying on traditional practices. The Spokesman, Raymond Belardes, frequently holds sweats where not only Juaneno tribal members participate but also Indians from all over California. These sweats are held for spiritual and purification purposes. Additionally, the annual Ghost Dance, hosted by the Juaneno Tribe, is attended by members of a variety of tribal groups. These functions serve to reinforce inter-tribal and intratribal relations.

A strong sense of Indian identity is maintained and perpetuated by the Juaneno Band of Mission Indians. One enrolled member was a representative of California Indians at the Summer Olympics, hosted in Los Angeles, California, in 1984 (personal communication, Raymond Belardes, August 1984). The Juaneno have a deep respect for their elders and have expressed this feeling with Honored Elders Day (personal communication, Raymond Belardes, November 1987).

Factionalism does exist among the Juaneno, as it does in nearly every Indian tribe. For the Juaneno, it is generally a by product of a long history of disputes coupled with divergent political views. For example, because of the establishment of the Mission, San Juan Capistrano became the center of the Juaneno community. In time, a majority of the historic Juaneno inhabitants left the area and their descendants comprise the Juaneno Band of Mission Indians (though they still have strong emotional ties with San Juan Capistrano). Even so, all of the Juaneno tribal members have common ancestors with the people who remained in San Juan Capistrano. However, it appears that

the San Juan Capistrano faction of the Juaneno believe that once a Juaneno leaves the area he/she no longer belongs to the San Juan Capistrano Juaneno and, therefore, is no longer Juaneno (cf. Tape #CH). Of course, this is spurious, but it does contribute to the cause of disputes and factionalism. Further, the Juanenos disputes seem to parallel 'sibling rivalry'.

PART I
83.7(a)(1-7)

A STATEMENT OF FACTS ESTABLISHING THAT THE PETITIONER HAS BEEN IDENTIFIED HISTORICALLY AND CONTINUOUSLY UP THROUGH THE PRESENT AS AMERICAN INDIAN, NATIVE AMERICAN, OR ABORIGINAL.

SECTION I

83.7(a)(1): The Juaneno Tribe Has Been Repeatedly Identified As An Indian Tribe By Federal Authorities.

The federal government first became aware of the Juaneno as a tribe when Horatio Hale, a member of the United States Exploring Expedition of 1838-1842, amassed linguistic data from Juaneno tribal members. 1/

On 6 November 1849, a military report from Lieutenant E.O.C. Ord was sent Major E.R.S. Canby, assistant Adjt. General to the Military Department. The report contained information on Lieutenant Ord's reconnaissance of the Cajon Pass in California. The officer indicated that the San Juan Capistrano Mission was in a state of decay and approximately 18-20 poor families still resided in the valley. 2/ Though the ethnicity of the families was not provided, other evidence suggests that they were Juaneno: In 1841, 100 Juaneno shared in the distribution of the mission lands. 3/ The Juaneno were asked to choose land in the mission viejo or the trabuco valley. Subsequently, the Indians "chose the mission viejo and lived all along the river and up in the Gabernacllara and the Canado Chiquito, where the remains of their dwellings may still be seen...A few Indian families remained on the trabuco side, because they had roots there (grapes, etc.)." 4/ Clearly, 100 Juaneno would have remained upon their chosen plots of land for the following 8 years.

In 1853, Indian Affairs Agent B.D. Wilson reported on the the "Condition of the California Indians" and he included the Juaneno in his summary. 5/ Agent Wilson indicated that the Juaneno shared a similar language with their eastern neighbors, the Luiseno, and that these two tribes frequently associated with one another. 6/

The 1860 federal census lists 226 Juaneno living within the township of San Juan Capistrano. 7/

Two years later, in 1862, the small pox epidemic decimated the Indian population and, therefore, when Special Agent John G. Ames visited the San Juan Capistrano Indians he found only 40 Juaneno. 8/ Special Agent Ames was instructed by the Commissioner of Indian Affairs to give a full report on the Mission Indians of California. With respect to the Juaneno Ames reported that:

We reached San Juan Capistrano...where we called upon Rev. Jos. Mutt of the Roman Catholic church whom we found much interested in the Indians of that locality and in possession of information of interest in regard to the Pueblo lands adjacent to the mission property. He showed us copies of record matter obtained at great expense from the archives at San Francisco, from which it appears that the Pueblo of San Juan Capistrano was in the year 1841 actually subdivided by the Mexican authorities among the Inhabitants, the Indians sharing in the distribution. If the claim of the Indians residing there, of whom there are about forty souls, can be established, as Rev. Mutt believes, the problem as far as they are concerned will be easily resolved. 9/

Agent Ames further reported that the Juaneno were not hostile toward the settlers or the government, consequently, no force for their control was initiated.

However, there were more than 40 Juaneno residing in their traditional territory at the time of Agent Ames' report. In 1879, the Washington Government Printing Office published the results of a reconnaissance lead by First Lieutenant George M. Wheeler. The report contains the following passage: "Dialect of San Juan Capistrano Mission, founded in 1776, formerly called Netela dialect; Oscar Loew calls it Gaitchim (houses). The Juaneno Indians inhabit six or eight villages in the interior." 10/ Appended to the report is a list of 40 tribal languages, inclusive of Juaneno.

The 1880 federal census for San Juan Capistrano lists 41 Indians living in this community. 11/ By this time the mission district of San Juan Capistrano had been designated as a village. 11a/ As such, the census for San Juan was divided into two distinct areas: The village of San Juan Capistrano and simply San Juan Capistrano. No doubt these 41 Indians are the same Juaneno that Agent Ames referenced in 1873.

In 1883, Indian Affairs Agent Helen Hunt Jackson reported on the condition of the Mission Indians in southern California. Agent Jackson mentioned the Indian pueblos of Las Flores, San Dieguito, San Pasqual, and San Juan Capistrano and indicated that only at the latter location were there Indian homes. 12/

According to the federal census of 1900 there were no Juaneno living in San Juan Capistrano. However, the 1910 Indian schedule of the San Juan Capistrano township lists 18 Indians, 15 of them Juaneno. 13/ In this census, as in those prior, many Juaneno are not listed as Indian. Jose Doram, for example, spoke fluent Juaneno, was a leader of the Tribe, and he held the prestigious position of Captain of the sheepshearers,

antecedent Acu, also a Juaneno. 14/ Yet, Jose Doram is listed as a non-Indian. Another example is Anastacia Davis, listed as white in the 1880 census; however, in the 1910 Indian schedule she is recorded as one-half Juaneno and her mother as full-blooded Juaneno. Anastacia Davis Majel spoke fluent Juaneno, was one of John Peabody Harrington's primary Juaneno consultants, and her daughter, Anita Majel, is an enrolled member of the Tribe. 15/

Sometime during Marcus Forster's leadership of the Juaneno (between the 1920s and into the 1930s), the Tribe petitioned the Secretary of the Interior and the Commissioner of Indian Affairs "for a suitable lands as a reservation for our people." 16/ The Tribe referenced Cecil Go-no-nish's signing of a treaty in Temecula in 1852, thus making them eligible to receive land. 17/

By 1930, federal representatives contacted the Juaneno for enrollment in the Indians of California Land Claims Suit. The census provides information on the individual Indians claiming remuneration for land confiscated by the United States in the early years of California's settlement. 18/

Juaneno representatives spoke at the 81st Congressional Hearings on 28 February 1950. Clarence Lobo, then Chief of the San Jaun Capistrano Indians and his brother, Richard Lobo, spoke in favor of disengaging the Indians from government control. 19/ In 1953, Chief Lobo wrote the Honorable James B. Utt regarding a similar matter. 20/ At this time Lobo assumed chieftanship of both the Juaneno and the Gabrielino, the latter because they had no leader and wanted representation in Washington, D.C. 21/

The United States again acknowledged the Juaneno Tribe when Chief Lobo when he pledged before the Senate Indian Committee in 1954, that nonreservation Indians were creating no problems for the United States nor had they ever been a point of conflict. 22/

Regarding the Indians of California Land Claims case, the Juaneno were included in Docket 80, Baron Long et. al v. The United States of America. The beginning paragraph reads:

Petitioners are bands of Mission Indians of California recognized by the Secretary of the Interior as duly authorized by Seciton 10 of the Act of Congress approved August 13, 1946, Public Law 726, 79th Congress, 2d Session (60 stat. 1049), an act to create and establish an Indian Claims Commission, to present the claims of said bands to the said Commission. That all or substantially all of the members of each of said bands live on or about the

reservations indicated below, with the exception of the San Juan Capistrano Band whose members are interspersed with the residents of the town of San Juan Capistrano and Santa Ana, respectively. 23/

Within Section 5 of the petition the Juaneno territory is described and the extent of the area that the Juaneno lived as of the time of the petition. It reads "...the survivors now comprising one of the petitioners' bands still reside at Pechanga and San Juan Capistrano. Descendants of their former rancheria of Las Flores are now at La Jolla." 24/

In 1960, a Second Amended and Supplemental Petition for Docket 80 was filed and, again, the Indians of San Juan are represented as the San Juan Capistrano or Juaneno Tribe of Mission Indians. 25/ In Exhibit A, the Juaneno are listed as residing on the La Jolla reservation and in San Juan Capistrano. Since the La Jolla reservation is Luiseno the discrepancy is addressed as follows:

It is noted that some of the bands are listed under more than one tribe. By reason of the dispossession of the Indians from their tribal lands, the surviving members of the tribes have, over the years, been moved, dispersed, assigned, and transferred by defendant, or its agents or citizens, throughout Southern California and are frequently found distributed among bands predominantly of another tribe or off of reservation entirely. This list, therefore, serves as a general guide, rather than a specific and exclusive representation of tribal distribution. 26/

The Indians of California Land Claims suit was settled in 1964 with 29.1 million dollars awarded to all of the California Indians who could establish descendancy from an Indian ancestor who resided in California in 1852. 27/ Important to note is that while the Indians were awarded money on the basis of Indian ancestry, the Juaneno were given legal representation as a Tribe and not on an individual basis.

On the initial petition resulting in the judgment of 29.1 million dollars not only was confiscation of land at issue, but also the United States' infringement upon the Indians water rights and subsequent loss of water. With the settlement of the land claims suit the water suit became a separate case, Docket 80-A. 28/ The Juaneno Tribe was removed from this suit because the Bureau of Indian Affairs did not give them formal recognition as a tribe. 29/

In 1977, the San Juan Capistrano Band of Mission Indians resolved to retain the firm of Gajarsa, Liss, and Sterenbuch of

Washington, D.C., for pursuing the Juanenos claim in docket 80-A. The Juaneno, however, never executed an attorney contract with the firm. As such on 23 December 1977, the Juaneno were included in a motion to dismiss some plaintiffs from Docket 80-A, filed by the United States. The defendant moved that 38 of the 46 plaintiffs be removed from Docket 80-A because they allowed their attorney contracts to expire. 30/ Attached to the motion was an affidavit from William H. Gianelli, Bureau of Indian Affairs, Riverside, California. Mr. Gianelli asserted that 20 of the litigant tribes did not have the capacity to maintain claims against the United States because they were nonidentifiable by the Secretary of the Interior. 31/ Simply stated, they were nonfederally recognized tribes.

Further evidence of the federal government's identification of the Juaneno as a Tribe is demonstrated in several letters of correspondence. On 14 January 1982, the Juaneno received communication from California's U.S. Senator Alan Cranston concerning the welfare of the California Indians. 32/ Then, in August of 1982, the Juaneno heard from the Bureau of Indian Affairs, Washington, D.C., regarding implementation of the American Indian Religious Freedom Act, Public Law 95-341. 33/

Similarly, the United States Forest Service contacted the Juaneno upon three occasions within a one year span and requested their participation in the Forest Service planning process. 34/

In the fall of 1985, the United States Marine Corps, Camp Pendleton, allowed a land provision for the Juaneno Tribe. 35/ In said provision there are five+ acres set aside and designated as a religious area expressly for the Juaneno Tribe. The land is situated in Township 9S, Range 7W, in the NW 1/4 of the SW 1/4 of Section 11 of the San Clemente 7.5 minute series USGS topographic map, San Bernardino Base Meridian. Though ownership of this land remains with the federal government, the five + acre parcel is solely for the use of the Juaneno Band of Mission Indians, for as long as the U.S. Marine corps holds title and interest to this property. 36/

PART I

SECTION II

83.7(a)(2): The Juaneno Tribe Has Had a Longstanding Relationship With The State of California.

As early as 1856, the existence of the Juaneno Tribe was brought to the attention of a representative of the judicial branch of the State of California, Judge Benjamin Hayes. 37/ The Juaneno sought assistance from Judge Hayes in removing "some Sonorians" who "have usurped the water, and even intruded upon the little lots of the Indians." 38/

In 1966, the State Advisory Commission on Indians and Rural and Reservation Areas presented the Governor of California with the population distribution of Indians. 39/ In San Juan Capistrano there were 189 Indians and many more in the surrounding cities. 40/

Since formal tribal organization and based upon tribal identity, the Tribe has had a relationship with various agencies of the State of California.

In July of 1982, William Pink, then Executive Secretary of the Native American Heritage Commission, State of California, brought to the attention of the Department of Parks and Recreation (DPR) the Juanenos request for a portion of the San Onofre State Park land to practice traditional customs. 41/ Though DPR did not capitulate, the U.S. Marine Corps intervened on the Juanenos behalf (see SECTION I). Apparently much, if not all, of the land comprising the San Onofre State Park is leased from the Marine Corps. Thus, the latter modified the lease agreement to exclude the five acres in question. 42/

Twice in 1982, the Juaneno were contacted by DPR regarding cultural resources within State Parks holdings and also the Juanenos traditional territory. 43/

Similarly, the Juaneno were contacted four times in 1983, by the Department of Parks and Recreation concerning archaeological resources, inclusive of prehistorical skeletal remains, located within the county of Orange and in the jurisdiction of DPR. 44/ Subsequently, a Letter of Agreement was drafted by DPR and the Tribe regarding the disposition of the inhumation uncovered at the Crystal Cove State Park. 45/

The Juaneno Tribe has been the recipient of social services from the State of California via the Tribal Resource Development and the Orange County Indian Center. Both organizations receive State grants for the funding of such projects. 46/

In addition, the Juaneno Tribe received a letter from the State Health and Welfare Agency regarding their eligibility for a block grant. 47/

PART I

SECTION III

83.7(a)(3): The Juaneno Tribe Has Had Repeated Dealings With Orange County and the City of San Juan Capistrano.

As early as 1977, Native American tribes in southern California have voiced opposition to the destruction of religiously sacred and significant archaeological and ethnographical sites. 48/ Consequently, Native American concerns have been included in the environmental review process both on a State and local level. 49/

In view of the above, the Juaneno Tribe not only has representation on Orange County's Environmental Review Committee, but also interacted with Orange County's Board of Supervisors Third District; 50/ the City of Anaheim; 51/ the Orange County Grand Jury; 52/ Manager Environmental Analysis Division, Orange County; 53/ the HAP Committee concerning Windwood Park Modification; 54/ and the Senior Planner for the City of Irvine. 55/

Additionally, on 4 February 1986, Juaneno tribal Spokesman, Raymond Belardes, appealed (on behalf of the Tribe) to the Orange County Planning Commission for a Juaneno monitor to be present during the grading of a parcel of land scheduled for development. 56/ Previously, a portion of this land contained an archaeological site, inclusive of a Juaneno burial ground, located during subsurface disturbance. 57/

On 4 November 1986, the Orange County Historical Society held a banquet honoring the Juaneno Band of Mission Indians. 58/

In 1982, the Tribe was asked to ceremonially bless the opening of a bank in San Juan Capistrano. 59/ Further, the Juaneno Tribe participates in San Juan Capistrano's annual Swallows Day Parade as well as taking an active part in other parades throughout the cities of Orange and Los Angeles counties. 60/

PART I

SECTION IV

83.7(a)(4): The Juaneno Tribe Is Identified As An Indian Entity By Records In Churches And Schools.

Beginning in 1776, with the founding of the Mission San Juan Capistrano and continuing well into the nineteenth century, the Juaneno are recorded as Indian in the Mission's baptismal, marriage, and death ledgers. 61/ As a rule, the Mission records indicate the individual's village, parents (if it is a baptismal), and whether the parents and/or the individual are gentiles or neophytes. 62/

In the twentieth century the Juaneno are recognized as an Indian entity by the San Juan Capistrano Mission Fathers, O'Sullivan and Martin, respectively. 63/ During his tenure at the Mission, Father O'Sullivan gathered valuable ethnographic data from the Juaneno. 64/ Many of the myths and legends Father O'Sullivan collected were published in a book entitled Capistrano Nights. 65/ Yet, much of Father O'Sullivan's Juaneno data is included in J.P. Harrington's material, housed at the Smithsonian Institution. 66/

Additionally, it was Father O'Sullivan who established the parochial school at the Mission during the 1930s. 67/ Until that time, many of the Juaneno attended school at St. Boniface in Banning, California, and the federal Indian boarding school, Sherman Institute, in Riverside, California. 68/

In 1977, under the Indian Education--Title IV federal program, the Capistrano Unified School District was surveyed to determine the number of Indian students attending school within the District and the students tribal identity. 69/ Of the 210 Indian students 96 are identified as Juaneno. 70/

Today, Father Martin is the resident parish priest. The Father often interacts with the contemporary Juaneno and has a sound knowledge of Juaneno tribal history. During the course of an interview Father Martin offered that the Rios District remains an Indian community in San Juan Capistrano and that the Juaneno were able to borrow from the Mexican and Spanish cultures while not forsaking their own. 71/ One salient point that Father Martin brought forth was in response to a statement that many more Juaneno are identified as Indian today than earlier in this century. The parish priest commented, "Well, that is because it was not good to be Indian, they would never admit to it." 72/ The truth of this concept is demonstrated in the ethnographic record and Juaneno members relating what their ancestors told them about concealing their Indian identity. 73/

PART I

SECTION V

83.7(a)(5): The Juaneno Tribe Has Been Identified As Indian by Anthropologists, Historians, And Other Scholars.

The following list comprises many of the scholars who have identified the Juaneno as Indian. They are Anthropologists, Historians, Linguists, and Franciscan Fathers.

Bancroft, Hubert

1886-1890 The History of California. 7 Vols. San Francisco: The History Company.

Bean, Lowell J., and Florence Shippek

1978 Luiseno. In Handbook of North American Indians. Vol. 8. Robert F. Heizer, ed. Pp. 550-563. Washington, D.C.: Smithsonian Institution.

Bolton, Herbert E.

1927 Fray Juan Crespi Missionary Explorer on the Pacific Coast 1769-1774. Berkeley, California: University of California Press.

Boscana, Fr, Geronimo

1933 Chinigchinich. In Chinigchinich, a revised and annotated version of Alfred Robinson's 1846 translation of Father Geronimo Boscana's historical account of the beliefs, usages, customs and extravagances of the Indians of this mission of San Juan Capistrano called the Acagchemem tribe. P.T. Hanna, ed. Santa Ana: Fine Arts Press.

1934 A New Original Version of Boscana's Historical Account of the San Juan Capistrano Indians of Southern California. J.P. Harrington, ed. Smithsonian Miscellaneous Collections, vol. 92 no. 4.

Bright, William

1960 Animals of Acculturation in the California Indian Languages. University of California Publications in Linguistics vol. 4 no 4:215-246. Berkeley and Los Angeles: University of California Press.

Cook, Sherburne F.

1943 The Conflict Between the California Indian and White Civilization: I, The Indian Versus the Spanish Mission. Ibero-Americana 21. Berkeley: University of California Press.

- Du Bois, Constance G.
1904 Mythology of the Mission Indians. Journal of American Folklore vol. 17:185-188. Boston and New York.
- Du Bois, Cora A.
1932 Girl's Adolescence Observances in North America. Unpublished Doctoral Dissertation, Department of Anthropology, University of California, Berkeley.
- Engelhardt, Fr. Zephyrin (O.F.M.)
1922 The Missions and Missionaries of California, San Juan Capistrano Mission. Los Angeles: Standard Printing Company.
- Geiger, Maynard Reverend (O.F.M.)
1967 New Data on mission San Juan Capistrano. Southern California Quarterly. The publication of the Historical Society of Southern California. Vol. XLIX No. 1:37-45.
- Geiger, Maynard Reverend (O.F.M.), and Clement W. Meighan
1976 As The Padres Saw Them: California Indian Life and Customs as Reported by the Franciscan Missionaries 1813-1815. Santa Barbara Mission Archive Library: Santa Barbara, California.
- Harrington, J. P.
n.d. Juaneno Field Notes. John Peabody Harrington Papers. National Anthropological Archives: Smithsonian Institution.
- 1933 Annotations. In Chinigchinich, a revised and annotated version of Alfred Robinson's 1846 translation of Father Geronimo Boscana's historical account of the beliefs, usages, customs and extravagances of the Indians of this mission of San Juan Capistrano called the Acagchemem tribe. P.T. Hanna, ed. Santa Ana: Fine Arts Press.
- Harvey, Herbert R.
1974 The Luiseno--An Analysis of Change in Patterns of Land Tenure and Social Structure. In California Indians II. Robert F. Heizer, ed. Pp. 99-206. Aldine Press: New York.
- Hutchinson, C. Alan
1969 Frontier Settlement in Mexican California: The Hajar-Padres Colony and Its Origins, 1769-1835. New Haven and London: Yale University Press.

Kroeber, Alfred L.

- 1907 The Religion of the Indians of California.
University of California Publications in
American Archaeology and Ethnology 4(6):320-356.
- 1909 Notes on Shoshonean Dialects of Southern
California. University of California Publications
in American Archaeology and Ethnology 8(5):235-
269.
- 1925 Handbook of the Indians of California. Bureau
of American Ethnology, Bulletin 78.
- 1959 Ethnographic Interpretations, 10: Problems on
Boscana. University of California Publicaitons
in American Archaeology and Ethnology 47(3):
282-293.

Merriam, C. Hart

- ca. 1926 Analysis of the 18 Treaties Signed by the Tribes
of California. C. Hart Merriam Collection in
the Bancroft Library, University of California,
Berkeley.

Sparkman, Phillip S.

- n.d. Field Notebook. The Phillip S. Sparkman
Collection, Bancroft Library. University of
California, Berkeley.
- 1908 The Culture of the Luiseno Indians. University
of California Publications in American
Archaeology and Ethnology 8(4):187-234.

Talley, R. Paige

- 1986 Juaneno Ethnography. In CA-ORA-849:
Reinvestigation of a Late Prehistoric
Archaeological Site in Orange County, California.
Prepared for the Meister Company, Newport Beach,
California. Huntington Beach, California:
Scientific Resource Surveys, Inc.

Wheeler, George

- 1879-1896 Annual Report Upon the Geographical Surveys of
the One Hundredth Meridian, vol. 7. Washington:
U.S. Government Printing Office.

White, Raymond C.

- 1963 Luiseno Social Organization. University of
California Publications in American Archaeology
and Ethnology 48(2):91-194, Berkeley.

PART I

SECTION VI

83.7(a)(6): The Juaneno Tribe Has Been Identified As Indian
In Books, Magazines, And Newspapers.

Books

- Alexander, Anita L.
1939 Life of Don Juan Avila, "El Rico." Orange
County History Series 3:33-40. Orange County
Historical Society.
- Dakin, Susan B.
1939 A Scotch Paisano in Old Los Angeles--Hugo Reid's
Life in California, 1832-1852, Derived From His
Correspondence. Berkeley: University of
California Press.
- Dana, Henry
1909 Two Years Before the Mast and Twenty-Four
After. The Harvard Classics, New York: P.F.
Collier and Sons Corporation.
- Gibson, Wayne D.
1964 Tomas Yorba's Santa Ana Viejo 1769-1847.
Santiago Community College District: Santa Ana
Community College Foundation Press.
- Hallan, Pamela
1975 Dos Cientos Anos en San Juan Capistrano. Irvine,
California: Walker Color Graphics.
- Hayes, Judge Benjamin
1976 Pioneer Notes From the Diaries of Judge Benjamin
Hayes 1849-1875. Marjorie Wolcott, ed. New York
Times Company, New York: Arno Press.
- Pattie, James O.
1962 The Personal Narrative of James O. Pattie--
The 1831 Edition, Unabridged. Philadelphia
and New York: J.B. Lippincott Co.
- Sleeper, Jim
1976 A Boy's Book of Bear Stories (Not For Boys):
A Grizzly Introduction to the Santa Ana
Mountains. Santa Ana Mountain Series, vol. 1
Trabuco Canyon, California: California Classics.
- Saunders, Charles F., and Father St. John O'Sullivan
1930 Capistrano Nights: Tales of a California Mission
Town. New York: Robert M. McBride and Co.

Tac, Pablo
1952

Indian Life and Customs at Mission San Luis Rey (1835). Minna and Gordon Hewes, eds. The Americas: A Quarterly Review of Inter-American Cultural History 9:87-106. (First published in Italian in 1930.)

Magazines

1934 The Indian: The Magazine of the Mission Indian Federation 4(2). (Lists the chiefs and headmen of the various tribes e.g., Marcus H. Forster of the San Juan Capistrano Tribe.)

Newspapers

Several of the following news article references were obtained from the San Juan Capistrano Historical Society. In instances where there is no date and/or no source it is because these elements were omitted from the archival copy.

No Date	Early families, officials welcome Chief Lobo's historic bus. No source.
No Date	Kathy comes back to her land: San Juan Capistrano-born Indian Maiden returns home after 13 years. The Register, Santa Ana, California.
1931	14 August. Birthday fiesta given for Native Resident. Coastline Dispatch, San Juan Capistrano.
1931	13 November. Mission Indians to claim old indemnity. Coastline Dispatch, San Jaun Capistrano.
1934	15 July. Manuscript reveals Indian belief. No source.
1936	1 February. 'Forgotten Race' of more than 300 still survive original mission Indians. No source.
1940	27 May. Unschooled Mission Indian, master of six languages, dies. No source.
1940	31 May. Jose Doram, leader of Mission Indians, is dead; funeral held Wednesday. Coastline Dispatch, San Juan Capistrano, California.
1941	12 September. San Juan Observes 100th Anniversary as a town. Coastline Dispatch, San Juan Capistrano.

- 1951 13 July. Clarence Lobo heads Indian reorganization. Coastline Dispatch, San Juan Capistrano.
- 1951 20 July. Barbecue and fiesta held Sunday by Mission Indians. Coastline Dispatch, San Juan Capistrano.
- 1963 No mo./day. Chief Lobo gets flag flown over U.S. capitol. No source.
- 1963 3 July. Like a ride? Chief Lobo starts San Juan sightseeing bus. The Register, Santa Ana, California.
- 1963 3 July. Mission city bus delights tourists. No source.
- 1965 16 September. District Council speaker. No source.
- 1973 25 March. The Ghosts of San Juan Capistrano. The Daily Pilot, Newport Beach, California.
- 1974 26 June. Student archaeologists un-bury SJC's Past. Sun Post, San Clemente, California.
- 1974 21 August. Carefree days in old San Juan. South Shores News-Post, Orange County, California.
- 1976 18 August. History lives in adobes, memories. Beach Cities--Capistrano Valley News, San Juan Capistrano, California.
- 1978 27 March. Old timers tell of swallows. No source.
- 1980 8 June. The Cry of the Juaneno Indians: "We Exist!" Los Angeles Times, Orange County Section, California.
- 1980 16 July. Patriarch in jeans tolls mission bells. Los Angeles Times, Orange County Section, California.
- 1981 26 October. Los Rios Street--Heart of Capistrano. The Register, Santa Ana, California.
- 1983 16 October. County's native 2 tribes battle developers, archaeologists. The Register, Santa Ana, California.
- 1984 16 October. American Indians: Living two lives in search of one. The Register, Santa Ana, California.

- 1984 21 August. Indians claim orange coast. Daily Pilot, Orange County, California.
- 1984 25 August. Gabrielino Indian 'sanctifies' wetlands. Daily Pilot, Orange County, California.
- 1984 25 August. Gabrielinos, Juanenos square off. Indian Sanctifies Land without reservations, Los Angeles Times, Orange County Section, California.
- 1984 25 August. Indians clash over Bolsa Chica advisor. The Register, Santa Ana, California.
- 1985 9 January. Curios. The Register, Santa Ana, California.
- 1985 19 July. Maverick Juaneno Chief ruffles feathers in effort to win U.S. recognition of Tribe. The Register, Santa Ana, California.
- 1985 24 July. Anthropologist seeks recognition for Juaneno. The Register, Santa Ana, California.
- 1986 February. Archaeologists must monitor earth-moving, developer is told. The Register, Santa Ana, California.

PART I

SECTION VII

83.7(a)(7): The Juaneno Have Been Identified As An Indian Tribe By Other Federally Recognized Tribes And National Indian Organizations.

Historically, and based upon their tribal identity, the Juaneno have associated closely with the Luiseno, a federally recognized tribe. This association is established in historical accounts, 74/ federal records, 75/ anthropological records, 76/ and an account by a Luiseno neophyte. 77/

Some Juaneno tribal members have intermarried with the Lusieno as well as with members from other federally recognized tribes. 78/

Members of the Tule Indian Reservation in California, host a spiritual gathering each August. Juaneno tribal members are often in attendance and Raymond Belardes, Spokesman for the Tribe, is annually invited to participate in this gathering because of his spiritual teachings among the Juaneno and with other tribes as well. 79/

Additionally, the Juaneno host the annual Ghost Dance which, previous to the Tribe's right to use U.S. Marine Corps land, takes place on the San Pasqual Reservation. 80/

In 1980, the Juaneno requested support for their federal recognition from the Southern California Tribal Chairman's Association (SCTCA). In response, SCTCA wrote the Juaneno Tribe stating that "The Board of Directors recognizes that the Juaneno Band has a historical past which can be recalled by some of the tribal members of our association." 81/

The Juanenos involvement with the American Indian Federation is a significant testimony to their relationship with a national Indian organization. In 1919, the Mission Indians of southern California formed the Mission Indian Federation. 82/ The Mission Federation was a subdivision of the American Indian Federation, based in Sapulpa, Oklahoma. The American Indian Federation was divided into seven districts throughout the United States, from New York to California, the latter forming District 1--The Mission Indian Federation. 83/

The Mission Indian Federation, along with the dominant organization, the American Indian Federation, sought justice and equality for the Indians. The Juaneno participated in the Mission Federation as though they had a voice in Washington, D.C. That is, as if they were a recognized political tribal entity. For example, Juaneno delegates attended the National conferences,

signed petitions not only to oust Bureau of Indian Affairs representatives in Riverside, California, but also supported the move to reform the federal government's attitude and policy toward the Indians. 84/

Clearly, the Juanenos varied involvement in the American Indian Federation demonstrates that they were recognized as an Indian tribe.

Some of the many documents demonstrating the Juanenos relationship with the American Indian Federation are in the ATTACHMENTS, SECTION VII. These documents should be referred to as supporting evidence for PART III as well.

Letters of support from federally recognized tribes are are found in ATTACHMENTS, SECTION VII.

PART II
83.7(b)

A SUBSTANTIAL PORTION OF THE JUANENO TRIBE INHABITS A SPECIFIC REGION AND LIVES IN A DISTINCT INDIAN COMMUNITY, AND THE MEMBERS OF THE JUANENO TRIBE ARE DESCENDANTS OF AN INDIAN TRIBE THAT HISTORICALLY INHABITED A SPECIFIC AREA.

The Juaneno migration story relates that they emigrated from an area now called Los Nietos, to a place within a couple of miles of what later became the San Juan Capistrano Mission site. Commensurate with their new location the immigrants changed their dialect. 85/ Gradually, these Indians, later known as the Juaneno, established many villages apart from the San Juan Capistrano location. 86/

Although there were at least 15 villages in Juaneno territory during the ethnohistoric period, 87/ San Juan Capistrano became the seat of the Juaneno community because of the Mission. (Even so, it has been reported that the most frequently occurring village name in the Mission's baptismal records is pange.) 88/ Because of San Juan Capistrano Mission's custom of bringing the gentiles into the mission system the site naturally became the nucleus of the Juaneno community. 89/

Additionally, until secularization of the Mission in 1833, the majority of residents in San Juan were Juaneno. 90/

It was shortly after mission secularization that large numbers of Juaneno dispersed from the San Juan Capistrano Mission, recognizing they had gained freedom from mission rule. 91/ In consequence, San Juan Capistrano's Indian population was greatly reduced. In 1834, there were 861 Juaneno at the San Juan Capistrano Mission and by 1839, there were only 60 Indians at work on the mission lands. 92/ Upon leaving the mission many of the Juaneno sought work on the various ranchos such as that of Don Bernardo Yorba as well as other Yorba family ranches. 93/

By 1840, the Juaneno population increased, albeit by minor proportions, to approximately 100. This was due to a change in Administrators, one whom the Indians trusted. 94/ Further, in 1841, the mission became designated as a pueblo and the Juaneno shared in the distribution of mission land. 95/ Unfortunately, many of the Juaneno lost their land because of transactions by unscrupulous land speculators. 96/

*/ Pange is the old village site where the Juaneno have been given usufruct rights to 5+ acres of land via the United States Marine Corps. The land is located in San Clemente, south of the city of San Juan Capistrano.

Throughout the latter half of the nineteenth century and up through the present, San Juan Capistrano continued to be viewed as an Indian community. 97/ However, many of the Juaneno were living in other areas of Orange County such as Los Nietos and Santa Ana. 98/

Regarding San Juan Capistrano, Clifton Johnson, who visited the town after Judge Bacon's death in 1899, commented that the language spoken was of Spanish derivation blended with Indian and English. 99/ Thus, demonstrating the continued existence of San Juan Capistrano as an Indian community.

Notwithstanding the above, other evidence establishes that the Juaneno also were living outside of San Juan Capistrano. In explanation, John B. Romero, a Chumash Indian, arrived in Orange County in 1907 at 13 years of age. During the course of a series of interviews conducted in the 1960s with Romero, he conveyed that in his youth he observed the Juaneno living on the Niguel Rancho. He related that the Indians dwelled in caves. Each cave could house approximately 15 to 20 people. 100/ In corroboration, one Juaneno told of her grandmother living in a cave in the Silverado Canyon, within the county of Orange. 101/

Because of the events causing the Juanenos exodus from San Juan Capistrano, the majority of tribal members live outside of the mission district. Nevertheless, it must be emphasized that until the missionization of the Juaneno they inhabited many villages throughout Orange County, and one in San Diego.

Of the 800+ enrolled members of the Juaneno Tribe, approximately 50% live in Orange County, the Tribe's traditional territory. A substantial portion of the members live within a 50 mile radius of San Juan Capistrano. The Juaneno consider San Juan Capistrano the heart of their traditional homeland and the seat of their contemporary tribal center. In addition to San Juan Capistrano, the Juaneno feel a strong affinity with the village of pange. As mentioned previously, the Indians are not allowed to live at this old village site; however, they consistently gather there for religious and spiritual purposes as well as for Tribal Council meetings, except during inclement weather when they meet at the San Juan Capistrano Mission.

PART III
83.7(c)

THE JUANENO TRIBE HAS MAINTAINED TRIBAL POLITICAL INFLUENCE
OR OTHER AUTHORITY OVER ITS MEMBERS AS AN AUTONOMOUS ENTITY
THROUGHOUT HISTORY UNTIL THE PRESENT.

Many of the southern California Indian tribes had what is considered to be a rather loose political organization. In fact, they have been described as ethnic groups rather than political units. 102/ However, these tribes exhibited rudiments of a political organization. For the Juaneno, chieftanship was hereditary, passing from father to son. Each chief presided over his village. The chief was held in high esteem by his villagers, yet his authority was limited and his power even less. The chief decided upon war and peace, lead marches if war ensued, announced the days for feasts and dances (through a crier), and he officiated at the various ceremonies. 103/ It was the responsibility of the chief, however, to confer with the advisory council, or puplem, prior to any final decision. The advisory council was said to be comprised of elders and medicine men. 104/

Very little is known about the true jurisdictional power of the medicine men who sat on the advisory council. It can be said, however, that their rank was equal to that of the chief's and, it appears, their power was greater in that they were capable of curing the ill and inflicting pain on the unsuspecting. 105/

Though the missionaries attempted to destroy the chiefs and medicine men's status amongst their people, it is clear that these prestigious individuals continued to carry on their responsibilities as best they could. 106/ For example, Father Geronimo Boscana explained that his primary consultants were two chiefs and a medicine man. The youngest consultant was in his seventies. 107/

Once the Mission San Juan Capistrano was established it was the responsibility of the missionaries to bring the Juaneno within the fold of the mission system: train them in various vocations needed for the continuance of the mission and, most importantly, convert them to Christianity. 108/ Despite this, the missionaries employed a quasi form of native control in the mission. That is, the Juaneno selected from among their own members two alcaldes (magistrates) and two regidores (councils). 109/ The men in the aforementioned positions were given the responsibility to see that all of the Juaneno neophytes acted according to mission policy. This form of native control continued until the demise of the mission system in 1844.

Spanish Colonial mission rule over the Juaneno disrupted their finely tuned equilibrium: Many lineages were brought together to live as one; Christian marriages were mandatory (though not always adhered to); and even the time the Indians could eat their meals was prescribed by the missionaries. With all of these changes, however, the Juaneno continued to practice their aboriginal ceremonies, maintained chiefs and medicine men, and spoke their native tongue. 110/

By 1822, control of California passed from Spanish rule into the hands of the Mexican government. In late 1825, the Governor of California, Echeandia, made known his intentions of setting the mission Indians free. The Governor sent one of his lieutenants to San Juan Capistrano to inform the Juaneno that a new "chief" was coming to make them equal rights propositions. 111/ The Juaneno, reveling in the thought of freedom, subsequently took action against the Padre. They requested that the mission father be put in stocks and informed the corporal of the guard that if he disobeyed their demand he, too, would be similarly restrained. Assistance was requested to end the revolt. 112/

In July of 1826, Governor Echeandia issued his Proclamation of Emancipation for those mission Indians who were more "civilized" than others. Consequently, they would no longer be under the mission's control. 113/ Nearly one year after the decree of freedom for the neophytes there was a marked decrease in the Juaneno population at San Juan Capistrano. At the same time it was reported that "the corporal of the guard complained of constant robberies perpetuated by the Indians, who through love for idleness refused to devote themselves to honest labor...the Indians would say they are free." 114/

Clearly, the rebellious actions indicated in the above two paragraphs demonstrate that the Juaneno were not assimilated and that they were exercising their right to govern themselves.

Though the decree for freedom was issued in 1826, it was not until 1833 that secularization of the missions began. San Juan Capistrano was the first and, therefore, the Juaneno, under the eyes of the government, were finally set free. However, one year prior to secularization the Juaneno were already governing their own affairs through the kindness of Padre Zalvidea. 115/ As part of the secularization plan the Juaneno were given land within the mission's holdings. Captain Portillo, agent of the mission, wanted to distribute to the Juaneno land at the mission tract of San Mateo, approximately eight miles south of the mission. The Juaneno, already living on irrigated and cultivated plots of land refused to move. Captain Portillo conceded. 116/

The Juanenos emancipation served only to depopulate the

mission's Indians 117/ and to promulgate unrest among those who remained at the mission. For example, in the year 1839, one of the Juaneno, representing all of the Juaneno at San Juan Capistrano, accused the mission's administrator, Santiago Arguello, with wasting and misappropriating the mission's effects. An investigation into the allegations ensued and the Juanenos complaint proved unsubstantiated. However, the report indicated that the Juaneno were indeed dissatisfied and wanted to regain management of their own affairs. Within this same year Arguello complained of constant desertions and the prefects lack of performance in the retrieval of the fugitive Juaneno. 118/

Since the Juaneno were so vehemently opposed to Arguello remaining as administrator of the mission, one Mexican official, Hartnell, sought to ameliorate the situation by bringing in a man whom the Indians trusted. 119/ This amicable arrangement lasted only a short time. By 1841, the mission was formed into a pueblo and the land distributed. As previously established, the Juaneno remained upon the tract of mission land they had already claimed as theirs.

Throughout the post secularization era of the nineteenth century and into the twentieth century the Juaneno continued the struggle to maintain their traditional customs, thus maintaining their particular form of political unity. In other words, they persisted as a group. As supporting evidence see ATTACHMENTS PART III, the Oral Interview portion of an environmental impact report written in compliance with CEQA and relative to the Juaneno.

In 1856, the Juaneno sought Judge Benjamin Hayes to assist them in removing "some sonorians" who "have usurped the water, and even intruded upon the little lots of the Indians." 120/ Judge Hayes regarded the incident with complacency, writing in his diary:

Ignorant of our laws, without means to pay lawyers, they recently came twice to Los Angeles, to complain to me. What could I do for them? Nothing--effective. Nor have we an Indian agent to take their cause in hand. As they had irretrievably lost their crop for the present year (which they themselves suggested, but wanted protection for the future), I told them, if they were intruded upon again this fall at planting and sowing time, to come to me and I would recommend them to a lawyer from whom they could get advice. What a prospect this, to an unsophisticated Indian! How will he ever comprehend why the Juez de Distrito cannot give redress, with the simple waving of his cane! 121/

Further, Judge Hayes noted in his diary for this same year, 1856, there would be no taxes levied on the property in San Juan Capistrano. The Juaneno were pleased with this

knowledge as the Judge wrote:

And my Indian friends were rejoiced when I told them this, for robbed of the use of their lands by some of the worthless Sonorians who infest the country, they were afraid the Sheriff might take the land itself, and turn them out with their families to the mountains which they so long ago abandoned. 122/

When, in 1873, Bureau of Indian Affairs Agent John G. Ames visited San Juan Capistrano, he learned that the Juaneno were still trying to protect their land. 123/ Therefore, establishing that the Juaneno, from the inception of mission secularization to, at least, 1873, made concerted efforts to control their land.

John Peabody Harrington's voluminous field notes relative to the Juaneno 124/ demonstrate that these Indians' traditional customs endured throughout time. Thus, establishing that the Juaneno persisted as an ethnic group. Because of their value a synthesis of J.P. Harrington's field notes are attached to Part III.

Not only did the Juaneno continue with their aboriginal customs regarding their personal lives, they also supported persons of prestige. Until mission secularization there were alcaides and regidores and throughout the nineteenth century there were mission bell ringers and chanters. 125/ Though there are no mission chanters today, the position of bell ringer is well established and remains in the hands of a Juaneno. 126/

Aboriginally as well as historically, Indian doctors, or medicine men, were an integral part of the Juanenos political structure. 127/ Many of the Juaneno who were interviewed recalled seeking treatment for a variety of ailments from medicine men on the Pala and Rincon Indian reservations. 128/ Additionally, Clara Sitales and her granddaughter, Juanita Ortega, were medicine women who practiced in Los Angeles and then on the Pala Indian Reservation. 129/ Both Clara and Juanita were related to Manuel Machado who is an enrolled member of the Juaneno Tribe.

By the second decade of the twentieth century the Juaneno began to organize into what the United States government typically understands as a viable political unit. 130/ Juaneno leaders between the early 1900s and the mid 1960s were Ralph Charles, 131/ Marcus Forster, 132/ Jose Doram, 133/ and Clarence Lobo, who maintained control for the longest period of time, 1947-mid 1960s. 134/

All of the above Juaneno leaders were active in the Mission Indian Federation, a subdivision of the national organization, the American Indian Federation (see ATTACHMENTS, PART I SECTION VII).

Important to note is that though the Mission Indian Federation was considered a political entity in itself, it was comprised of more than 20 political units. Each reservation or band, and in the case of the Juaneno the Tribe, elected their own Captain (Chief) as well as a collective leader for the entire Mission Federation. For example, at one time Marcus H. Forster was the elected Captain of the Juaneno and Adam Castillo was the general Captain for the Mission Indian Federation. 135/

In 1979, the Juaneno formalized their government with a Constitution and elected Raymond Belardes as Spokesman. Though the position of Spokesman is not inherited, it is significant that Belardes and Lobo are cousins and, therefore, represent nearly forty years of family leadership.

PART IV
83.7(d)

A COPY OF THE CONSTITUTION OF THE JUANENO BAND OF MISSION
INDIANS, THE PRESENT GOVERNING DOCUMENT.

Constitution of the Juaneño Band of Mission Indians

1979 - CONSTITUTION
OF THE
JUANENO BAND OF
MISSION INDIANS

PREAMBLE

We, the Juaneño Band of Mission Indians, being a sovereign native people, in order to organize for our common good, to maintain and foster our tribal culture, and promote the general welfare of our people, do hereby ordain and establish this constitution.

ARTICLE I-PURPOSE

The Juaneño Band of Mission Indians hereinafter referred to as the Band, establishes this constitution, which shall henceforth constitute the governing document of the Band, for the purpose of governing themselves under their own laws and customs and for the purpose of establishing a legally recognized tribal government.

ARTICLE II-TERRITORY

Section 1. Jurisdiction

The jurisdiction of the Band, its tribal council and its courts shall extend to all lands, interest in lands and water owned or hereinafter acquired by the Band and all persons within any territory subject to the jurisdiction of the Band.

1979

ARTICLE III-MEMBERSHIP

Section 1. Members

The following persons shall be members of the Juaneño Band; provided that such persons shall first have made application for membership according to tribal regulation; and provided further that no person who is a member of any other Indian nation, tribe, band or community shall at the same time be a member of the Juaneño Band.

- a) All persons of Juaneño Indian blood whose names appear on the 1933 California Judgment roll; and
- b) All persons including those persons born in the future who are direct lineal descendants of those persons whose names appear on the 1933 California Judgment Roll and who possess at least one-eighth (1/8) degree Juaneño Indian blood; and,
- c) All persons of Indian blood upon whom membership is conferred by adoption.

Section 2. Additional Categories of Membership

- a) Base Enrollees: Those persons whose names appear on the 1979 Juaneño membership roll and their lineal descendants as of the date of approval of this roll, and only those persons, shall be known as Base Enrollees.
- b) Descendants of Base Enrollees: All future descendants of Base Enrollees shall automatically become members of the Juaneño Band at birth, in accordance with the following:

1. Non-voting members: all enrolled members of the Juaneño Band who possess one-sixteenth (1/16) degree or more total Juaneño blood but less than one-eighth (1/8) degree total Juaneño blood shall be Non-voting members. Non-voting members shall not be eligible to hold office;
2. Voting members: all enrolled members of the Juaneño Band possessing one-eighth (1/8) degree or more total Juaneño blood shall be voting members, and shall be eligible to hold office.

Section 3. Enrollment Procedures

The Tribal Council shall have the power to regulate the enrollment of tribal members as follows:

- a) The Tribal Council shall enact ordinances governing enrollment and disenrollment procedures and correction of the tribal roll;
- b) The Tribal Council shall have the power to correct the original or current tribal roll at any time by adding the names of persons who should have been included or by deleting the names of persons who have relinquished their tribal membership or who were incorrectly included in the roll;
- c) Any person subject to removal from the tribal roll shall be provided with reasonable notice of the proposed action and an opportunity to present evidence on his or her behalf.

Section 4. Adoption

No person shall be enrolled as an adopted member of the Juaneño Band except by a majority vote of the General Council.

ARTICLE IV-GENERAL COUNCIL

Section 1. Electorate

All tribal members eighteen (18) years old or older shall be members of the General Council of the Juaneño Band and shall be eligible to vote in all tribal elections, referenda and meetings of the General Council, except as provided in Article III.

Section 2. Meetings of the General Council

a) The General Council shall meet at least three times each year, on the first Saturdays of January, May and September. When the regularly scheduled General Council meeting falls on a holiday, it shall be held on the following work day.

b) At the regularly scheduled annual election of tribal officers, the Tribal Council shall preside at all meetings of the General Council.

c) Special meetings of the General Council may be called by the President, by the Tribal Council or by twenty members of the General Council upon at least five days notice to the General Council membership.

d) A quorum of the General Council shall be five percent (5%) of the voters.

e) The Tribal Council shall prepare and cause to be published at least five days before the meeting an agenda for each General Council meeting. The General Council shall consider items on the agenda before considering matters raised from the floor. The agenda shall include a report by the tribal administrator of the finances of the tribal government during the quarter immediately preceding the meeting.

Section 3. Powers of the General Council

The following powers shall be reserved to the General Council. No exercise of these powers by the Tribal Council or by any other agency or officer of the Juaneño Band shall be effective unless the General Council has given its consent to such action;

a) To sell or relinquish land owned by the Juaneño Band or land held by the United States in trust for the Juaneño Band;

b) To sell or relinquish any tribal hunting or fishing rights;

c) To relinquish any tribal jurisdiction to any other government, agency, person or organization;

d) To diminish or terminate a right reserved to the Juaneño Band under federal law;

e) To adopt persons into membership in the Juaneño Band. All powers that are not expressly delegated in this constitution or by subsequent action of the General Council to the Tribal Council or any other officer or agency of the Juaneño Band shall remain in the General Council.

ARTICLE V-TRIBAL COUNCIL

Section 1. Governing Body

Except as it is expressly limited in this constitution and by the laws of the United States, the governing power of the Juaneño Band shall be exercised by the Tribal Council, which shall be composed of five (5) persons elected by the General Council.

Section 2. Qualifications

All members of the Juaneño Band who are eighteen (18) years old or older shall be eligible to serve as members of the Tribal Council, except as provided in Article III. No more than one immediate family member of any person already on the Tribal Council may serve on the council. "Immediate family member" shall mean mother, father, brother, sister, spouse or child.

Section 3. Terms of Office

Each Tribal Council member shall be elected for a term of four years.

Section 4. Officers of the General Council

The General Council shall elect from within its own membership a chairman, vice-chairman and secretary and may elect or appoint from within or outside the council any other officers it thinks are necessary and appropriate.

Section 5. Meetings of the Tribal Council

a) The Tribal Council shall meet at least once each month at a designated regular time. The Council may set more frequent regular meetings as necessary; provided that the Council shall cause to be published the schedule of all regular meetings.

b) Emergency meetings of the Tribal Council may be called by the council chairman or by three council members; provided that the persons calling emergency meetings shall make all reasonable efforts to provide notice of the meetings to every council member and to the tribal membership.

c) A quorum of the Tribal Council shall be three members.

d) All regular meetings of the Tribal Council shall be open to the public. Copies of all ordinances and resolutions adopted by the Tribal Council and minutes of all meetings of the Tribal Council, its committees and subcommittees shall be maintained at the tribal office and shall be available for inspection by all interested persons.

Section 6. Procedures and Compensation

Except as provided in this constitution, the Tribal Council shall establish its own rules of procedure. The council

may set compensation of council members, officers and committee members as it believes is advisable.

ARTICLE VI-POWERS OF THE TRIBAL COUNCIL

Section 1. Governing Powers

The Tribal Council shall exercise the following powers, subject to any express limitations contained in this constitution or imposed by the laws of the United States:

a) To borrow money from public and private sources, and to pledge, mortgage or assign tribal assets and income; provided that no tribal trust land or land owned by the Band shall be pledged or mortgaged without the approval of the General Council;

b) To set aside and to spend tribal funds for tribal purposes;

c) To impose taxes on all persons and property within tribal jurisdiction; provided that no tax shall be imposed on real property held in trust by the United States;

d) To charter and regulate corporations, cooperatives, associations, special districts, educational and charitable institutions, political subdivisions and other entities;

e) To license and to regulate the conduct of all business activities within tribal jurisdiction;

f) To establish business enterprises as branches or agencies of the Juaneño tribal government; and otherwise to engage in business activities and projects which promote the economic well-being of the Band and its members;

g) To purchase and to acquire in other ways, land and other property; and to manage, assign, lease, encumber, exchange, place in trust, sell and dispose of tribal land and other assets; and to approve or veto any sale, encumbrance or other disposition of tribal land or assets which may be authorized by an official or agency of the United States Government; provided that no tribal land shall be sold or encumbered except for government purposes; and provided further that any sale, encumbrance or relinquishment of tribal land must be approved by the General Council;

h) To manage, develop, protect and regulate the use of water, fish and wildlife, minerals and all other natural resources within tribal jurisdiction; and to regulate land use and development within the territory of the Band; provided that no ordinance or resolution zoning land owned by or assigned to members of the Band shall be effective without the approval of the General Council;

i) To condemn for public purposes real property or interests in real property within tribal territory; provided that owners of property condemned by the tribal government shall be paid the fair market value of their land and all improvements on it; and provided further that no real property owned by or held in trust for members of the Band shall be condemned without the approval of the General Council;

j) To enact laws and ordinances governing the conduct of individuals and proscribing offenses against the tribe; to maintain order and to protect the safety and welfare of all

persons within tribal jurisdiction; and to provide for the enforcement of the laws and ordinances of the Band;

k) To establish a Tribal Court or courts and to provide for the court jurisdiction and procedures and the selection of judges;

l) To prescribe the conditions under which non-members may enter and remain on tribal land and to establish procedures for the exclusion of non-members from tribal lands;

m) On behalf of the tribe to consult, negotiate and contract with agencies and officers of federal, state and local governments and with private persons and organizations;

n) To employ legal counsel on behalf of the Band or for the benefit of tribal members;

o) To represent or defend the Band in State or federal court;

p) To regulate the inheritance of all lands within tribal jurisdiction and all property owned by persons within tribal jurisdiction; and to provide for escheat of property to the Band; provided that no law or ordinance governing the inheritance of property owned by tribal members shall be effective without the approval of the General Council;

q) To regulate the domestic relations of tribal members; to provide for the guardianship of minors and incompetent persons within tribal jurisdiction; and to provide services for the health, education and welfare of all persons within tribal jurisdiction;

r) To enact ordinances consistent with this constitution establishing procedures for the nomination and election of tribal officers;

s) To appoint, direct and set the compensation of the Tribal Manager; and to establish policies and procedures for the employment of tribal government personnel;

t) Subject to any limitations mentioned in this constitution, to delegate any powers vested in the Tribal Council to subordinate tribal officers, tribal employees or other appropriate persons; provided that any such delegation of the Tribal Council's powers shall be by written resolution;

u) To take all actions which are necessary and proper for the exercise of the powers listed here and any powers hereafter vested in the Tribal Council.

Section 2. Public Hearings

Before enacting any ordinance which will apply generally to private persons or property, the Tribal Council shall hold public hearings at which interested members of the public shall have the opportunity to comment on the proposed legislation.

Section 3. Reserved Powers

Any rights and powers which have at any time been or shall in the future be vested in the Band but which are not expressly referred to in this constitution shall not be abridged or forfeited by the fact that they are not listed here; such rights and powers may be exercised by the members of the Band or delegated by them to the Tribal Council or other officers and agencies of the Band.

ARTICLE VII-ADMINISTRATION

Section 1. Tribal Manager

a) The execution of tribal laws and policies and the management of all tribal business shall be the responsibility of the Tribal Manager, who shall be appointed by the Tribal Council.

b) The Tribal Manager shall serve at the pleasure of the Tribal Council; provided that the Tribal Council shall not terminate the Manager's employment without first providing him or her reasonable written notice and an opportunity to be heard. The Manager may appeal to the General Council from a decision by the Tribal Council to terminate his or her employment.

Section 2. Qualifications

The Tribal Manager shall be an Indian twenty-five (25) years old or older. In the appointment of the Manager, the Tribal Council shall give preference to qualified members of the Band.

Section 3. Responsibilities

The Tribal Manager shall have the following responsibilities:

- a) To prepare for approval by the Tribal Council an annual tribal budget; and to manage the operation of the tribal government in accordance with the approved budget;
- b) To appoint subordinate officers and administrators of tribal government agencies and departments, except as otherwise provided by the Tribal Council;
- c) To carry out faithfully the laws and policies of the Band as determined by the Tribal Council and the General Council;

d) To carry out any other responsibilities and exercise any other powers properly delegated to him or her by the Tribal Council or the General Council.

ARTICLE VIII-ELECTION, INAUGURATION AND REMOVAL OF OFFICERS

Section 1. Elections

All nominations and elections, whether for officials or by way of referendum, shall be conducted in accordance with an ordinance or resolution adopted by the governing body which shall provide for the dates thereof, polling places, election committees and their duties, absentee balloting and other necessary requirements.

Section 2. Inauguration

Persons elected to tribal office shall assume the office at the close of the meeting during which they are elected. Each newly elected officer shall swear or affirm before the assembled General Council that he or she will uphold the constitution and the laws of the Band.

Section 3. Removal of Council Members

The Tribal Council may, by majority vote of its total membership, remove any member for gross misconduct in office or neglect of duty, including failure to attend council meetings. Any Tribal Council member subject to removal in this way shall be provided with reasonable written notice of the charges against him or her and with a fair opportunity to reply to such charges and to present evidence on his or her behalf. A council member may appeal to the General Council from a decision by the Tribal

Council to remove him or her from office.

Section 4. Recall Elections

If at least fifty-one percent (51%) of the eligible voters of the Band sign a petition requesting recall of an elected tribal officer, or officers, the General Council shall vote at its next regularly scheduled meeting whether to recall the officer or officers named in the petition. If a majority of the General Council members vote to recall an officer, the position shall be declared vacant.

Section 5. Vacancies

If a Tribal Council member dies, resigns or is removed or recalled from office, the Tribal Council shall appoint a successor, who shall serve until the next annual election in January, at which time the voters shall select a person to hold the office for the remainder of the original office holder's term. If a Spokesman of the General Council dies, resigns or is recalled from office, the voters shall elect a successor at the next regular meeting of the General Council.

ARTICLE IX-REFERENDUM

The members of the Band shall have the right of the referendum on any questions or action proposed by the members and on any proposed or enacted ordinance or resolution of the Tribal Council. Upon receipt of a resolution of the Tribal Council or a petition signed by at least fifty-one percent (51%) of the eligible

voters, the Spokesman of the General Council shall call a referendum election according to the procedures for special Council meetings. The referendum shall be held no later than thirty (30) days after the resolution or petition requesting it is submitted.

ARTICLE X- RIGHTS OF INDIVIDUALS

The Juaneño Tribal Government shall not deny to any persons within its jurisdiction freedom of speech, press or religion or the right to assemble peacefully. The tribal government shall not deny to any person the equal protection of tribal laws or deprive any person of liberty or property without due process of law.

ARTICLE XI-RATIFICATION

This constitution shall be in effect when it has been ratified by a majority of the voters of the Band at an election in which at least thirty percent (30%) of the eligible voters vote.

ARTICLE XII-AMENDMENTS

This constitution may be amended by a majority of the eligible voters of the Band; provided that at least fifty-one percent (51%) of those entitled to vote shall vote in such election.

PART V
83.7(e)

MEMBERSHIP OF THE JUANENO TRIBE AND MEMBERSHIP LISTS.

All except two members have complied with the Tribe's Constitution, Article III, Section I (refer to PART IV). One of the two cannot trace her ancestry to the 1933 Judgment Roll; however she has secured her ancestors birth information from the Mission San Juan Capistrano baptismal registry. This record establishes that she is a direct descendant of the San Juan Capistrano Indians. The other member, Anita Majel, is recorded with the Bureau of Indian Affairs as Luiseno because her ancestry is traced to a village in the Pauma Valley (Luiseno territory). However, culturally Anita is Juaneno. She was born in San Juan Capistrano and so was her mother, Anastacia. Since birth, Anita Majel has thought of herself as a "San Juaneno" and even the federal census (Indian Schedule) for 1910 lists her and her mother as Juaneno.

Traditionally, it was unnecessary for the Juaneno to have membership lists--everyone knew who belonged to the various villages and their cultural affiliation. It was not until the early 1900s, with the formation of the Mision Indian Federation, that lists of any kind were developed. As such, there is an absence of membership lists for the nineteenth century.

A membership list from the early years of the Mission Indian Federation is in ATTACHMENTS, PART V. Unfortunately, any membership lists formulated during Clarence Lobo's leadership of the Juaneno is unavailable. Clarence Lobo, now deceased, housed all of the Mission Federation data in his home in northern California. Due to extenuating circumstances the lists were never provided to the Tribe by former Chief Clarence Lobo.

The most recent membership list is in ATTACHMENTS, PART V, and consists of the current tribal enrollment for the Juaneno.

Perhaps the most significant documents establishing Juaneno ancestry of tribal members are the Certificate of Blood Degrees, provided to the individual members of the Tribe from the Bureau of Indian Affairs, Riverside, California. These documents are appended to the ancestral charts.

PART VI
83.7(f)

THE JUANENO TRIBE IS NOT, NOR ARE ITS MEMBERS, THE SUBJECT OF CONGRESSIONAL LEGISLATION WHICH HAS EXPRESSLY TERMINATED OR FORBIDDEN THE FEDERAL RELATIONSHIP.

According to the records of the Bureau of Indian Affairs, books referencing the Juaneno Tribe, and a review of the federal statutes, it is clear that Congress has never (nor have they now) terminated or forbidden a federal relationship with the Juaneno Tribe.

PART VII
83.7(g)

THE MEMBERSHIP OF THE JUANENO TRIBE IS COMPOSED PRINCIPALLY OF
INDIVIDUALS WHO ARE NOT MEMBERS OF ANY OTHER NORTH AMERICAN
TRIBE.

Though some members of the Juaneno Tribe have multiple Indian ancestry, none of them claim membership in any other tribe, regardless of what their rights in another tribe might be. Furthermore, those members who possess multiple Indian ancestry feel an affinity only with the Juaneno. None of these members have attempted (nor do they want) membership in any other tribe.

The ancestral charts clearly demonstrate the predominantly Juaneno membership of the Tribe.

NOTES

- 1/ Horatio Hale, 1846. Ethnography and Philology. Vol. 6 of United States Exploring Expedition of 1832-1842, by Charles Wilkes. Philadelphia: C. Sherman.
- 2/ Lieutenant E.O.C. Ord's Travel Report. Housed at the National Archives, Record Group 393, Box 1 - 1849, Letter "O" Pacific Division, Old Army Records.
- 3/ Fr. Zephyrin Engelhardt (O.F.M.), 1922. The Missions and Missionaries of California, San Juan Capistrano. Los Angeles: Standard Printing Company.
- 4/ Juaneno Field Notes. John Peabody Harrington Papers. National Anthropological Archives: Smithsonian Institution.
- 5/ Horation Nelson Rust, 1890. "Reports of Agents in California." In Fifty-Ninth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior. Washington, D.C.: Government Printing Office, pp. 15-20.
- 6/ John W. Caughey (ed.), 1952. The Indians of Southern California in 1852--The B.D. Wilson Report and a selection of contemporary comment. San Marino, California: The Huntington Library.
- 7/ Florence Shipek, 1979. "Ethnographic Overview and Ethnographical Backgrounds--San Luiseno--Juaneno." In Cultural Resources and the High Voltage Transmission Line from San Onofre to Santiago Substation and Black Star Canyon. Cultural Systems Research, Inc. Chapter VI:1-13.
- 8/ Report of Special Agent John G. Ames in regard to the Condition of the Mission Indians of California, with recommendations. In Paper Accompanying the Report of the commissioner of Indian Affairs, 1873.
- 9/ Ibid., p. 30.
- 10/ George Wheeler, 1879-1896. Annual Report Upon the Geographical Surveys of the One Hundredth Meridian, vol. 7. Washington: U.S. Government Printing Office.
- 11/ Federal Census for 1880, San Juan Capistrano township.
- 11a/ Pamela Hallan, 1975. Dos Cientos Anos en San Juan Capistrano. Irvine, California: Walker Color Graphics.
- 12/ Helen Maria (Friske) Hunt Jackson, 1883. "The Present Condition of the Mission Indians of Southern California." Century Magazine 26(4):511-529. (August 1883.)

- 13/ Federal Census of 1910, San Juan Capistrano Township, Indian Schedule.
- 14/ Op. cit., Juaneno Field Notes.
- 15/ Ibid.
- 16/ Marcus H. Forster Collection in the possession of Marie Patterson Swanson, Mission Viejo, California.
- 17/ Ibid.
- 18/ Bureau of Indian Affairs Census for the 1933 Judgment Roll. National Archives, Laguna Niguel, California.
- 19/ 81st Congressional Hearings, 28 February 1950.
- 20/ Congressional Record-Appendix. Extension of remarks of Hon. James B. Utt of California in the House of Representatives, Friday, 6 February 1953. Congressman Utt reads a letter from Clarence H. Lobo of San Juan Capistrano, California.
- 21/ Ibid.
- 22/ Termination of Federal Supervision Over Certain Tribes of Indians. Joint Hearings before Subcommittees of the Committees on Interior and Insular Affairs, Congress of the United States, 83rd Congress, Second Session, Part 5, California Indians. 4 and 5 March 1954.
- 23/ Docket No. 80. Before the Indian Claims Commission. Baron Long (El Capitan), Campo, Inaja, La Jolla, Los Coyotes, Manzanita, Mesa Grande, Old Campo, Pala, Pauma, Pechange, Rincon, San Juan Capistrano, San Luis Rey, Santa Rosa, Santa Ysabel and Soboba Bands of Mission Indians v. The United States of America. Petition. 1950.
- 24/ Ibid., p. 3.
- 25/ Docket No. 80. Before the Indian Claims Commission of the United States. Second Amended and Supplemental Petition, 20 January 1960.
- 26/ Ibid., Exhibit A.
- 27/ Findings of Fact. Indian Claims Commission. Docket Nos. 31, 37, 80, 80D, 176, 215, 333, and 347. 20 July 1964.
- 28/ Docket No. 80-A. In the United States Court of Claims, Baron Long et al. v. The United States of America--Defendant's Motion To Dismiss Action As To Certain Plaintiffs. 1977.

29/ Ibid., appended is an affidavit from William Gianelli, Bureau of Indian Affairs, stating that twenty of the litigant tribes do not have a federal relationship with the United States.

30/ Op. cit., Docket No. 80-A.

31/ See note 29, supra.

32/ Letter from United States Senator, California, Alan Cranston to Raymond T. Belardes, Juaneno Band of Mission Indians, 14 January 1982. Correspondence from the Senator assures that he will endeavor "to resist excessive cuts in the program which directly affect the survival and well-being of Indian individuals and tribes."

33/ Letter dated 30 August 1982, from Bureau of Indian Affairs, Washington, D.C., to Fred Estrada, Vice Spokesman of the Juaneno Band of Mission Indians. Correspondence in response to letter from the Tribe to President Reagan regarding the American Indian Religious Freedom Act, Public Law 95-341.

34/ Letters dated 11 July and 21 July 1983, and 18 June 1982 from the U.S. Forest Service to the Juaneno Band of Mission Indians, Raymond Belardes, Spokesman. Correspondence asks for the Tribes "participation in the Forest planning process."

35/ There was never a written agreement between the Juaneno Tribe and the United States Marine Corps, Camp Pendleton regarding the 5+ acres provided to the Tribe. However, Paul Campo, former Cultural Resources Director for the Marine Corps negotiated for the acreage and the Tribe as well as persons affiliated with the Department of Parks and Recreation, State of California, and Paige Talley have personal knowledge that the usufruct right to the land by the Juaneno is valid.

36/ Personal Communication, Paul Campo, United States Marine Corps, Camp Pendleton.

37/ Judge Benjamin Hayes, 1976. Pioneer Notes from the Diaries of Judge Benjamin Hayes 1849-1875. Marjorie Colcott, ed. New York Times Company, New York: Arno Press.

38/ Ibid., p. 115

39/ Progress Report to the Governor and Legislature by the State Advisory Commission on Indian Affairs, Senate Bill 1007, on Indians in Rural Reservation Areas, February 1966. Senator Stephen P. Teale, Chairman; Thomas Weaver, Executive Director.

40/ Ibid.

41/ Letter, date 12 July 1982, from William J. Pink, Executive Secretary, Native American Heritage Commission, to Department

of Parks and Recreation, State of California. Correspondence requests a meeting to discuss state park lands for the Juaneno Tribe so that they may practice their traditional customs.

42/ Personal Communication with Paul Campo, U.S. Marine Corps., Camp Pendleton, and with John Foster, Department of Parks and Recreation, Sacramento, California. 1986.

43/ Letter dated 20 May 1982, from Pete Dangermond, Director of the Department of Parks and Recreation; letter dated 20 August 1982 from Eloise Barter, State Archaeologist I, Department of Parks and Recreation. The correspondence is directed to the Juaneno Band of Mission Indians and relates to the Tribe's involvement with cultural resources.

44/ Letter dated 10 January 1983, from Eloise Barter, State Archaeologist I, DPR; letter dated 25 January 1983, from Eloise Barter, State Archaeologist I, DPR; letter dated 26 May 1983, from Eloise Barter, State Archaeologist I, DPR; letter dated 5 August 1983, from Eloise Barter, State Archaeologist I, DPR. The correspondence is directed to the Juaneno Band of Mission Indians and concerns cultural resources relative to the Juanenos traditional territory.

45/ Letter of agreement between the Juaneno Band of Mission Indians and the Department of Parks and Recreation (Barter Draft 7-7-29-83). A signed Letter of Agreement was forthcoming. The Juaneno performed the reinterment ceremony at the Crystal Cove State Park. Personal Communication, Raymond Belardes.

46/ The Juaneno Band of Mission Indians has received social services in the way of food staples and payment for gas and light, among other services, from the Tribal Resources Development and the Orange County Indian Center (e.g., the Federal Food Surplus Program and the Energy Crisis Intervention Program).

47/ Letter dated 1 June 1982, from Jose Diaz, Assistant Secretary, Health and Welfare Agency, Sacramento, California, to the Juaneno Band of Mission Indians.

48/ During a 1977 construction of a State highway in Moosa Canyon (northeast San Diego County) a hawk burial was uncovered in association with a Luiseno prehistoric habitation site. Controversy ensued between the California Transportation Systems and the Luiseno tribal members. The preparer of this petition attended the meetings between the Luiseno and the California Transportation Department and, therefore, has first hand knowledge of the cause and effect of the this issue. In brief, because hawks were a ceremonial animal the Luiseno strongly opposed continued work on the highway construction because doing so would disrupt their spiritual balance.

49/ Native American concerns are addressed by many cities and counties via ordinances. Additionally, the State of California addresses archaeological resources in the California Environmental Quality Act and its appendices.

50/ Letter dated 27 November 1979, from Edison W. Miller, Supervisor Third District, Orange County, to Raymond Belardes, Juaneno Band of Mission Indians.

51/ Letter dated 9 April 1980, from Ronald L. Thompson, Planning Director, City of Anaheim, California, to Raymond Belardes, Juaneno Band of Mission Indians.

52/ Letter dated 14 January 1981, from Monty Navarre, Foreman, 1980-81 Orange County Grand Jury, to Fred Estrada, Committee Member, Juaneno Band of Mission Indians.

53/ Notice of Preparation dated 12 August 1982, from Ken Smith, Manager, Environmental Analysis Division, Santa Ana, California, to the Juaneno Band of Mission Indians.

54/ Letter dated 21 July 1983, from Ed Moore, Senior Planner, City of Irvine, and representative of the City's Historical, Archaeological and Paleontological (HAP) Committee, to Gary L. Spaulding, Juaneno Band of Mission Indians.

55/ Letter dated 21 July 1980, from Tom Miner, Planner, City of Irvine, to Raymond Belardes, Juaneno Band of Mission Indians.

56/ The preparer of the Juaneno Tribe's petition attended and spoke before the Planning Commission. A representative from the Native American Heritage Commission also spoke on behalf of the Juaneno Tribe's request.

57/ Ibid., a brief history of the subsurface activity at the site was presented during the Planning Commission hearing.

58/ The preparer of the Juaneno Tribe's petition was present at the honorary banquet for the Juaneno and also delivered a brief speech about the Juanenos Chinigchinich cult. Ms. Marjorie Stirrat, a volunteer for the Orange County Historical Society organized the banquet.

59/ Personal Communication, Raymond Belardes.

60/ The San Juan Capistrano Mission hosts the annual Swallow's Day Parade. The Mission maintains records of this event. The Juaneno Band consistently participates in parades, as a tribe. The Tribe has been awarded First Prize trophies in several of these parades. Records are maintained at the Tribal Office.

61/ San Juan Capistrano Mission records: Baptismal, Death, and Marriage registers. These records are housed at the San Juan Capistrano Mission and the Santa Barbara Mission archives.

62/ Ibid.

63/ Father Martin, the current Father at the San Juan Capistrano Mission recognizes the Juaneno as an Indian entity, personal communication, 22 March 1982; Father O'Sullivan also recognized the Juaneno as an Indian entity--the data contained in J. P. Harrington's field notes clearly demonstrate this, see note 4.

64/ Op. cit., Juaneno Field Notes.

65/ C. F. Saunders and Father St. John O'Sullivan, 1930. Capistrano Nights--Tales of A California Mission Town. New York: Robert M McBride & Company.

66/ Op. cit., Juaneno Field Notes.

67/ Juaneno oral histories, tape #CH, establish that Father O'Sullivan was the major force behind the parish school at San Juan Capistrano. Papers from the Alfonso Yorba Collection provide corroborating evidence. The Alfonso Yorba Collection is in the possession of David Belardes, San Juan Capistrano.

68/ Many of the Juaneno, particularly those aged 50 and above, attended Sherman Institute. A few attended St. Boniface. The records of those who attended the Sherman Institute are housed at the National Archives in Laguna Niguel. The Juaneno who attended Sherman either have or can obtain documentation of their enrollment in the school. Juaneno oral histories, Tape #LM, provide information on St. Boniface school.

69/ "Indian Awakening: A Self-Determined Educational Design." American Indian Education Title IV, 1977. Exhibit A lists the students and their tribal affiliation.

70/ Ibid., Exhibit A.

71/ Interview with Father Martin, San Juan Capistrano Mission, 22 March 1982. Paige Talley, interviewer.

72/ Ibid.

73/ Many of the Juaneno recall their parents and grandparents saying that it was necessary to conceal their Indian identity to avoid prejudice. One Juaneno, interview #AM, said that when the federal census taker came to her mother's house in San Juan Capistrano she was asked if she was going "to be Indian or are you going to say you're Spanish like all the other Indians?" The discrepancies in the federal censuses between 1860 and 1910 regarding racial identity of the Juaneno provide supporting evidence.

74/ Hugo Reid, a Scotsman who married a Gabrielino Indian, lived in Los Angeles from 1832 until his death in 1852. During his stay in Los Angeles he wrote about the history of the county, including accounts of the Indians. When B.D. Wilson wrote his report on the Condition of the southern California Indians he quoted from one of Reid's manuscripts the the Juaneno and Luiseno language was nearly the same (see note 75 for reference). It can be assumed, then, that Reid must have believed the two tribes associated with one another if their language was so similar.

75/ In 1852, Speical Agent B.D. Wilson commented that the Luiseno and the Juaneno shared a similar language and that they associated with one another. The Indians of Southern California in 1852--The B.D. Wilson Report and selection of contemporary comment. San Marino, California: The Huntington Library. John W. Caughey, ed. 1952.

76/ John P. Harrington gathered much of his information for the "Annotation" in Chinigchinich, a revised and annotated version of Alfred Robinson's 1846 translation of Father Geronimo Boscana's historical account of the beliefs, usages, customs and extravagances of the Indians of this mission of San Juan Capistrano called the Acagchemem tribe from Luiseno because of their close association and similarities with the Juaneno. P.T. Hanna, ed. Santa Ana: Fine Arts Press. 1934.

77/ Pablo Tac, a Luiseno neophyte, wrote about the Luiseno from the San Luis Rey Mission attending fiestas at the San Juan Capistrano Mission. See Historical Overview, References Cited, for complete citation.

78/ The Juanenos current membership list as well as the ancestral charts provide this information.

79/ Personal Communication, Raymond Belardes.

80/ The preparer of the Juanenos petition has attended many of the tribal meetings where discussion abut the Ghost Dance (and the Tule Indian reservation gathering) frequently occurred.

81/ Document in ATTACHMENTS, PART I SECTION VII.

82/ Edward Castillo, 1978; John A. Price, 1971. See Historical Overview, References Cited, for complete citations.

83/ Marcus H. Forster Collection. In the Possession of Marie Patterson Swanson, Mission Viejo, California. Copies of some of the documents from this collection are in ATTACHMENTS, PART I SECTION VII).

84/ Ibid.

85/ Father Geronimo Boscana, 1933. See Historical Overview, References Cited, for complete citation.

86/ John P. Harrington, 1934. See Historical Overview, References Cited, for complete citation.

87/ Ibid., the Juaneno villages are listed at the end of this manuscript. (See ATTACHMENTS, PART II.)

88/ Paul Chace. (1977:6) "Draft Report: Archaeological Test Excavations at 4-Ora-22." Letter to Department of Transportation State of California. Cited in "Notes on Historical Juaneno Villages and Geographical Features," Journal of California and Great Basin Anthropology 2(2) (no printing date, copy of ms. in possession of preparer of petition). Stephen O'Neil and Nancy H. Evans, authors.

89/ Op. cit., see note 3.

90/ C. E. Roberts, "Adobes of Orange County." No date is given, pp. 133 discusses Indian population in San Juan Capistrano. Copy on file with the San Juan Capistrano Historical Society.

91/ Susanna B. Dakin, A Scotch Paisano in Old Los Angeles. Berkeley: University of California Press. 1939. See also note 3.

92/ Op. cit., see note 3.

93/ Alfonso Yorba Collection in the Possession of David Belardes, San Juan Capistrano.

94/ Susanna B. Dakin, The Lives of William Hartnell. Stanford California: Stanford University Press. 1949.

95/ Hubert Bancroft, The History of California. 7 Vols. San Francisco: The History Company. 1886-1890.

96/ Op. cit., see note 3; Cf., Jose Juan Olivares' account in the Oral Interview, ATTACHMENTS, PART III.

97/ See note 37; see John G. Ames (1873) in Historical Overview, References Cited.

98/ Four hundred and eighty-four Juaneno can be identified on the 1860 federal census: "226 at San Juan Capistrano, 91...at Los Nietos, and 127 at Santa Ana, the remainder scattered." Ethnographic Overview and Ethnographical Backgrounds--San Luiseno-Juaneno (1979:Chapter VI:12). See Historical Overview, References Cited, for complete citation.

99/ Clifton Johnson (1908), Highways and Byways of California. New York: The MacMillian Company. (Reissued February 1926).

100/ John B. Romero Interview by Helen G. Smith. 25 September 1967. Original typescript in possession of Helen G. Smith, Costa Mesa, California. (Mrs. Smith also is affiliated with the Pacific Coast Archaeological Society, Orange County.)

101/ Oral Interview, Tape #LE.

102/ Ralph Beals and J.A. Hester, Jr., (1974). California: Land Use and Occupancy in California. Vol. I. New York: Garland Publishers; Alfred L. Kroeber (1966), "Nature of Land-Holding Groups in Aboriginal California", in Aboriginal California Three Studies in Culture, pp. 80-120. Berkeley: The University of California Archaeological Research Facility.

103/ Father Geronimo Boscana (1933), see Historical Overview, References Cited, for complete citation.

104/ See note 86.

105/ See note 103, supra.; Alfred L. Kroeber (1925). Handbook of the Indians of California. Bureau of American Ethnology, Bulletin 78.

106/ George H. Phillips (1975), Chiefs and Challengers, Indian Resistance and Cooperation in Southern California. Berkeley, Los Angeles, and London: University of California Press; and see Pablo Tac (1952), Indian Life and Customs at Mission San Luis Rey (1835). Minna and Gordon Hewes, eds. The Americas: A Quarterly Review of Inter-American Cultural History 9:87-106.

107/ See note 103, supra.

108/ "Annual Report of the Commissioner of Indian Affairs", Washington, D.C.: Government Printing Office (1875).

109/ Fr. Zephyrin Engelhardt (O.F.M.), San Gabriel Mission and the Beginnings of Los Angeles. San Gabriel, California: Mission San Gabriel (1927).

110/ Reverend Maynard Geiger (O.F.M.) and Clement W. Meighan (1976), As The Padres Saw Them: California Indian Life and Customs as Reported by The Franciscan Missionaries, 1813-1815. Santa Barbara, California: Santa Barbara Mission Archive Library; see note 103, supra.

111/ See note 3, pp. 85.

112/ See note 95, Vol. II.

113/ Ibid., Vol. III.

114 See note 3, pp. 85.

115/ Fr. Zephyrin Engelhardt (O.F.M.), 1922. The Missions and Missionaries of California, San Juan Capistrano. Los Angeles: Standard Printing Company.

116/ See note 113, Vol. III.

117/ When the missions were secularized, Hugo Reid wrote that the Indians of San Juan Capistrano, and Indians of other southern portions of the Los Angeles county, inundated Los Angeles proper. Susanna B. Dakin, A Scotch Paisano in Old Los Angeles (Berkeley: University of California Press, 1939). Other accounts of the Juaneno leaving are recorded by Hubert Bancroft (1886-1890) and Fr. Z. Engelhardt (1922), see notes 95 and 3, respectively.

118/ Fr. Zephyrin (O.F.M.), The Missions and Missionaries of California. 4 Vols. San Francisco: James H. Barry (1913 Vol. IV).

119/ Victor Eugene A. Janssens (1953). Life and Adventures in California of Don Agustin Janssens, 1834-1856. Wm. H. Ellison and Francis Price, eds. Francis Price, translator. San Marino, California: The Huntington Library.

120/ Judge Benjamin Hayes (1976). Pioneer Notes From the Diaries of Judge Benjamin Hayes 1849-1875. Marjorie Wolcott, ed. New York Times Company, New York: Arno Press.

121/ Ibid., pp. 115-116.

122/ Ibid., pp. 116.

123/ John G. Ames. "Report of Special Agent John G. Ames in regard to the Condition of the Mission Indians of California, with recommendations". In Paper Accompanying the Report of the Commissioner of Indian Affairs, 1873.

124/ Juaneno Field Notes. John Peabody Harrington Papers. National Anthropological Archives: Smithsonian Institution.

125/ Alfonso Yorba Collection in the possession of David Belardes, San Juan Capistrano. See also San Juan Capistrano Mission, Vol. I, 1866-1886 (see ATTACHMENTS, PART III).

126/ Ed Arbiso is a Juaneno, living in San Juan Capistrano. He has been the Mission's bell ringer for over 15 years.

127/ Several of the ethnographic accounts discuss and/or mention medicine men/Indian doctors: e.g., Fr. Geronimo Boscana (1933) see note 85; Juaneno Field Notes, see note 4; Raymond White. Luiseno Social Organization. University of California Publications in American Archaeology and Ethnology 48(2):91-194 (Berkeley 1963).

128/ Oral Interviews: Interview #FE, Tapes #KP, #MM, #EV, #LM, #CH, and #LE.

129/ See Oral Interview, ATTACHMENTS, PART III.

130/ Marcus H. Forster Collection in the possession of Marie Patterson Swanson, Mission Viejo, California.

131/ There are no documents identifying Ralph Charles as a leader; however, the Juaneno have spoken of his leadership. Prior to the Mission Indian Federation and the formal election of Captains (Chiefs), someone whom the Juaneno considered a leader was an individual who everyone knew, respected, and sought their advice and council (cf. Tape #EV in reference to Jose Doram).

132/ "The Indian: The Magazine of the Mission Indian Federation 4(2). (Lists the chiefs and headmen of the various tribes e.g., Marcus H. Forster of the San Juan Capistrano Tribe.) See also note 130, supra.

133/ "Jose Doram, leader of Mission Indians, is dead; funeral held Wednesday". Coastline Dispatch, San Juan Capistrano, California (31 May 1940); Tape #EV; letter to Jonathan Tibbet-Chief Counselor, dated 6 March 1926, signed by Captain Jose Doram (copy of letter is in ATTACHMENTS, PART III).

134/ See reference to news articles PART I, SECTION VI; Tapes #KP, #EV; the majority of Juaneno refer to Clarence Lobo as Chief Lobo. Nearly everyone recognizes him as the leader of the Juaneno Tribe from the 1940s to 1960s.

135/ See note 130, supra.