

THE JUANEÑO BAND OF MISSION INDIANS, ACJACHEMEN NATION

Chairman: David Belardes
Vice-Chairman: Jean Fietze
Member at Large: Alfonso Ollivares

Secretary: Maria Francis
Treasurer: Adeline Williams

July 16, 1993

Michael Lawson
Bureau of Indian Affairs
Branch of Acknowledgement and Research
Mail Stop 4627-MIB
18th and C Street, N.W.,
Washington, DC 20240

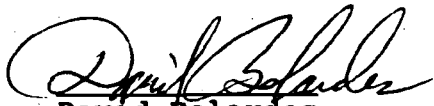
**SUBJECT: REPLY TO OBVIOUS DEFICIENCIES AND SIGNIFICANT OMISSIONS
TO PETITION FOR FEDERAL ACKNOWLEDGEMENT, RECEIVED BY THE BUREAU
OF INDIAN AFFAIRS ON AUGUST 17, 1982**

I, the undersigned, Chairperson of the Juaneño Band of Mission Indians, Acjachemen Nation, authorize the enclosed revision to the original petition for federal acknowledgement by the Secretary of the Interior received by the Bureau of Affairs on August 17, 1982. Acting on behalf of the Juaneño Band of Mission Indians, Acjachemen, Nation, we continue to seek federal acknowledgement as demonstrated by the filing of our revision to the original petition.

The Tribal Council and myself feel that we have sufficiently met the criterion cited in the Obvious Deficiencies and Significant Omission review, Branch of Acknowledgement and Research (BAR), January 25, 1990.

We, the Juaneño Band of Mission Indians, Acjachemen Nation, request that our petition and its revision place our Nation in the status of active consideration.

Sincerely,



David Belardes
Chairperson
Juaneño Band of Mission Indians, Acjachemen Nation

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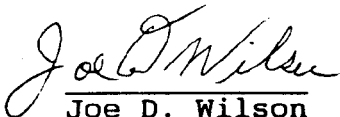
RE: OBVIOUS AND SIGNIFICANT DEFICIENCIES, JUANEÑO BAND OF
MISSION INDIANS, ACJACHEMEN NATION

The enclosed narrative and accompanying addenda are provided by the petitioner, The Juaneño Band of Mission Indians, Acjachemen Nation, with the intent of correcting deficiencies and clarifying omissions cited by the Branch of Acknowledgement and Research (BAR), January 25, 1990.

I have been retained by the Band to act in their behalf as researcher. The petitioners have taken board action and reached consensus on responding to the full omissions and deficiencies (OD) addressed to them in the correspondence from your office dated January 25, 1990. Therefore, a revision to the original petition to thoroughly and accurately complete the federal acknowledgement effort was approved at the Tribal Council meeting on June 13, 1992.

If further clarification of any issue is required, please contact 714/493-8800 or 714/249-3913. At this time, I am the main contact person on behalf of the Band's efforts.

Respectfully,



Joe D. Wilson
Researcher
Juaneño Band of Mission Indians, Acjachemen Nation

cc: David Belardes, Chairman
Juaneño Band of Mission Indians, Acjachemen Nation

Juaneño Band of Mission Indians, Acjachemen Nation - 31742 Via Belardes - San Juan Capistrano, CA 92675

REVISION & CLARIFICATION

OF OBVIOUS DEFICIENCIES AND SIGNIFICANT OMISSIONS

IN THE PETITION FOR FEDERAL ACKNOWLEDGEMENT

BY THE

JUANEÑO BAND OF MISSION INDIANS,

ACJACHEMEN NATION

IN COMPLIANCE WITH 25 CFR PART 83

Submitted by
Joe D. Wilson
Researcher
July 16, 1993

TABLE OF CONTENTS

<u>Contents</u>	<u>Page</u>
Introduction	i-iii
Revision Format	iv
<u>Section A: General Comments and Questions</u>	
1.0. Narrative	1-4
Exhibits	5-33
2.0. Narrative	34-35
Exhibits	36-83
3.0. Narrative	84
Exhibits	85-107
4.0. Narrative	108
Exhibits	109-116
5.0. Narrative	117-118
Exhibits	119-131
6.0. Narrative	132
Exhibits	133-147
7.0. Narrative	148
Exhibits	149
8.0. Narrative	150-151
Exhibits	152-154
<u>Section B: Comments and Questions Regarding Documentation</u>	
1.0. Narrative	155-156
2.0. Narrative	157
3.0. Narrative	158
Exhibits	159-178
4.0. Narrative	179-180
Exhibits	181-182
<u>Section C: Comments Questions Regarding the Membership List, Constitution, and Council Resolutions</u>	
1.0. Narrative	183
Exhibits	184
2.0. Narrative	185
3.0. Narrative	186
Exhibits	187-188
4.0. Narrative	189
5.0. Narrative	190
<u>Conclusion</u>	191

REVISION & CLARIFICATION
OF OBVIOUS DEFICIENCIES AND SIGNIFICANT OMISSIONS
IN THE PETITION FOR FEDERAL ACKNOWLEDGEMENT
BY THE
JUANENO BAND OF MISSION INDIANS,
ACJACHEMEN NATION
IN COMPLIANCE WITH 25 CFR PART 83

INTRODUCTION

The enclosed narrative and accompanying addenda are provided to clarify obvious deficiencies and significant omissions of the Juaneño Band of Mission Indian's, Acjachemen Nation, petition for federal acknowledgement as an Indian tribe. This document clarifies the deficiencies and/or omissions that have been cited by the Branch of Acknowledgement and Research (BAR). The obvious deficiencies (OD) review appears in correspondence from the United States Department of Interior, Bureau of Indian Affairs, BAR, dated January 25, 1990.

The original petition for federal acknowledgement by the Juaneño Band of Mission Indian, Acjachemen Nation, was received by the Bureau of Indian Affairs on August 17, 1982. The revision to the original petition demonstrates that the Juaneño Band of Mission Indians, Acjachemen Nation meets all criteria set forth in 25 CFR Part 83. The complete response to the OD cited by the BAR are structured in the following format:

The OD letter addresses three major areas in the original petition which require clarification and/or elaboration. Each major area consists of key issues. In direct response to the OD, these major areas are divided into sections A, B, and C. Within each major area, the key issues are addressed in detail.

Section A, "General Comments and Questions". In this section there are eight issues which receive clarification and elaboration which are in direct response to the OD.

Section B, "Comments and Questions Regarding Documentation". In this section there are four issues which receive greater description and clarity directly related to the OD.

Section C, "Comments and Questions regarding the Membership List, Constitution, and Council Resolutions". Here, five major issues are addressed and provide documentation and clarification.

All products, research documents, archaeological reports, video productions, interviews, maps and all related items are the sole property of the Juaneño Band of Mission Indians, Acjachemen Nation. These documents are submitted with the revision for review by the BAR for the express purpose of petitioning for federal acknowledgement of the Juaneño Band of Mission Indians, Acjachemen Nation.

Inquiries and communiques should be directed to the key contact person: Joe D. Wilson, Researcher, 714/493-8800 and 714/249-3913. Chairperson of the Juaneño Band of Mission Indians, Acjachemen Nation, is David Belardes, 714/493-4933.

REVISIONS IN DIRECT RESPONSE TO OBVIOUS DEFICIENCIES AND SIGNIFICANT OMISSIONS

Revision Format

The format to delineate this revision falls into three basic groupings:

- 1.0. The following document addresses significant deficiencies cited by the Branch of Acknowledgement and Research (BAR). The obvious deficiencies and significant omissions (OD) along with appropriate responses are divided into Sections A, B, and C. Each section has been assigned a number to facilitate OD referencing. eg., Section A addresses 8 items: Section B addresses 4 items: Finally, Section C addresses 5 items. The criteria cited by BAR as being deficient has been extensively evaluated. Clarification, elaboration, and in some cases, new evidence is presented to demonstrate that the Juaneno Band of Mission Indians, Acjachemen Nation has corrected the deficiencies specified by BAR.
- 2.0. In all sections, the deficiencies and omissions cited by BAR are repeated verbatim and displayed in underlined italics. The immediate response and addenda are presented in standard type with no underline.
- 3.0. Exhibits are utilized extensively to support and substantiate the narrative that addresses each omission or deficiency. It should be noted that exhibits consists of:
 - 3.1. New evidence, data, and other media which appropriately contributes to clarity.
 - 3.2. References which allude to data already included in the original petition submitted August 17, 1982.

SECTION A: GENERAL COMMENTS AND QUESTIONS

- 1.0. It would be helpful to have a brief chronology of Juaneño history demonstrating continuity. After its preparation, any major temporal gaps would provide you with a guide as to where you should concentrate your research to demonstrate the group's community and political continuity (page 2).

1.0. RESPONSE:

The character and makeup of the Juaneño Band of Mission Indians, Acjachemen Nation history focuses on two predominate and lasting issues. These two ongoing concerns deal with the preserverance of Juaneño traditions and the issue of federal acknowledgement. The following diagram will chart the known Juaneño history from the time of European contact to the present and further articulate tribal concerns (see following items, 1.1. through 1.3.).

A brief Chronology/History of Juaneño Band of Mission Indians, Acjachemen Nation [Pre Contact Era] Traditional Juaneño lifestyle
 ~Indigenous Religion~ Tribal Government by Consensus ~ Trade, Farming, and Hunting {Archeological evidence shows that Juaneños were here 7000 years ago, RE: Historic Town Center Archeological report, Beth Paden, Principle Investigator for L.S.A., 1988}

Spanish priests with Spanish and Mexican soldiers and workers came following Portola Expedition	1770	SECTION A 1.1 -
Founding of San Juan Mission at Capistrano by Father Junipero Serra	1776	Declaration of Independence of the United States
	1784 to	Spanish/Mexican occupation of California
	1848	Land grants established (Rancho Period- Juaneño were the vaqueros on the ranchos)
Father Geronimo Boscana wrote " <u>Chinigichinich</u> " (book reporting Juaneño Indian tribal customs, rituals, and acknowledges native political structure)	1822	
	1841	Spanish priests forced out and Mexico became established government
Mexican/American Treaty (Mexican to U.S. ownership of Alto California)	1848	
	1849	Gold Rush--immigrants begin to take away the land
Lincoln returns Mission land to the Missions	1850	
Land Commission Act	1851	Federal lands processed through the State of California
		Juaneño lost their lands at this point
California Statehood	1852	
California State Indian Census (published after 1900, before Reservation system established)	1852	State gives land freely without Indian consent, makes treaties that are never ratified, and sends documents to Washington which are locked in "lost" file
		Proposed unratified treaties with California Indians (Juaneño omitted)
Indian lawsuit with U.S. Government awarded to California Indians	1928	
	1930 to 1933	B.I.A. conducts major federal census to count California Indians - most Juaneño missed
Census complete	1941	
\$25,000,000 awarded to all California Indians		
	1952	\$150 per California Juaneño awarded
Allotment Roll	1968	
	1972	Clarence Lobo (spokesperson for the Juaneño) refused to cash check in protest of termination of Indian rights by Federal Government
Modified to \$1.5 million (\$668 per Indian--4,500 Juaneños cashed checks and received termination letter)	1972	
	1979	Juaneño band formally organized for purpose of preparing application for recognition
Petition for Federal Acknowledgement received by BIA	1982	
BAR forwards initial review of omissions and deficiencies to Juaneño Band of Mission Indians	1990	
	1992	Revisions to initial OD review submitted to BAR

- 1.2. Juaneño tradition. The most central concern for Juaneño tradition relates to the maintenance of language, religious ceremonies and customs, observance of family histories, and community decorum and protocol.

Throughout Juaneño history no formalized written narratives have been recorded by tribal members to document their traditions. Customarily, it is felt by Band members that to write about and document their legacy is wholly inappropriate.

Thus, Juaneño tradition conventionally passes from generation to generation by ceremony and practice. ***The Juaneño Band of Mission Indians, Acjachemen Nation tribal practices and history are handed down by use of Oral Traditions.***

Except for decimation by either hostilities during the past 225 years, or disease and/or acculturation, there are no temporal gaps related to Juaneño Band of Mission Indians, Acjachemen Nation in terms of American Native culture. Based on a significant sampling of Juaneño beliefs and attitudes, the latter appears genuine and highly substantiated.

The most current and verifiable history of the Juaneño Band of Mission Indians, Acjachemen Nation may be observable in the interviews conducted with tribal elders. These conversations with the elders recall events of Juaneño traditions and ceremonies of their childhood (see exhibits).

- 1.3. Federal Acknowledgement. This area of Juaneño Band of Mission Indians, Acjachemen Nation history is relatively contemporary in nature. In 1972 the U.S. Department of Interior, Bureau of Indian Affairs undertook legislation and activities which in effect stated that the Federal Government no longer acknowledged the Juaneño Band of Mission Indians, Acjachemen Nation as being American Indian.

If any "Temporal Gaps" occur, it would be in the era from the 19th century to 1920's. During the 20's, the Juaneño Band of Mission Indians, Acjachemen Nation became affiliated with the American Indian Federation and maintained a relationship that lasted through the 40's. After

1972, formalized and recorded history focused primarily around establishing a sound enrollment data base of Juaneño membership. Before 1972 there was no clear evidence that the Juaneño Band of Mission Indians, Acjachemen Nation was not a viable American Indian Tribe. Therefore, no stringent efforts were made to document political activities and group dynamics prior to 1972 because tribal members simply felt they were, and always have been, the Acjachemen people. The concept of having their ethnicity and birthright terminated by government legislation was inconceivable. Perhaps, if forewarned of the eventual occurrences the Juaneño Band of Mission Indians, Acjachemen Nation may have practiced meticulous record keeping in all aspects of their lives.

Therefore, in contrast to the Juaneño traditional history the federal acknowledgement, and enrollment data phase of their history is well documented. This documentation is recorded by both tribal officers, print and broadcast media, ethnographers, and San Juan Mission records (see exhibits).

Understandably, it is easy to manipulate and document raw, hard data. Succinct and cogent information such as names, birth dates, and roll numbers, are criterion which can easily be diagramed and charted. In comparison, Juaneño tradition practices and ceremonies are extremely subjective, and complex to decipher by the most skilled ethnographer and/or cultural anthropologist. Band members are aware of the distinction between the hard data required to establish membership and the more subjective area of Juaneño values and traditions. There has been discussion amongst the Tribal Council that perhaps a definitive anthropological study of the Juaneño Band of Mission Indians, Acjachemen Nation be conducted to quantify and qualify the indigenous people of this Band. Scientists such as Lowell Bean and Florence Shippek are located in California. It is felt that a study by such renown scientists would absolutely resolve any doubts regarding the legitimate and enduring existence of the Juaneño Band of Mission Indians, Acjachemen Nation.

SECTION A: GENERAL COMMENTS AND QUESTIONS

2.0. The petition needs to describe the nature of the Juaneño community from aboriginal times to the present. Considering the long relationship that the Juaneño had with the mission, a more extensive description of this relationship would be of value to us in understanding the group's continuity.

2.0. RESPONSE:

European contact with the Juaneño Band of Mission Indians, Acjachemen Nation dates back to 1542-1543, as recorded in Cabrillo's Log "A Voyage of Discovery" (Juan Pàez) (see exhibits). It is estimated that initial contact occurred in an area designated by Cabrillo at Bahia de los Humos approximately 450 years ago.

Today, "Los Cristiantos" is celebrated frequently by the city of San Clemente, California. "Los Cristiantos" signifies the first known Catholic baptismal ceremony involving a "neophyte", or, Juaneño. The date of this first baptism is recorded in 1769. All evidence reveals that this was the first American Indian and European ministry interrelationship recorded in Alta California. This pageant is important in that it further substantiates the relationship of the Juaneño Band of Mission Indians, Acjachemen Nation and the church.

Ever since the founding of the Mission San Juan Capistrano in 1776, the Juaneño Band of Mission Indians, Acjachemen Nation have maintained a contiguous relationship with the Mission. Documentation of this ongoing relationship appears in the exhibits.

Of all Mission records dating back 225 years ago, the most definitive and omnipotent work on California ethnography was authored by Father Geromino Boscana, a Franciscan priest. Boscana wrote exclusively of the Juaneño customs, rituals, and political structure he observed at approximately 1822. In his ethnographic interpretations of the Juaneño, Boscana held them in low regard:

"The Indians of California may be compared to a species of monkey; for in naught do they express interest except in imitating the actions of others, and, particularly in copying the ways of the gente de razón, or white man..."
(Chinigchinich, Boscana, p. 87)

It seems the intent of Boscana to limit his writings to the descriptions of those Juaneño who were converts, despite his

personal anthropomorphisms. However, what has evolved from his manuscript is an observation of day to day life of the native people in the San Juan Capistrano area. Equally important is the fact that Boscana's work documents the long lasting interrelationship of the Juaneño Band of Mission Indians, Acjachemen Nation and the Mission San Juan Capistrano from 1769 to the present. There are other sundry and related writings which mention European contact dating back to the 16th century (see exhibits). It is important to emphasize that, at the time of Boscana's observations and recordings 53 years after initial contact, the Juaneño were still proactive in the practice of their indigenous traditions and culture.

SECTION A: GENERAL COMMENTS AND QUESTIONS

3.0. The contemporary Juaneño community should be comprehensively described. The residences of 901 members appear to be widely scattered, with a large group living in Santa Ana. It is important that you demonstrate that your membership constitutes a cohesive community. Descriptions of any communication systems or visiting patterns within and between families and any cultural or social event which bring the membership together (such as ceremonies, weddings, funerals, homecomings, etc.) would illustrate the community's cohesion.

3.0. RESPONSE:

In addition to the descriptions of the contemporary Juaneño included in the original petition, this section will expand on the interrelationships and community activities which are routine in Juaneño life. Today, the Juaneño reside generally throughout Orange, San Bernardino, Los Angeles, San Diego, and Riverside counties. The major concentrations of the Juaneño population are in Orange County, with the majority being divided between the cities of Santa Ana and San Juan Capistrano.

The Juaneño people, like the majority of mainstream non-reservation American Indians, live biculturally. Without an established land base, they reside in urban and suburban areas in Southern California. They are not employed in any major specific area and reflect a variety of vocations, technologies, and professional career positions. A significant number attend higher education institutions. Consequently, the Juaneño Band of Mission Indians, Acjachemen Nation display a profile typical of the working middle class American.

Away from the mainstream, the Juaneño Band of Mission Indians, Acjachemen Nation people have maintained their cultural integrity by means of tribal ceremonies and practices that involve the entire community. Characteristically, the Juaneño display their cohesiveness through activities such as christenings, baptisms, marriages, funerals, and family reunions.

Ethnic and cultural ceremonies are celebrated at different times and places during the year. For example, several times a year celebrations are staged on the Mission grounds. At other times, at least quarterly, ceremonies occur at the Panje village site. Panje consists of five acres which have been set aside by the United States Marine Corps at Camp Pendleton. At this site, are campgrounds, and a dance arena. Within this arena the California Ghost Dance has been performed by certain members of the Juaneño Band of Mission Indians, Acjachemen Nation along with the Eagle Ceremony, Rites of Passage (birth, naming, adolescent initiation, marriage), Mourning (burial) in connection with Repatriation, and reburial services occur regularly when appropriate (see exhibits).

SECTION A: GENERAL COMMENTS AND QUESTIONS

4.0. We need a better description of the factionalism that exists between the Juaneño and the San Juan Capistrano Community. The character of the division should be described in detail.

4.0. RESPONSE:

After surveying and interviewing Band members and key San Juan civic groups, it is difficult to ascertain any areas where there is or has been any significant factionalism between the Juaneño Band of Mission Indians, Acjachemen Nation and any other private or public organization.

On occasion differences occur between members of any organization. In a particular instance cited here, a misunderstanding regarding an administrative communique by Mission officials and the Juaneño community, caused a brief disruption over the use of the Mission gym/auditorium. Through several meetings and correspondence the issue was resolved with no meaningful consequences to either party (see exhibits).

Finally, in the numerous attempts to preserve significant historical sites and pastoral settings of this once isolated farming community, the Juaneño have on occasion attempted to forestall development. In many instances, Band efforts are not without frustration in terms of relations with developers. In these situations, resolutions befitting both parties are negotiated with no long term community factionalism aftermath (see exhibits).

SECTION A: GENERAL COMMENTS AND QUESTIONS

5.0. There are several closely related groups in this area of California and it is not always clear which group is being referred to in the documents submitted with your petition. The petition should make it clear that the Juaneño are a distinct group and separate from these other groups. The relationships of the Juaneño with these other groups should be made explicit.

5.0. RESPONSE:

The Juaneño Band of Mission Indians, Acjachemen Nation demonstrates its clear distinction and separateness from other neighboring Nations, such as the Gabrielaño, Luiseño, Cupeño, Pala, Serrano, and Cahuilla in the following ways:

5.1. Celebration of ancient Juaneño ceremonies. Some of the ceremonials that occur at the Panje village site are attended and performed by Juaneño people exclusively. In these events, only Juaneño people may attend. Other neighboring Indian Nations are excluded from these particular Juaneño ceremonies such as:

- 5.1.1. Eagle Dance
- 5.1.2. Rites of Passage
- 5.1.3. Mourning
- 5.1.4. Repatriation and Reburial Ceremonies

5.2. Regional Pow Wows. The Juaneño Band of Mission Indians, Acjachemen Nation are routinely accorded honors at local pow wows and are introduced as being the host Indian Nation in the area because Orange County is the tribal land of the Juaneño.

5.3. The Juaneño Band of Mission Indians, Acjachemen Nation are accorded distinction by such organizations as:

- 5.3.1. San Juan Historical Society
- 5.3.2. Mission San Juan Capistrano
- 5.3.3. California State Native American Heritage Commission
- 5.3.4. Universities of California and California State Universities
- 5.3.5. California Indian Education Association
- 5.3.6. Southern California Tribal Chairman's Association (represents 20 Southern California Tribes)
- 5.3.7. Local and state government officials
- 5.3.8. Southern California Indian Center
- 5.3.9. "Native California" Newsletter
- 5.3.10. Bowers Museum, Santa Ana, California
- 5.3.11. United States Marine Corps, Camp Pendleton
- 5.3.12. Southwest Museum, Los Angeles, California

- 5.3.13. Malki Museum, Morongo Indian Reservation,
Banning, California
- 5.3.14. California Legal Services
- 5.4. The establishment of the Juaneño Band of Mission
Indians, Acjachemen Nation with the state of
California as a non-profit organization clearly
demonstrates that the Band is a viable and totally
independent Nation. It is recognized by the
organizations listed herein that the Juaneño Band
of Mission Indians, Acjachemen Nation are
indigenous people who are seeking federal
acknowledgement and reinstatement as American
Indian. David Belardes, Chairperson for the
Juaneño Band of Mission Indians, Acjachemen Nation,
is the most likely descendent for Orange County and
would be the person to contact with regards to
reburial and remains.

SECTION A: GENERAL COMMENTS AND QUESTIONS

6.0. It is important that the group be able to demonstrate political continuity from the past to the present. While the early political system may be difficult to document, it should be described for each phase of the Juaneño history. Included should be a discussion of the various political changes that have occurred. A list of "chiefs" or leaders and a brief but documented description of each of their roles in Juaneño history would help fill the gaps and demonstrate political continuity.

6.0. RESPONSE:

Mission records and conversations with tribal elders indicate that political continuity has been maintained since first contact with the European community. The early Juaneño political system and the contemporary system are divided into two areas (addressed in section A-1, Juaneño tradition & federal acknowledgement). As previously discussed, Juaneño political leadership focuses on preservation of Juaneño traditions from aboriginal times to the present. Secondly, since the 1972 termination and judgement rolls, the Juaneño have been very active and well documented in their political enterprises.

Ongoing efforts are being made to continue interviewing tribal elders whose memory precedes the year 1920. Juaneño leadership has been referred to at various times in history as "Capitan", "Capitana", "Alcalde", "Chief", "Spokesperson", and "Chairperson".

The following exhibits demonstrate political unity in regard to either the perseverance of traditions and formalized political activity directed at establishing recognition by government entities. The Band has always functioned by conducting meetings and business in accord with "Roberts Rules of Order" and its constitutional bylaws.

TRADITIONAL JUANEÑO LEADERSHIP

Philipa Olivares was the "Capitana" or Tribal leader of the Juaneño Band of Mission Indians, Acagchemem Nation from approximately 1924 to 1929. She was assisted by her secretary, Mary Wandel and by Marcos Forster.

Marcos Forster was considered the "Overseer" of the Juaneño. He assisted with the enrollment of the Juaneño children to the Sherman Institute in Riverside California.

Following Philipa Olivares was Joseph Doram. His term lasted approximately ten years, from 1930 to 1940.

Then in 1942 Clarence Lobo became honorary chief and tribal spokesperson. His term lasted through 1972, at the time of his death.

Following Lobo, was Raymond Belardes whose leadership extended from 1977 through 1989, at which time he was removed as tribal chairperson through parliamentary procedures established in the Juaneño constitution and by-laws.

Since 1989, David Belardes has served as tribal chairperson and is currently up for reelection by the tribal electorate.

Patra Doram Valenzuela is a revered elder (79 years) interviewed on July 31, 1992, 3:30 PM. Conversation with Mrs. Doram Valenzuela is based on her recollections of Juaneño Tribal leadership which dates to the 1920's.

*NOTE - Actual election date 1946, Tribal election of Chief Clarence Lobo, as related by Chairperson, David Belardes.

SECTION A: GENERAL COMMENTS AND QUESTIONS

7.0. It is not clear whether some of the "leaders" involved in several local, regional and national organizations had the support of the group as a whole. A more detailed description of Juaneño's involvement with these organizations would help clarify the precise involvement of the group and its leaders with these organizations.

7.0 RESPONSE:

At the date of this response, the past 72 years of Juaneño leadership is highly visible and documentable. Going back to the time of Capitana Philipa Olivares, the Juaneño Band of Mission Indians, Acjachemen Nation, leadership has consisted of governance by consensus.

Leadership by consensus leads to, by its very nature, diverse opinions in regard to any decision making process. It is important to note that in governance by consensus it may appear that factionalism arises. However, rather than factionalism, it is merely the presence of dissimilar opinions. Those with differing ideas move to persuade others toward their way of thinking. In some instances, in the Juaneño resolution procedure, the protagonist may seek to sway the entire body away from the leadership or the prevailing point of view. This mechanism may be comparable to a split jury in deliberation attempting to reach a verdict. Although a decision by the Band may be rendered through consensus it may not necessarily reflect the total support of everyone. This method allows the dissenter(s) to stand by their minority position and yet yield and support the Juaneño leadership.

As a result, Juaneño involvement with local, regional, and national Indian and non-Indian organizations has typically been supported by the majority of the Band membership. Documentation of involvement on any key or major issue may be found in minutes of Band meetings.

Moreover, the most critical issues facing the Juaneño Band of Mission Indians, Acjachemen Nation for the past 150 years have been factors which threaten to destroy their cultural integrity. There may exist reoccurring periods of dissatisfaction with Juaneño leadership by its members over secular events and activities such as meeting times, ceremonies, social events, etc. However, the large scale global issues such as tribal identity, loss of water and land, repatriation of burials, efforts to maintain family records and their oral traditions have created a fundamental need for the Juaneño to address all entities/organizations with unified support of their leadership.

7.1. Juaneño involvement with local, regional, and national organizations detailed in Section A:
1.3.

SECTION A: GENERAL COMMENTS AND QUESTIONS

8.0. In describing the current political system, you might include, among other things, a discussion of dispute resolutions, distribution of tribal resources, and how the members bring issues before the tribal council or general council.

8.0. RESPONSE:

The following describes the Juaneño Band of Mission Indians, Acjachemen Nation prevailing political system which allows for conflicts/dispute resolution, distribution of tribal resources, and how issues are brought before the tribal council.

8.1. In the current Juaneño Band of Mission Indians, Acjachemen Nation political system, conflict and dispute resolution issues are reconciled in a systematic procedure outlined in the constitution and the Articles of Incorporation (see exhibits). In general, the majority of disputes never reach the floor. In most instances, informal methods are utilized to settle divergent matters.

In the past 16 years, only one major dispute has been brought before the tribal council (see exhibits). As previously stated, the bylaws were cited and function as the principal document utilized by the tribal council to:

- 8.1.1. Identify the problem
- 8.1.2. Formulate a subcommittee
- 8.1.3. Gather data/information and document problem area
- 8.1.4. Notify person/persons allegedly involved in problem area and establish an agenda meeting
- 8.1.5. Discuss and ameliorate problem areas
- 8.1.6. Negotiate a resolution
- 8.1.7. Document and record all proceedings

8.2. As a California non profit organization, tribal resources are essentially confined to capitol earned from fund raising civic activities. Services performed are through volunteer efforts. A small amount is garnered via membership dues. The Juaneño Band of Mission Indians, Acjachemen Nation resources are a cash fund that rarely exceeds \$1000 per calendar year.

When available, resources may be shared with Band

members in need of assistance. Social service needs of the Juaneño community are sought from public service agencies. To this date, the Band has never applied for or received state or federal grant monies.

- 8.3. Members of the Juaneño Band of Mission Indians, Acjachemen Nation may submit any issue or concern to the tribal council for their consideration. Tribal council meetings occur on a monthly basis at a minimum. Meetings are held at the Mission gym, Harrison House Parra Adobe in San Juan Capistrano, California. Meetings may also occur at the Panje Village site located in San Clemente, California (see exhibits).

Sub-groups such as Juaneño elders, dance ceremony participants, special ceremonial participants (baptism, repatriation, etc.), fiber arts classes, language classes, and any other special interest gathering meet as mutually decided (see exhibits).

SECTION B: COMMENTS AND QUESTIONS REGARDING DOCUMENTATION

1.0. Your petition includes a number of documents, but the narrative does not explain how and why they are relevant to the criteria. Many of the documents pertain to the American Indian Federation. These documents need to be further discussed as to how the Juaneño were involved and how the Juaneño fit into the documents provided.

1.0. Original Petition, Special Exhibits, Parts 1 through 5, Pages 1 through 260. This exhibit consists of attachments that were part of the original petition but were unreferenced. This "Special Exhibit" being returned, is page numbered 1 through 260. In addition, it is divided into five parts. It is being resubmitted since its assumed the original purpose was to have the supplementary information support the 1982 petition.

2.0. RESPONSE:

In response to this item, reference was made to the petition and its accompanying documents. The original author of the petition, Paige Talley, is unavailable to consult with at this date. There is a 10 year gap between the original petition and its revision. In addition to the unavailability of the original author of the petition, the majority of the Band's officers have been replaced due to tribal elections, attrition, death and other transient reasons. Upon re-examination of the petition filed 1982, three documents were found in the narrative with no appropriate or specific introduction. They were:

2.1. Newsletters, Pages 26 through 32. The newsletters referenced on these pages may have been placed in the narrative at this specific location to support the "Description of the Contemporary Juaneño Band of Mission Indians" (page 24).

2.2. Constitution of the Juaneño Band of Mission Indians Pages 159 through 166. The petitioner most likely attempts at this juncture to demonstrate that it is exhibiting its governing document. Further, the Band is presenting a written document describing membership criteria and its procedures for orderly self government. This document, "Constitution of the Juaneño Band of Mission Indians", would seem appropriate to meet 54.7(d) outlined in "Rules and Regulations" (page 39361).

2.3. Membership List, Attachments, Part V. These attachments assumably were to display current

enrollment data. This item will be treated more thoroughly in Section C: 1.0. (see Section C: 1.0.)

SECTION B: COMMENTS AND QUESTIONS REGARDING DOCUMENTATION

2.0. While you have provided copies of some of the documents cited in the petition narrative, it is extremely important that copies of all documentation used as supporting evidence be made available. If the documentation is in books, magazines or newspapers that will not be readily available to the BAR when your petition is placed on active consideration, please submit xerox copies of the relevant pages that are referenced in the narrative. If the documentation is in a form that is available only locally, please provide copies.

2.0. RESPONSE:

Additional evidence and copies of print media are integral to this revision. Supplementary copies are provided throughout the revision and are appropriately relevant in support of the narrative. An effort has been made to provide copies of all supplementary references in this revision.

SECTION B: COMMENTS AND QUESTIONS REGARDING DOCUMENTATION

3.0. The manuscript prepared by Scientific Resource Surveys, Inc., included a chapter on Juaneño ethnography. Only a portion of this chapter was submitted with the documented petition and it would be useful to have the entire chapter. Also, there are references to oral history tapes in the narrative and footnotes. If any of the referenced tapes have been transcribed, could copies be provided?

3.0. RESPONSE:

In response to this item, there are two references which will clarify and augment the information requested:

3.1. Manuscript, Scientific Resource Surveys, Inc.
The Chapter requested is provided (see exhibits).

3.2. Oral History Tapes. The Oral History Tapes referenced in this item are available only at on-site location. ie., tapes are available by appointment with recorded participants at local area only (San Juan Capistrano). Additional video tapes are being transcribed and edited at the time of this writing and will be accessible in the future.

SECTION B: COMMENTS AND QUESTIONS REGARDING DOCUMENTATION

- 4.0. Please describe the Marcus A. Forster and Alfonso Yorba collections that are mentioned as sources in the petition and whether these collections would be available to the BAR when your petition is placed on active consideration. If any of the documents from these collections are used in your research please provide copies. Are any of the documents held by the late Clarence Lobo available to your researcher? A description of the "extenuating circumstances" (P.67) that prevented earlier membership lists from being supplied by Lobo would be helpful.

4.0. RESPONSE:

The information requested here regarding Marcus A. Forster and Alfonso Yorba, along with Clarence Lobo may best be fulfilled by providing cursory summaries of each person.

- 4.1. Marcus Forster. Mr. Forster, though not a Juaneño, in his lifetime worked extensively with the Juaneño community. In his collection, Forster documents current events within the Juaneño Band of Mission Indians, Acjachemen Nation during the 1920's, 30's, and 40's. He knew the importance of Chief Clarence Lobo's early efforts to begin documenting Juaneño tribal membership. During these three decades mentioned here, there was a growing community awareness that tribal membership was moving away from traditional forms of acknowledgement. Further, that it would no longer be sufficient to maintain membership in traditional ways. Instead, a new and unfamiliar form of enrollment verification was replacing ancestral methods of acknowledgment.

Forster, assisted the Juaneño in their affiliation with the American Indian Federation which began its work in the 1920's. He is recognized by the Juaneño Band of Mission Indians, Acjachemen Nation as one of their principal ethnographers and historians. Mr. Forster was instrumental in assisting Juaneño youth in their efforts in enrolling in Sherman Indian School, Riverside, California. Forster married into the Parra family.

- 4.2. Alfonso Yorba. Señor Yorba, who passed away July, 1992 and last resided in Morroco, was endowed with a multiplicity of talents which included comprehensive ethnographic chronicles of the Juaneño.

Yorba maintained a daily diary with excerpts on the Juaneño from 1929 to 1943. He also kept note books entitled "Libritos" which included journals where he kept interviews with tribal elders and took many photographs. He wrote articles for "Westways" magazine, and for the California State Historical Society and numerous publications through the print media.

Summary. The collective works, journals, and diaries consist of hand written pages and are so voluminous that it would require a considerable amount of time and resources to gather and photocopy their writings. However, if the availability of these materials are an absolute requirement, arrangements could be made to compile their works and present them in support of this revision and be forwarded some time in the near future. It is anticipated that eventually their works will be incorporated into the Bancroft Library. The Yorba collection resides with Chairperson, David Belardes, and the Forster manuscripts are with Ms. Pat Swanson, Forster's granddaughter. Both persons reside in Southern California, and are on file with the Band.

- 4.3. Clarence Lobo. A conversation with Tribal Chairman, David Belardes, indicates that nothing has occurred to modify "the extenuating circumstances" cited in the original petition, page 67. Since Lobo's move to northern California and subsequent death, no communication between Band members or his descendants has been maintained.

However, at the date of this writing, Lobo's sister, Evelyn Villegas Lobo has been accorded the distinction of "Matriarch" of the city of San Juan Capistrano. Mrs. Villegas-Lobo has furnished portions of hand-written enrollment information and other documents which she received from Clarence Lobo's wife, Bess Lobo. It is anticipated that additional pertinent Juaneño documents will be forthcoming as a result of this relationship.

SECTION C: COMMENTS AND QUESTIONS REGARDING THE MEMBERSHIP LIST,
CONSTITUTION, AND COUNCIL RESOLUTIONS

- 1.0. You should continue to keep your membership list current by recording new births and deaths which take place in the interim before the petition is placed on active consideration. When you are notified that the petition is being placed on active consideration, a supplemental list should be submitted which will include those additions to the membership, such as newborn infants and individuals who were inadvertently omitted from the list. The supplemental list should also note those members on the list submitted with the petition who are deceased.

The membership list submitted as part of the acknowledgement petition should be certified by the Tribal Council. The certification should cover both the list submitted with your petition and any supplemental lists which are to be considered as part of the membership list submitted for acknowledgement purposes.

1.0. RESPONSE:

The evidence referenced herein will address and provide facts to delineate the information requested on page 4 of the OD review (paragraphs 1, 2, 3, and 5). The membership list of the Juaneño Band of Mission Indians, Acjachemen Nation consists of three categories of enrollment data which reflects total Band membership.

- 1.1. 1979 Roll. After Band reorganization, a community wide effort to establish a basic membership roll began. The purpose was an attempt to move from ancestral methods of accounting for its membership to a more formalized mode of documentation.
- 1.2. Additions/deletions to 1979 roll. During the time since the roll was re-established, care has been taken to add births to the enrollment/membership list. Likewise, notation has been made to document members who are deceased.
- 1.3. Judgement Rolls. See Juaneño Band of Mission Indians, Acjachemen Nation Tribal Enrollment.
- 1.4. Certification by Tribal Council. The Juaneño Band of Mission Indians, Acjachemen Nation has certified all enrollment data. This includes the basic enrollment, births and deaths, and the basic judgement rolls (see Tribal Rolls).
- 1.5. Enrollment Application. No changes or amendments to Article III (3) (a) of the Juaneño Constitution have occurred since the original petition. The Tribal enrollment application form is attached (see exhibit).

**SECTION C: COMMENTS AND QUESTIONS REGARDING THE MEMBERSHIP LIST,
CONSTITUTION, AND COUNCIL RESOLUTIONS**

2.0. The constitution refers to a 1979 membership roll. A copy of this roll needs to be provided. If such a 1979 roll does not exist, an explanation should be provided as to why the roll was never compiled.

2.0. RESPONSE:
See Section C: 1.0., all items.

SECTION C: COMMENTS AND QUESTIONS REGARDING THE MEMBERSHIP LIST,
CONSTITUTION, AND COUNCIL RESOLUTIONS

3.0. Please provide documentation as to when the constitution was ratified pursuant to Article XI of the constitution. If you are also using bylaws, please submit a copy of the bylaws and documentation as to when the bylaws were adopted.

3.0. RESPONSE:

Ratification of constitution, pursuant to Article XI, June 21, 1980 (see attachments).

3.1. Constitution and Articles of Incorporation are governing documents. Presently not using other bylaws.

SECTION C: COMMENTS AND QUESTIONS REGARDING THE MEMBERSHIP LIST,
CONSTITUTION, AND COUNCIL RESOLUTIONS

4.0. Enclosed are copies of the first page of four of the attachments to your petition. Please describe in as much detail as possible the origin and purpose of each item, including who prepared it, approximately when it was prepared, and where the original is now located. We understand that one of the items is the membership lists from the early years of the Mission Indian Federation referred to in the petition narrative; however, we cannot determine which item is this list.

4.0. RESPONSE:

Attachment (1) are the 1930 census takers notes at San Juan Capistrano compiled for the 1933 Rolls.

Attachment (2) is another list of San Juan Capistrano Indians. This document is unknown but possibly the Mission Indian Federation Roll referred to in the Petition Narrative.

Attachment (3) is a listing of the San Juan Capistrano Indians from the approved 1933 Rolls compiled by Don Doram.

Attachment (4) is a list of elders and is being updated for this writing.

All four attachments are in their entirety in part five of the original petition attachments.

SECTION C: COMMENTS AND QUESTIONS REGARDING THE MEMBERSHIP LIST,
CONSTITUTION, AND COUNCIL RESOLUTIONS

5.0. If you use a formal enrollment application, please submit a sample copy of the application form. If the Tribal Council has passed any ordinances regarding the enrollment or disenrollment procedures pursuant to Article III (3) (a) of your constitution, please submit copies of these ordinances. Please submit copies of the resolutions adopting the two members of your group noted in the petition narrative regarding adopted members, if the adopted member possesses the required Juaneño blood quantum, is the adopted member considered a voting member?

5.0. RESPONSE:

5.1. See Section C: 1.0., all items.

5.2. The Tribal has not passed any ordinances regarding Article III (3) (a) of the constitution.

5.3. The three adopted members are not Juaneño and are honorary only. The third adopted member, Steve Demara, was adopted at the writing of this packet. All adopted members hold no voting or tribal privileges. They are individuals who have been friends and supporters of the Juaneño Band of Mission Indians, Acjachemen Nation.

5.4. Sample copy of the application form, enrollment procedures, etc. (see exhibits in Section C, 1.5)

Conclusion

I have been associated with the Juaneño Band of Mission Indians, Acjachemen Nation since 1974, near the beginning and formation of the Capistrano Indian Council, Inc.

During this ongoing relationship, I have personally witnessed many aspects of their lives which tacitly substantiate and chronicle their existence as American Native people.

Perhaps the strongest proof I have experienced is through their language and ceremony. I have heard Indian people from out of state speak with elders in a Shoshone dialect. Also, I have observed and participated in dances unique to California Rattle practices.

The Southern California community at-large and the church acknowledge the Juaneño Band of Mission Indians, Acjachemen Nation as a sovereign nation.

One major theme permeates their history and is interwoven throughout their lives today. The steadfast and unfailing grasp of their Indian identity is starkly remarkable. For the past 150 years they have at times gone "underground" with their culture in all aspects, simply to survive.

It cannot be taken lightly that today eminent scientists are able to document their enduring permanence as an American Indian tribe (Bean, Shipek, Leakey, et.al.).

In the near future, efforts will be undertaken to conduct a formalized scientific documentation of their tribal existence. Meanwhile, there is more than adequate proof of their tribal history to place them into the "active consideration" category.

Respectfully,

Joe D. Wilson,
Researcher