

**Juaneño Band of
Mission Indians
Acjachemen Nation
Petition 84A**

Jean Fietze • Chairwoman
Damien Shilo • Vice Chairman
Christopher A. Lobo • Secretary/Treasurer
Fran Yorba • Member at Large
Ollie Valencia • Member at Large

31877 Del Obispo, Suite 106A
San Juan Capistrano, CA 92675-3209
Telephone (949) 488-3484
Fax (949) 488-3294

Addendum to Obvious Deficiencies

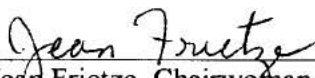
**In the Petition for Federal Acknowledgement by the
Juaneño Band of Mission Indians, Acjachemen Nation**

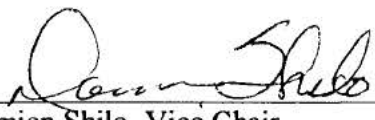
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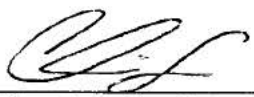
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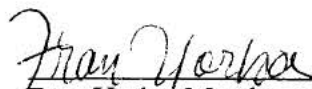
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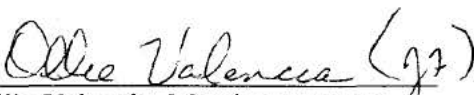
Signed this 23rd day of September, 1999


Jean Fietze, Chairwoman


Damien Shilo, Vice Chair


Christopher A. Lobo, Secretary / Treasurer


Fran Yorba, Member at Large

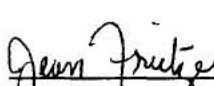

Ollie Valencia, Member at Large

THE JUANEÑO BAND OF MISSION INDIANS ARE ALIVE AND WELL

BY

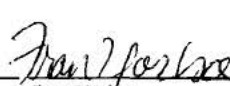
MICEAL J. MERRIFIELD

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Jean Fietze
Chairwoman


Damien Shilo
Vice Chair


Christopher A. Lobo
Secretary/Treasurer


Fran Yorba
Member at Large


Ollie Valencia
Member at Large

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PREFACE

The tenor of the following document does not necessarily reflect the depth of feeling held by the Juaneño Band of Mission Indians, the Acjachemen Nation. The contemporary Juaneño are descendants of a Native population, enslaved by the practitioners of a rapacious religion, and forced to build an edifice for an alien belief. The Franciscan missionaries brought them a god hungry for their souls, and for their labor. The missionaries indentured the Juaneño's ancestors to a lifestyle of prolonged servitude, to serve a god who promised a better life after death, a promise many would soon experience. For die they did, in staggering numbers, over 3000 in just fifty years, according to the records of their jailers. In today's judgement, this would be nothing less than a holocaust, an unconscionable slaughter of human beings. This reality has not escaped the memory of Juaneño descendents. It should be obvious to anyone reviewing the historical consequences of the mission system, that California aboriginal people experienced an annihilation of gargantuan proportions. To their credit, the focus of the contemporary Juaneño is on the present and future, rather than the inequities of the past. They choose to honor the memory of their ancestors by securing their recognition as a people who have survived the injustice of tyranny.

The Acjachemen display all the components of a collective, modern community. They are an entity recognized by the non-Indian community that surrounds them, and by other Indian

Nations. They can demonstrate a continuous presence historically and geographically in the aboriginal community of their ancestors before the arrival of the Spanish Mission, over 200 years ago. The archaeological record identifies their presence in this area for over 9,000 years. They have maintained elements of their culture in spite of oppressive measures to strip them of their heritage. They assimilated aspects of foreign cultures that allowed them to survive but staunchly maintained cultural traditions that identified them as Acjachemen.

Traditional gatherings provided an environment where tribal interests could be discussed, familial relationships reinforced, and where the exchange of information with distant members could take place. Gatherings helped structure and maintain a cohesive community.

Members of the Acjachemen Nation, recognized individually by the United States Federal Government as descendents of an aboriginal tribe, received an average of \$600.00 in 1965 as payment for the loss of their land. Some Acjachemen did not cash the government check they received; a gesture that registered their anger towards the government's attempted purchase of their heritage (*see following pages*). The Acjachemen are a Nation, an autonomous entity with a culture and history, with an inherent right to be self-governing. This right can not be bought or sold.

One additional fact to be considered is that a complex community does not come into being in a short thirty years without having a historical base to build upon. The modern Juaneño community draws upon a long recognized knowledge of their past, and a cultural tradition that has been repeated through successive generations. Like the Century Plant (Agave cactus), the modern Juaneño community is the flowering of a plant that has ancient roots. The agave, seen by everyone in the community is only noticed when it flowers.

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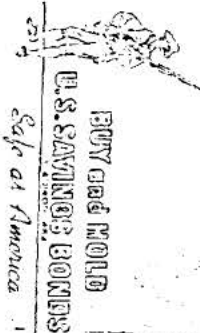
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Clarence H. Lobo

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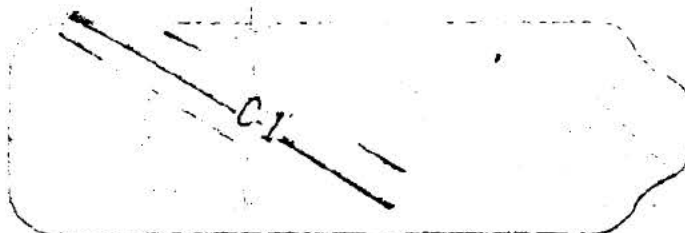
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UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
SACRAMENTO AREA OFFICE
P. O. BOX 749
SACRAMENTO, CALIFORNIA 95804

IN REPLY REFER TO:

Real Property Management
Acq. & Disp. Section
006, Clarence H. Lobo

MAR 12 1964

TO WHOM IT MAY CONCERN:

This is to certify that CLARENCE LOBO, California Roll No. 11131,
Revised No. 18413, a California Indian, born September 19, 1912,
is eligible as an Indian to receive land on the public domain
under Section 4 of the Act of February 8, 1887 (24 Stat. 388), as
amended, or in a national forest under Section 31 of the Act of
June 25, 1910 (36 Stat. 855).

Leonard M. Hill
Area Director

ACKNOWLEDGEMENTS

It is my pleasure to express appreciation to those who participated in the compilation and completion of the following document. For the past year, the Acjachemen people have allowed me to participate in their lives and activities. They have opened their community to me, a stranger, accepting my incessant inquiries with unconditional warmth and friendship. They have made me privy to private aspects of their communal interactions and have afforded me the trust of a friend. They have shared intimate experiences and stories. They have allowed me an opportunity to be both an anthropologist and a human being, to establish a balance between objectivity and subjectivity. If I was able to provide something worthwhile and useful for them, it will be a small accomplishment in comparison to what they have provided me. I will be forever in their debt for reasons both professional and personal.

I must acknowledge one very special elder who graciously introduced to me to what it was like to live as an Acjachemen for eighty-four years. Marguerite Lobo looked me straight in the eyes and told me I had better do a good job because she has been waiting a long time to be recognized by

the government. Her words have been an inspiration, and I hope she does not have long to wait (*see following page*).

I want to acknowledge the help and guidance of Florence Shipek and Paul Apodaca, and Lisbeth Haas, highly respected scholars in the history and culture of California native peoples. Also the assistance of Scott Howlett, a professor of history at Saddleback College, whose extensive knowledge of demographic research helped establish the Juaneño presence in Orange County over an extended time. Very special thanks to Kim Robinson, who volunteered long hours transcribing audiotapes and accompanying me (often on short notice) to record an interview on her portable laptop. I want to thank members of the Juaneño community, especially Anthony Rivera, Wick Lobo, and Megan Shilo who provided expert and valuable assistance in reviewing the final draft of this document.

Many others contributed time, advice, and support at various times throughout the year. In sum, this document is a result of the collective effort and social consciousness of the Acjachemen people and the community in which they live.

Many dedicated students of Saddleback College also assisted in helping with different aspects of this report, especially Audria Mitchell, Cherell Diamond, Adam Hatch, Keri Moreno, and my son Mathew. Many others helped with various phases of this report over the past year. Last but not least, my anam cara, whose support over the past year was unconditional.



DEFINITIONS

The designations "Juaneño", the "Juaneño Band of Mission Indians", "Indian", and "Acjachemen" are used interchangeably in the narrative, and refer to the same population of people. It is important to note that many tribal members consider Juaneño to be a "slave" name and prefer Acjachemen and members of the Acjachemen Nation instead, a people identified on numerous maps, and by Fr. Boscana in the 1820s. The name "Juaneño" originates from their physical proximity to the Mission established in San Juan Capistrano, popularized in the early work of Alfred Kroeber and other scholars during the early 1920s.

The term "Band of Mission Indians" is an appellation given to Native American communities in California south of Los Angeles during the 1860s, whether or not they were in close proximity to a Spanish mission. This designation is still a matter of confusion to most southern Californian residents today.

The terms "tribe" and "band" are not clearly defined concepts, and are often used interchangeably in the scholarly literature reflecting theoretical positions rather than empirical definitions. The

term "tribe" used in this report reflects the view of how the Juaneño define their community. They see themselves as members of complex extended families, linked through marriage and a shared common experience of language, geography, ceremony, and history. Members of the community interact with each other in patterned, recognizable associations.

The term "Indian" (usually in quotations in this narrative) is used as little as possible but indicates an aboriginal descendent of the original inhabitants occupying the Americas before conquest. The use of quotation marks is a reflection of the author's personal distaste for this appellation.

The term "gathering" defines a general "coming together" of Juaneño tribal members. The transmission of individual and council activities occurs at these events, along with the renewal of extended family connections. These events also incorporate ceremony, the sharing of food, and the transference of tribal knowledge and stories between the generations. That gatherings have functioned as a unifying force in the Acjachemen community for over a hundred years is supported by the memories of elders. It is reasonable to assume that modern gatherings descend from an earlier, ancient practice of the Acjachemen ancestors.

THE JUANEÑO BAND OF MISSION INDIANS ARE ALIVE AND WELL

***Where do we begin Holmes?
We begin, my dear Watson, with the obvious.***

(Arthur Conan Doyle, *The Hound of the Baskervilles*)

It is important to remember that the absence of evidence is not evidence of absence.

(Old Adage)

The obvious in this particular case is that there is a living, breathing, and functioning tribe of Native Americans inhabiting the community known as Orange County, California. The Juaneño document their history from a time before their ancestor's first encounter with the Franciscan Missionaries, to the present. They have retained knowledge of their oral tradition, their language, and their ceremonies. They share a common understanding of their history and folklore. They have retained a form of Tribal government that has fluctuated between informal and formal decision making. Tribal members hold elected and appointed positions on State,

County, and City Boards, and when participating in policy decisions are accepted as spokespersons for the Acjachemen Nation. The Federal Government of the United States, the State of California, local municipalities and school districts, numerous community and civic agencies have recognized the Juaneño Band of Mission Indians as Native Americans and descendants of the original, indigenous population of Orange County. Other indigenous groups acknowledge the Juaneño as Native Americans. Since the 1900s, academic research, except for a few rare instances, has identified and classified the Juaneño, not as an existing people, however, but as a people who have passed into memory. Given all this, one wonders why the Juaneño are in the position of having to prove that they exist as an indigenous population, a Nation worthy of official, legal recognition by the United States government. The answer is both simple and complex.

It is obvious that the Juaneño function as a tribe, and in much the same way that other "recognized" tribes function. It is also obvious that the Juaneño, compared with other Native American tribes, contain similar elements, both material and non-material, that define them as a culture, according to an anthropological definition of "a culture". The difficulty, however, is that these obvious aspects of Juaneño culture must be substantiated in accordance with governmental regulations, rigorously, if not clearly, outlined in 25CFR83. The requirements present formidable obstacles to every group of Native Americans seeking recognition by the Federal Government. For the unrecognized tribes of California, the task of meeting the requirements for recognition are even more daunting. One only has to review a sampling of comments from the Advisory Council on California Indian Policy (ACCIP),

While the history of the Federal-Indian relationship in California shares some common characteristics with that of Native peoples elsewhere in the United States, it is different in many aspects. It includes the unprecedented magnitude of non-native migration into California after the discovery of gold in 1848, nine days before the signing of the Treaty of Guadalupe Hidalgo; the Senate's refusal to ratify the 18 treaties negotiated with California tribes during 1851-52; and the lawless nature of California's settlement after the Treaty of Guadalupe Hidalgo, including state-sanctioned efforts (countered only by nominal resistance) to "exterminate" the indigenous population. (ACCIP: 9/1997:pp2-3)

The ACCIP (focused on issues specific to California native populations), have found the requirements for Federal recognition unwieldy and unfair to Native Americans in general. Legislatures have advocated for tribes in their districts, often successfully gaining recognition for their constituents outside the process delineated by the Branch of Acknowledgement and Research (BAR). The Jumal Band of Mission Indians in San Diego County, California, is a local and somewhat recent example of legislative recognition.

(Shipek: Personal communication) What is even more difficult for tribes seeking recognition is the cost associated with compiling the required data asked for in the recognition application. Allogan Slagle (project director for the Special Association of American Indian Affairs' Federal Acknowledgment Project in California) has estimated the cost of completing the application to be between \$200,000 to \$300,000. These costs far exceed the economic reserves of most tribes.

In addition, few tribes have the professional knowledge within their membership to complete a formal genealogy, history, and modern ethnography. They have little recourse but to borrow money from "financial backers" who will want a return on their investment, or to find professionals who will volunteer their expertise. The first option may mean "outsider" influence in Tribal governance and the future goals of the tribe. The second option, finding professional volunteers to work on the tribe's behalf, is very difficult. The amount of time a professional can volunteer may be limited and sporadic, increasing the time needed for completion of the petition.

In many respects, the Juanefio exemplify the difficulty involved in achieving recognition. They are certainly not a wealthy tribe and have no financial, outside backing. The tribe depends upon donations from its members, the surrounding community, and money raised from charitable activities. The generated revenue supports the maintenance of a Tribal office, covers legal expenses, and the production and mailing of a monthly Tribal newsletter. All work done for the

tribe is on a volunteer basis. No one receives financial compensation. This is true for the tribe as a whole.

The Juaneño may be more fortunate than some others in that they have several members with advanced degrees who contribute professional skills and support. Furthermore, the Juaneño have a cadre of young, educated members providing new energy and creativity to the tribe. In addition, the Juaneño have secured the volunteer services of an anthropologist and historian to reach the tribe's goal of recognition. Considering the time and energy already spent on their recognition packet, one can only wonder why it is that the Juaneño have not received Federal acknowledgement. Three explanations are offered below.

First, the Juaneño have undergone several changes in formal Tribal leadership over the past thirty-five years. Two elections, 1993 and 1997, created dissatisfaction among tribal members and resulted in dividing the tribe into three groups. The result of these divisions meant that tribal member's energies focused on many other concerns unrelated to completing the petition. Also, the recognition petition, while of uppermost importance to the collective body of the tribe, began to be seen as "owned" by specific members of each divergent group. Duplication of effort, the privatizing of information, and reduced communication between some members were the undesirable consequences that division brought. At this point in time, the tribe is moving toward increased solidarity. The distance between the divergent groups is decreasing, and the goal of recognition as one collective, the Acjachemen Nation, is regaining prominence among the tribe's members.

Second, the tribe has been waiting since 1993 to move from ready status to active consideration in the BAR process. The tribe submitted their original petition in 1982. While a worthwhile endeavor, it fell short of being complete. It did, however, contain much that is of value about the tribe. It still does. Reasons why the original petition was incomplete stem from the facts

that the person responsible for the report could not finish due to family difficulties, and that the tribe was in the process of changing leadership. In 1990 the BAR responded with a list of omissions and deficiencies of clarification. A supplement addressing these concerns was submitted in 1993 by Mr. J. Wilson. In reading Wilson's response, it is apparent that much of the requested clarification was not provided, although some of the material was new and supportive. It must be noted that Wilson had no prior experience with BAR or the petition process. His professional expertise was in Indian Education, a position he held with the San Juan Capistrano School District; a position he left several years ago. From the filing of the Wilson report to the present, the tribe has been working towards completing their petition and being moved to active consideration. (One part of the process that has been tackled, with the help of a professional, is the tribe's genealogy.) This leads to a third reason why nothing formal has been submitted to the BAR since 1993.

From the time the Wilson report was submitted until June of 1998, five years had passed with no subsequent finding from the BAR. One report, based on a discussion of the status of the Juaneño between Cindy Darcy, Mark Jarboe, and Mr. Dibbern from the BAR, indicated that much information was still missing in the Juaneño's petition. Leadership of the tribe received offers of financial support from several outside sources during this time. These funds would provide the resources needed to hire a professional staff to finalize the petition. A number of factors intervened and the promise of economic support evaporated. Coupled with a lack of information from the BAR (there had been no formal request to the BAR from the Juaneño at this point), little capital to hire a professional staff, and misinformation about the BAR process circulating within the community, it is not difficult to understand why the tribe had been immobilized. Lack of specific knowledge fueled uncertainty and consternation among members of the tribe. The question of whether to amend, supplement, leave as is, or re-write the petition from the start remained unanswered when I entered the scene in June of 1998.

What has come from a year's association with the Juaneño appears in the following description.

THE JUANEÑO COMMUNITY THROUGH TIME

Cited in the BAR's response are a number of obvious deficiencies found in the original 1988 Juaneño petition. One concern was the lack of a complete chronology. There seemed to be some obvious gaps in Juaneño history. Another concern was the absence of supportive narrative explaining the missing sections. The following section addresses these concerns, dividing the Juaneño's history into Pre-contact, Spanish, Mexican, and American Periods. Provided for each period is a descriptive narrative and a brief chronology. Also furnished, to the extent that data is available, are descriptions of Juaneño land use and tenure, their social organization, and their ceremonial activities. Depending on the particular historical period, data and documentation is more or less available. For example, the accumulated archaeological information describing the Juaneño Pre-contact Period is copious. Information for the Spanish, Mexican, and early American Periods is less abundant, however. Unfortunately, the original petition and the subsequent document that addressed the obvious deficiencies provide much of what is currently available. Although data from the previous reports will be included when it aids understanding, providing omitted information will receive the most emphasis.

Clearly, history provides insight into how past events affect current structures. Understanding the overlapping effects of three different cultural influences on the Juaneño helps explain the Juaneño community as it exists today. What is certain is that the Spanish, Mexican, and

American Periods exerted differential degrees of pressure on the Juaneño. How the Juaneño adjusted to these pressures, and how their ability to persist and to retain aspects of their culture that defined them as a separate community, is the primary focus of the following description. The ultimate question that requires answering is simply this, "Have the Juaneño retained enough of their traditional culture to be considered a continuously, functioning tribe?" However, in order to answer this question, definitions of traditional culture, continuity, and functioning tribe need some clarification.

What is "traditional culture"? Is it an "insider" definition (the Juaneño), or an "outsider" definition (the academic community)? Additionally, whose definition carries more weight? The last question appears more easily answerable. Obviously, responses to questions about the elements of traditional culture vary according to whom is responding. It is generally the case that the definitions furnished by the professional, academic community carry more significance, at least within the academy. This is strikingly true in the case of the Juaneño. The issue of traditional tribal boundaries is available to illustrate this point. Alfred Kroeber, one of the first American anthropologists to recognize and describe the Juaneño, delineated the traditional boundaries of the Juaneño in the *Handbook of California Indians* (1925). Interestingly, he never consulted the Juaneño and drew upon information provided by others, chiefly from Frey Boscana's, *Chinigchinich* (1933). Boscana's treatment of the Juaneño, although highly ethnocentric and condescending, nevertheless provides valuable information about the Juaneño culture that Kroeber found useful. The contemporary Juaneño find Kroeber's conclusions about their aboriginal boundaries inaccurate. Based on information retained in the memory of tribal members, (and from concrete evidence in Mission documents), they see their tribal boundaries different from, and extending beyond those defined by Kroeber. This difference of interpretation presents some problems with issues pertaining to the Native American Graves Protection and Repatriation Act (NAGPRA). For example, which of the local tribes should be present at

archaeological sites in the case of discovered burials? If there are disagreements between local tribes as to indigenous boundaries, Kroeber's descriptions are often used as the definitive criteria.

Another example pertains to a question raised by some scholars as to whether or not the Juaneño are a distinct tribe, or a sub-group of the Luiseno, a federally recognized California tribe occupying territory south of the Juaneño. That this is not a question for the Juaneño is patently clear, but it remains so for a few academics. Again, there is little solid information to substantiate the claim of professionals. There is a plentiful body of research on the Luiseno (Shipek: 1977; Sparkman: 1908), and while there is little doubt that the Juaneño share cultural similarities with the Luiseno, each tribe sees the other as distinct. (Personal communication with members from both tribal groups.) J.P. Harrington's ethnolinguistic fieldwork among the Juaneño during the 1930s corroborates this distinction (Harrington: Archives, Southwest Museum of Anthropology).

If the Juaneño were a newly discovered people, whatever they said about their traditional culture would be valid and taken at face value. The problem facing the Juaneño is simply this, not only do they have to define the constituents of their traditional culture, they must counter the definitions of the academic community, and must prove why their definitions are inherently more valid. Unfortunately, focused, professional interest in the Juaneño as an object of study has been minimal. One recent exception is a book by Lizabeth Haas, entitled *Conquests and Historical Identities in California: 1769-1936* (1995). She devotes four chapters to defining the historical relationship between the Juaneño, Spanish, Mexicans, and Whites who lived in Orange County, with specific focus on the community of San Juan Capistrano. Her research is extensive and well documented. She provides ample evidence that the Juaneño were a distinct community, identifiably different and recognizable.

There are numerous books and articles identifying the Juaneño as a distinct entity. The problem, however, is that when mention is made of the Juaneño, it is usually in a peripheral manner, and most often in the "past tense". They are not the focus but the surrounding context in which other events take place. Scholars more or less accepted that they had passed into history, and very few bothered to investigate the possibility that the Juaneño still existed. This is also the case in the present. Scholars doing historical research on Orange County are often surprised to discover that there is a tribe of aboriginal people still active in San Juan Capistrano (Personal communication). The fact that not one solid, comprehensive description of the Juaneño exists creates some anxiety for the tribe, and is a situation the tribe will address in the future, after completing the recognition process. The reason for the tribe's anxiety is the "past tense" slant taken by the academic community, and the weight of the implication in the minds of others. How much credence will be afforded the scholarly viewpoint in terms of their bid for recognition? Since the dominant culture affords less credibility to oral traditions, written evidence is often the only way for native populations to substantiate their validity.

Of serious concern to the Juaneño, is the validity of their oral account in contrast to the account written by historians and anthropologists; scholars, who made little attempt to consult members of the tribe when writing about them. The Juaneño know who they are and who they have been, and they have shared this knowledge orally through successive generations. As in any functioning family, the transmission of information is oral on a day-to-day basis. Rarely would any family member keep a written account of the events and activities that transpired, especially in the absence of any perceived or mandated requirement. These events would become common knowledge within the family, with little thought that they may be of considerable use in the future. This is certainly true for the Juaneño. Evidence demonstrating an oral continuity is present in the remarks elicited from tribal members during personal interviews. In the words of one tribal member, Clarence H. Lobo Jr., son of Chief Clarence Lobo who was an active leader of the tribe between the late 1940s through the early 1960s,

The glue that bonds us together is simple. We Juaneño know who we are. Capistrano knows who we are, the County of Orange knows who we are, and the State of California acknowledges who we are, and the Federal Government and the B.I.A. know who we are. The irony lies in the fact that we knew who we were long before the white man knew any thing about this part of the world.

(Clarence Lobo, personal correspondence)

The concept of "continuity" seems rather straightforward. If continuity means a continuous presence through time, the Juaneño will have little difficulty demonstrating their continuity. A substantial number of Juaneño have resided in San Juan Capistrano from the founding of the Mission to the present. Many descendants can trace this continuity through the records of the Mission.

The concept of a "functioning tribe" is a little more problematic. In 25CFR83, the conditions that define a tribe as fully functioning are somewhat vague and subjective. The Juaneño have always been a tribe in light of how this term defines Native American communities in general. That the Juaneño functioned as a tribe is certain. They maintained social boundaries, sustained a shared sense of history, conducted ceremonies, and practiced traditional crafts and music.

The reality is that the non-Indian community, fully aware that the Juaneño existed, paid little attention to what the Juaneño were doing in terms of tribal function. It was only occasionally that the tribe's activities spilled over into the awareness of the surrounding, non-Indian community. In actuality, the same lack of awareness on the part of Orange County residents exists today. When a newspaper article highlights a particular function or an activity of the tribe, a flurry of interest in the Juaneño soon follows, but quickly subsides. This is observable in the number of telephone calls the Tribal office receives soon after the publication of an article.

Coupled to the non-Indian community's general lack of interest in Juaneño activities is a historical perspective. Simply stated, the visibility of tribal functions and activities varies in direct relation to the degree of freedom available in any given historic period. In some earlier periods, the missionaries, for example, repressed overt tribal activities involving traditional ceremony. This forced many ceremonial activities to become secretive, and hidden from the view of the surrounding, non-Indian community. Ceremony continued, but it took place unnoticed. In the present historical context, the Juaneño are practicing their ceremonies in the open, for all to see.

During 223 years of occupation, the Juaneño retained an awareness of their cultural identity and interacted on a personal basis with each other in the context of a tribal community. In the absence of an overt attempt to exterminate them, they were, more or less, free to do this. Soon after contact and up to the present day, the Juaneño's relationship to the outsiders has been one of peaceful accommodation. They were savages to the Spanish missionaries, servants and laborers to the Mexicans and Americans. The Juaneño, except for a few instances, rarely presented any type of forceful resistance. Of course, given the dearth of recorded history, the possibility exists that the Juaneño may have resisted more often. Their response to the unraveling of their way of life was to "fit in". How the Juaneño survived is similar to the ways other Native Americans persevered. The anthropological literature is replete in describing how Native American cultures responded to the process and aftermath of conquest. Employing comparative analysis would offer a foundation on which to construct a model of Juaneño maintenance and persistence, but this is not the intent here. The fact that a strong body of evidence exists to support the Juaneño's claim that they too have retained aspects of their culture, from the time of contact to the present, is the significant point. The work of Edward Spicer (1971; 1962) is especially insightful on the issue of cultural maintenance and persistence, and while many other sources are available to draw upon, the recent work of Ramon Gutierrez (1991), and Alan Sandstrom (1991) are particularly informative and pertinent to the Juaneño

experience. In essence, the Juaneño practiced a strategy of passive resistance throughout the historical periods in which they encountered assimilative pressure.

Initially, during the Mission Period, 1776 through 1830, the Juaneño maintained their cultural identity more or less intact, within concentrated spheres of daily interaction. Boscana's description of the Juaneño, along with miscellaneous accounts from mission records, supports the idea that the Juaneño were practicing many aspects of traditional culture. Although a sizable population resided near the Mission, evidence suggests that many Juaneño continued to live in a village network that existed before contact. Many Juaneño, given their freedom following the secularization of the Mission during the Mexican Period (1825 to 1850), moved away from the Mission, returning to their own villages, or to villages of other tribes to the south and east. In reality, this freedom amounted to little more than a shift from laboring under the Mission to becoming a labor force for the Spanish/Mexican ranchos. As was often the case, traditional Juaneño villages were located on the established ranches and became sources of labor for the landowners. In 1841, the Mexican government officially designated the village that had grown around the mission a Pueblo. Those who remained near the Mission grounds became the core of the modern Juaneño population currently living in San Juan Capistrano. Documentation from mission records indicates that the fragmented populations remained connected. Marriage and religious ceremonies resulting from the conversion of the Juaneño to Catholicism became a social glue that bonded the community together, and they continue to do so. Over time, differential forces of cultural influence began to operate on the scattered clusters of Juaneño, but those living in the Pueblo of San Juan Capistrano experienced more assimilative pressure than their relations in the surrounding villages did.

Whether they were residents of the Pueblo or the villages, the assimilative influence exerted by the Spanish and Mexicans on the Juaneño was substantially less than that exercised by the Americans. Being identified as an Indian under the Spanish and Mexican Periods appears to

have been less disastrous for the Juaneño than being identified as an Indian during the American Period. Perhaps mutually shared religious beliefs and practices softened cultural biases, and afforded a higher degree of social interaction and mobility. At any rate, after the arrival of the American presence, any one not considered white had a lower status, whether Spaniard, Mexican, or Indian, and the order of status followed this sequence. Juaneño elders today understand this sequence of status from their own personal experiences. They are aware that they, and their parents, downplayed their Indian background because of the white stereotype applied to any one of Indian descent. In their view, identification as a Mexican descendent or, even better, as of Spanish descent, was preferable to being an Indian, for the simple reasons that it improved marriage options and offered a higher social status for children.

Generally, since 1850 the structure and organization of the Juaneño community has, in many respects, remained much the same. Although the Juaneño maintained social contact, knowledge of their traditional culture began to diminish within the group as a whole due to the prevention of open practice. Knowledge of cultural practices became concentrated within particular family groups, or with specific individuals. In reality, the dispersal of the Juaneño throughout Orange County actually prevented the complete loss of Juaneño culture. Juaneño families living further away from the Pueblo of San Juan Capistrano, on ranches and in other Indian communities, experienced less assimilative pressure and discrimination. Between the time of contact and 1900, a number of serious epidemics moved through the community. Those living in less concentrated population areas fared better in terms of survivability. Cultural consciousness remained more complete among those Juaneño who survived the ravages of disease.

It is only within the past twenty-five years that cultural knowledge once thought lost has reemerged among the Juaneño. The Juaneño, unlike some other Southern California tribes, did not have a geographical location set aside for them. Neither the Federal Government nor the State Government provided the Juaneño with land, although some did receive land allotment

certificates. Actually, the Juaneño were practicing a form of residence that was highly traditional. They located themselves on or near traditional village sites, and have maintained a presence in these communities to the present day. Today, many of these ancestral village sites carry the modern names of incorporated cities: Laguna Niquel, El Toro, Rancho Santa Margarita, Mission Viejo, to name but a few. One such village was Putuitem, a Juaneño village that existed before the construction of the adjacent mission. This is the oldest, continuously occupied village site of the Juaneño, and is now a part of the city of San Juan Capistrano. An expanded discussion of the significance this village has had for the Juaneño occurs in a later section.

Other facets of Juaneño culture continuing up to the present day in relative degrees of completeness include language, folklore, knowledge of ancestral subsistence patterns, ceremonial practices, and traditional crafts. Over time, pieces of cultural knowledge became concentrated in separated communities of the Juaneño. Individual elders within extended family kin groups were oftentimes, the sole source of specific cultural practices. The transmission of cultural knowledge was oral, passed from generation to generation. Elements of the Juaneño culture survived unchanged, while other cultural elements naturally blended in and conformed to the cultural practices of the surrounding non-Indian community. Some cultural elements simply ceased to be practiced. There is no lack of evidence to support the understanding that living cultures are dynamic and continuously changing. The rate and degree of change maybe less dramatic in cultures unaffected by outside influences, but change occurs nevertheless. In this regard, cultural change that occurred among the Juaneño is no exception. However, what is exceptional about the Juaneño has been their ability to retain as much of their culture as they have, given the intensity of outside pressure they experienced over the past two hundred years.

How did the Juaneño achieve the level of cultural retention they have today, given that they were scattered in separate communities throughout the County? The answer is quite elementary. They interacted with each other at community gatherings, weddings, funerals, religious holy

days, tribal meetings, and other, non-Indian functions. During these events cultural information passed between individual tribal members, and discussions, ranging from individual problems to the state of the tribe, took place. These same activities continue today and with the advent of new technology to facilitate communication, information moves even faster throughout the tribal membership. As an observer, an interesting question centers around the reason why, if the Juaneño were not a community, the actions of individual tribal members would be of interest to the community as a whole.

From personal experience, I have witnessed information move throughout this community at a rate that could not be possible unless established channels of communication were already in existence. Within a day, information that originated in San Juan Capistrano has passed to tribal members living in Santa Ana, Huntington Beach, El Toro, and San Diego. Information moves not only through extended family structures but also between unrelated members of the tribe. With the increased availability of e-mail, information moves even faster. Via the Internet, I have personally been in contact with tribal members living outside of California, as well as in other distant locations. In almost every instance, these tribal members are aware of the current events occurring within the Juaneño community.

An important point that needs repeating often is that a thorough, historical description of Juaneño culture and community has yet to be achieved, either by the Juaneño or by professional academics. In the process of completing their recognition packet, cultural information thought to be lost is in the process of rediscovery. Even though the Juaneño know more about themselves than anyone else knows about them, they are discovering, that as a community, they have retained more of their cultural heritage than previously thought. Clearly, this newly acquired knowledge has important implications in their efforts for federal acknowledgement, but at the moment, they have neither the time nor money to complete a thorough, cultural history. They are already in the recognition process, and their goal is to complement the already submitted

documentation by addressing those areas defined by the BAR as being insufficient as quickly as possible. A crucial point that deserves attention by everyone evaluating this document is that the Juaneño's intent is to support their claim that they are a functioning tribe, and not to render a meticulously complete, ethnohistory. Given the period open to the Juaneño to complete their packet, emphasis is on providing only the essential evidence that demonstrates their continuity. While a complete ethnohistory would be beneficial, if only to prevent the reoccurring practice of re-collecting data every time information about the tribe is requested, it is a project best left for the future.

PRE-CONTACT PERIOD

(9000 B.C. – 1776)

According to the archeological record, the Juaneño presence in Orange County begins approximately 12,000 years ago (ca. 9000 B.C.). The material culture of the Juaneño has been well described by archeologists, and even a few descriptions of how Juaneño society may have been organized has been offered by Earle and O'Neal (1994), and Lobo and Lobo (1997). Archaeological research accounts for the bulk of the work published on the Juaneño, but, unfortunately, it does not tell us much about who the Juaneño are today. What it does establish is the fact that the Juaneño have continuously occupied all of Orange County, and a little beyond the current boundaries of the county. In addition, archaeological research supports modern Juaneño claims about the past and present use of sacred sites, and their knowledge of ceremonial objects that are still in use today. If nothing else, the indication that present cultural knowledge helps explain the past supports the assertion of the Juaneño that they have retained cultural knowledge through time.

Many of the archaeological references were included and cited in the original petition and in the Wilson response to the obvious deficiencies, however, more recent and comprehensive publications are available (*see Documents A and B*).

It is important to note again why so much said about the Juaneño derives primarily from the archaeological record. As pointed out earlier, much of the archaeological work undertaken in Orange County is at the bequest of development companies. While some of the archaeology done in Orange County is purely academic, focused on answering theoretical questions, the majority of the archaeology undertaken is to clear the way for development. Developers employ

"contract" archaeologists to excavate a site quickly and within a limited period, and for this the development companies pay very well. What this approach has led to over the years is an extensive accumulation of data defining Juaneño prehistory. The volume of archaeological information presents an image of the Juaneño as people of the past, and continues to reinforce a perception that the Juaneño have disappeared.

Theodore Kroeber's, *The Handbook of California Indians* (1923) is the most quoted source of information about the prehistory of the Juaneño. Seldom mentioned is the fact that he never personally interacted with the Juaneño. His definitions of the Juaneño and other Mission Indian Bands have been called into question by scholars, such as Florence Shippek, one of the most authoritative sources on the Luiseno and Kumeyay. (Personal communication) One legacy of Kroeber that lingers until the present is his pronouncement of the Juaneño as a northern extension of the Luiseno. He made his conclusions on very little available information. Obviously he did not know of anyone else who had described the Juaneño at this point in time, but he intoned his conclusions as though they were fact. Unfortunately, his judgement of who the Juaneño were continues to be repeated to this day. There is no doubt that in the past the Juaneño shared similar cultural characteristics with their near neighbors. It is even true that they share common features today, after all each group underwent the same colonial experience. The fact that the Juaneño and Luiseno see each other as different entities, that the United States military authorities on Camp Pendelton see them as different tribes (*see following pages*), and that Harrington (1933) pointed out numerous linguistic differences seems to be lost on many. It merely points out that casual acceptance of earlier scholarship, dedicated to classifying the Juaneño, maintains blurry definitions of who the Juaneño were.

It is a common experience to everyone working within contemporary indigenous communities that non-Indians expect to see "traditional culture" being practiced by Indians. Typically, this includes preparation and eating of traditional food, wearing of traditional regalia, traditional arts



UNITED STATES MARINE CORPS
MARINE CORPS BASE
BOX 555010
CAMP PENDLETON CALIFORNIA 92055-5010

IN REPLY REFER TO
5090.19A
ENVSEC/522

JUN 17 1999

Ms. Jean Frietze
Chairperson
Juaneno Band of Mission Indians
31877 Del Obispo, Suite 106A
San Juan Capistrano, Ca. 92675

Dear Ms. Frietze:

An issue which Camp Pendleton takes very seriously developed last week regarding the human remains recovered during Military Construction Project P-529. During construction of this project four sewage treatment ponds were built in existing tomato fields. Eleven sets of human remains were excavated. As part of the Native American Graves Protection and Repatriation Act consultation it was decided that analysis of the remains would be negotiated subsequent to completion of the project. It was decided during negotiation that no analysis would occur. Also during negotiation it was decided that the large soil blocks (referred to as matrix) around four burials would be removed to facilitate reinterment. Matrix removal was to be observed by a Native American Monitor.

Matrix removal officially began on June 7, 1999. Due to concerns expressed by the Native American Monitor about the techniques being used, representatives of MCB Camp Pendleton and Southwest Division Naval Facilities Engineering Command conducted a quality assurance field check in the morning of June 8, 1999. After observing the matrix removal methods work was halted by the Navy and Marine Corps. It was further observed that matrix had been removed from all four burials.

MCB Camp Pendleton is currently investigating means to remedy the situation. The first will be to prepare the remains for reburial in the manner that maintains the spirit of the negotiations, publish the notice of intent to repatriate, and repatriate the remains. Other remedies are under investigation. MCB Camp Pendleton will continue to keep you informed of the progress in this matter.

We want to express our sincerest apologies for this regrettable incident. Please be assured the MCB Camp Pendleton takes this matter very seriously. If you have any questions please contact Stan Berryman, Archaeological Resources Branch Head at 760-725-9738.

Sincerely,

SLADER BUCK
Head, Resources Management Division
Assistant Chief of Staff
Environmental Security
By direction of the Commanding General

nations. But even so, as missionaries, miners, soldiers, and Spanish settlers advanced, Indians became *disenfranchised and retreated* (Emphasis added).
(Fontana:1997)

What follows is a summary of consequences suffered by the Juaneño during this period.

As Juaneño were removed from established village sites to become laborers for the Mission, their socio-political structure began to unravel. Dependency on newly introduced foods and techniques of production intermixed with traditional patterns of self-sufficiency. This shift in subsistence strained interdependent and reciprocal relations between villages. Catholic practices of replacing native names with Spanish names through baptism and marriage disrupted family lineage and clan affiliations. However, marriage and village network patterns were still active until the early-mid 1800s as well as native naming practices. The introduction of disease created generation gaps since the majority who succumbed to disease were women, children, and the elderly. Mission records from 1776 to 1834 indicate that 4,404 baptisms occurred, while 3,227 deaths were recorded, although no accurate records of the Juaneño population exist prior to or after initial contact, even up to the present. There is some indication that disease significantly reduced the Juaneño population. Given the overwhelming death toll of "christianized" Juaneño during these years, it is surprising that the graveyard adjacent to the Mission has so few graves. Only a hundred or so are marked. Taking into account the Catholic prohibition on cremation it is doubtful that the neophytes were disposed of in this manner. Extensive archaeological work conducted in and around the Mission grounds have not uncovered "mass" burial sites. The obvious conclusion to be drawn is that the Juaneño were taking their dead to ancestral villages, cremating the remains or burying them nearby. The apparent deduction until proven otherwise, is that larger populations of Juaneño maintained residences in established villages where traditional cultural systems remained intact over an extended time that reaches into the present. It is doubtful, therefore, that Mission records reflect factual population estimates since the missionaries recorded only those who were baptized, married, or received "last rights".

Taking all records into account, it is apparent that many Juaneño lived outside the sphere of the Mission's influence. It stands to reason that those Juaneño outside the Mission's authority suffered less from forced change and, therefore, retained a greater degree of traditional culture.

On one hand then, the Spanish Period marks the beginning of Juaneño cultural disintegration, effects of which remain into the present. That the Juaneño assimilated, there is no doubt. They learned Spanish, became Catholic, and employed new ways of subsistence. On the other hand, however, this period did not obliterate all elements of Juaneño culture. The Juaneño retained knowledge of their language (the missionaries did not teach them to read and write Spanish), of ceremonial activities, of native plants and animals, of clan affiliations and family lineage, and most importantly, of themselves, as a continuous, indigenous population. This understanding was retained throughout the subsequent, historical periods. The point to be stressed is this, neither the Juaneño nor all aspects of their culture disappeared during the Spanish conquest. They fared as well as other indigenous groups throughout New Spain, and share similar responses, in terms of cultural survival, with many native populations that were forced to assimilate.

marriages and land sales. The effect on the Juaneño was that, again, they had to shift their employment to new managers. They continued to live in or near ancestral villages but under new ownership, their land was being sold or given away without their consent or participation. During this transition, there is no indication that the Juaneño discontinued their traditional practices. Based on contemporary residency patterns, they continued to remain where they were or moved between other indigenous communities. It is of interest to note that many "new" cities in modern Orange County reflect historical Juaneño villages from this period. While they received some pay for the work they did, which changed little from earlier times, the Juaneño were expected to support themselves by hunting, fishing, and subsistence gardening. Several Juaneño elders who heard this from their grandparents attest to this. There is substantial evidence in the memory of Juaneño elders that traditional, cultural practices continued during the early American Period. Clearly, no concerted attempts to assimilate the Juaneño population appears to have taken place for those Juaneño living on ranchos or in other areas. They were on their own, and outside the encroaching, American newcomers. By this time, Spanish had replaced much of the traditional language, and for English speaking Americans, the Juaneño were seen as Mexicans. Paired with the fact that many Juaneño had become Catholic, further cemented their association with Mexican culture in the eyes of Americans.

In San Juan Capistrano, small business entrepreneurs began to establish enterprises that held detrimental effects for the Juaneño, and their influence appears to have taken a greater toll on cultural practices here than in the surrounding countryside. Since the Juaneño had lived in the vicinity long before contact, their landholdings were a matter of occupancy rather than legal documentation. The American presence brought the legal requirements of deeds and property titles. There is documented evidence from this time period, that much of the property held by individual Juaneño in San Juan Capistrano was lost by default, and outright theft through the practice of "squatting". The most often case of land loss was failure to repay loans made by

various business owners, the actions of Max Mendelson being the most documented and notorious (Haas:1995). By the turn of the century, Juaneño landholdings were restricted to the area now known as the Los Rios District, adjacent to and across from the Mission. (*see following pages*).

During the preceding periods, the Juaneño had had some recourse from the Mission and Mexican civil authorities. In the ensuing American Period they were on their own. President Abraham Lincoln, returned the Mission to the control of the Catholic Diocese. Also returned was some of the Mission's prior landholdings with the stipulation that they be used to benefit the surrounding community. Implicitly, this provision was meant for the indigenous Juaneño, since it was this population that the Mission was initially established to serve. The Catholic Diocese failed to abide by this requirement, and from 1865 to the present, managed the Mission's economic resources to benefit the needs of the Diocese. In essence, from this point on, the Mission's primary function was to provide only for the religious needs of the Juaneño, and surrounding catholic community. There is little evidence of civil governance in San Juan Capistrano until the early 1900s. Legal disputes and civil jurisdiction were administered from the county seat in Santa Ana, established in 1889. Dan Rios, of mixed Juaneño blood, was a constable hired by the County to be peacekeeper in San Juan Capistrano. The community referred to him as the "sheriff" and Juaneño elders remember that he resolved conflicts between the Juaneño community and outsiders.

There can be little doubt that the population of San Juan Capistrano was small during this period. The population was less than 4,000 people in 1970. Before incorporation in 1961, population estimates for San Juan Capistrano are sketchy at best. In the 1920s, drawn from the experiences of elders and photographs of the community, the population appears to be less than five hundred. Photographic evidence strongly suggests that the Spanish, Mexican, American, and Juaneño communities were separate, distinct groups during this time. The collective memory





and experience of long term residents attest to the fact that this division continues up until the present time. Although this division is less clear today, given the increased population growth of Mexican and other immigrants, the community of San Juan Capistrano continues to divide along lines of accepted and perceived ethnicity. The "old timers" of San Juan Capistrano recognize these divisions and during community celebrations such as Swallows Day, distinctions of ethnic membership come into clear focus.

The establishment of the County of Orange in 1889 and the incorporation of the cities of Anaheim (1876) and Santa Ana (1886) had an impact on Juaneño residency patterns that are identifiable today. A shift from cattle raising towards agriculture during the later years of the nineteenth century created job opportunities for the Juaneño. They moved closer to where they worked, and further from San Juan Capistrano and traditional village sites. Taking into account that a day's travel by horse and carriage was a day's journey from Santa Ana to San Juan Capistrano, contact between tribal members occurred less often. When they established new residences, however, they tended to cluster, demonstrating a shared relationship that was uniquely theirs, and this shared recognition holds true in the present.

The changes that took place during the early American Period for the Juaneño can be summarized as follows. Spanish continued to be the predominant language but usage of Juaneño continued among elders. John Peabody Harrington identified four native speakers in the 1930s. It is clear from his personal notes that he had heard of additional speakers but was not able to contact them (Harrington: Archives, Southwest Museum of Anthropology). The younger generation began to acquire English, but it did not begin to replace Spanish until midway through the twentieth century. In actuality, many of the Juaneño are bilingual today, and retain composite words and phrases of Juaneño and Spanish origin that are unique to their linguistic community.

Catholicism remained as the predominant belief system but there is evidence that the practice of traditional ceremonies continued within the Juaneño community. In the 1920s, many elders recount that traditional funeral rituals took place the night before catholic services were conducted at the Mission. During these "wakes", the singing of traditional Juaneño songs (sung in the Juaneño language), and a "fire ceremony" would take place. Several elders recounted that the deceased's possessions would be thrown into the fire and burned. They explained that the sparks of the fire would conduct the deceased member's spirit into the night sky and would be visible as a new star the following evening. In addition, other elders remember that traditional Juaneño marriage rituals took place before or after the catholic sanctioned services of the Mission took place. These practices were neither secret nor unknown and continue today. In the past, many non-Juaneño attended and witnessed these ceremonies. They saw and defined these practices as distinctly Juaneño. The blending of traditional beliefs with Catholic beliefs (syncretism) is evident to anyone familiar with the history of Catholic influence within indigenous communities.

Although the Juaneño moved to city neighborhoods, they continued to participate in community gatherings and other events, such as funerals, weddings, first-communions, and confirmations. They began to adopt aspects of American culture, acquiring those elements that improved their opportunities for economic survival. Formal education (Kindergarten through High School) was limited and unavailable for most Juaneño until after the 1920s, especially for those families who maintained residences outside urban areas. They slowly acquired the trappings of American culture while retaining a Juaneño, Spanish, and Mexican heritage. It is not that they were invisible. It is more that they were indiscernible within the growing, Orange County population. Except for a small number of academics and the Catholic clergy, interest in the Juaneño was virtually non-existent. Taking into account an overwhelming White, anti-Indian attitude that equated "Indians" with savage and heathen practices, there is little wonder as to why the Juaneño maintained a low profile in the Orange County community. In this type of environment,

the announcement of indigenous roots and the public practice of Juaneño ceremonies (outside the small, more intimate community of San Juan Capistrano) could have had undesirable consequences for the Juaneño. Even today, Orange County maintains an aura of political conservancy and religious fundamentalism, where being American is commensurate with being "white". It was not until public dismay over the plight of Native Americans became fashionable during the Civil Rights movement of the 1960s that being Juaneño began to afford some favorable status within the general, non-Indian community.

Throughout the early American Period, the Juaneño persisted as a community, and maintained a collective consciousness of their identity. That they have preserved is evident to anyone who has taken the time to discover them. They have retained a historical association with the land on which their ancestors lived and in which their ancestors are buried. They have retained stories that are uniquely Juaneño and can recall communal events that transpired in Orange County before and after its unprecedented growth. It is a travesty that the Juaneño have been depicted as inconsequential background in the historical tapestry of developing Orange County, muted shadows of the past rather than illuminated figures of the present. That this is so, coincides with the experiences of most Native American communities. Why this is so continues to be a seemingly, unanswerable question. There is some indication to suggest that the modern American society desires to relegate "Indian communities" to the past and refuses to accept that they have survived; that these communities have changed and adapted is not acceptable. They must retain the appearances of pre-contact condition if they are to be considered "true" Native Americans. While most "Americans" will accept that they are no longer "true" expressions of their immigrant forebears, they often retain some connection with their historical roots, frequently identifying themselves as hyphenated Americans. Why they refuse to extend the same understanding to the indigenous community that surrounds them remains an unexplained conundrum. The Juaneño, however, decline to disappear, or to accept a hyphen. How they appear to others has changed but who they are to each other has remained undiminished.

ORANGE COUNTY, CALIFORNIA:

THE MODERN NON-INDIAN COMMUNITY

The rationale for including a description of modern day Orange County is simply that it helps put the contemporary Juaneño community into perspective. It emphasizes the point that the "small circle" of Juaneño, while always present in Orange County, has simply been surrounded by an increasing, non-Indian population. Orange County has experienced tremendous change over the past one hundred years, with the most substantial change occurring within the past fifty years. The population has increased dramatically, from 19,696 in 1900 to 216,224 in 1950, with a projected growth of 2,866,800 in the year 2000. (Focus Orange County: 1999) The fact that nineteen out of thirty Orange County cities incorporated only within the past fifty years (six of these since 1980), reflects the county's rapid rate of population growth. In 1999, Orange County enjoys a global status as one of the most desired places to live and continues to attract new residents.

Along with increased population growth has come a greater ethnic diversity. Predominantly a white population (over 56%), the ethnic mix has increased over the past twenty years, resulting primarily from recent Asian and Hispanic immigration. With migration came opportunities for global expansion and new sources of capital. Orange County's economy currently ranks as thirty-second in the world, with a median household income of \$54,018.00, and a per capita income of \$24,373.00, the highest income in all six of the Southern Californian Counties. The median resale value of a single-family dwelling is \$265,210.00. (Focus Orange County: 1999) In

addition, the County also enjoys a low unemployment rate, 2.6% in relation to the State's 5.5%, and the Nation's 4.1% (1998 data). The majority of the workforce is employed in the areas of small manufacturing companies, wholesale and retail sales, and the service industry. A substantial component of the service area is the ever-increasing focus on tourism.

It is important to understand how these changes affected the Juaneño, primarily in terms of their visibility within the growing, changing County. The Juaneño can establish their continuous, unbroken presence in Orange County for over 6,000 years. They have been a people of this land long before the arrival of the Franciscan missionaries and continue to be today. Even though their land was stolen, their numbers depleted by disease and the devastating effects of forced labor, and their beliefs assaulted by several waves of assimilative ethnocentrism, the Juaneño have retained a presence in Orange County. That they are resilient is overwhelmingly evident. The Juaneño were never invisible, and as many tribal members can attest, anyone interested in looking for them had no trouble finding them. It was usually the case that those looking for the Juaneño had specific self-interests in mind. The Juaneño became topics for school research papers, local color for community cultural activities, interesting items for local news articles, and resources lending credence to grant proposals authored by local school districts, cities, and the county. There is abundant evidence to document that the ever-changing Orange County community knew of the Juaneño and saw them as a distinct, separate population. News articles dating to the turn of the century mention them, commenting on their activities, practices, and problems. School districts record their presence in educational grant applications. Community announcements highlight Juaneño attendance in their proposed cultural and historical events. Unfortunately, student research papers are seldomly returned to the tribe but probably represent passing-marks in the classes that required them. To outsiders, the Juaneño presence in Orange County moves in and out of focus; for the Juaneño, their presence has always been in sharp definition.

In essence, the Juaneño blended into the history of Orange County but never dissolved. Practicing lifestyles that were similar to the non-Juaneño populations that enveloped them, they merged into the fluid, developing pattern of the modern community while retaining cultural elements that were distinctly Juaneño. Given all that they have endured (and continue to endure) their persistence is a remarkable achievement.

Demographic Profile of Orange County "Indians" in Orange County (1890-1990)

An analysis of "Indians" in Orange County between 1890-1990 must take into account the Federal Government's shifting racial identifications used in their Federal Census records, inconsistent population data between county and town/city records, and a persistent anti-Indian climate that pervaded Orange County until the 1970s.

In 1890, the same year as the Wounded Knee Massacre, the Federal Government recorded the total population of California after forty years of statehood, at 1,208,130 including 16,624 "Civilized Indians." In the newly organized Orange County, there was a total population of 13,589 including five "Civilized Indians" and 182 "Colored." By 1930, the total population of California expanded to 5,677,251 including 19,360 "Indians." Orange County's population soared to 118,674 including 990 "Indians."

Between 1890-1930, the Federal Government's census racial classifications shifted. The 1890 and 1900 Census used "White", "Colored", "Chinese", and "Civilized Indians." In 1910, racial classifications included "White", "Negro", "Indian", (the term "Civilized" was no longer used), Chinese, and a new classification Japanese, which no doubt reflected the 41,000 Japanese living in California. By 1920, the census classification shifted once again to "Whites", "Negro", and a

new classification listing as a separate group, "Indian, Chinese, and Japanese." In 1930, the Federal Census racial classifications again evolved to include "Native White", "Foreign", "Mixed", "Negro" and "Other Races." For this census there was no distinct category for "Indians" yet the summary of California County statistics provided by the Federal Government listed 990 "Indians" living in Orange County.

The first major turning point for identifying the Juaneño population in Orange County occurred in 1937 with the publication by the Department of Commerce-Bureau of Census report "Indian Population of the U.S. and Alaska." This attempt by the Federal Government to construct an accurate account of the American Indian population reflected fundamental shifts in attitudes taking place during Franklin Roosevelt's New Deal Administration. Under the Indian Reorganization Act of 1934, for example, the Federal Government reversed the decades-old policy of forced assimilation and promoted self-rule and tribal culture. On page thirty-five of this Federal Government report, Dr. Leon Truesdell lists the various Linguistic "Tribes and Stocks" including the "Shoshonean of California" (Truesdell:1937). Under this particular category, he clearly lists the "Juaneño" as being part of the Shoshonean. They were listed not as "Mission Indians" by the Federal Government but as a separate group. Included in this report was a demographic breakdown of Age, Sex, Job Classification, "Full or Mixed Blood" and Marital Status. The report also examined literacy rates of various tribes and their ability to speak English. For this segment of the report, the Juaneño were listed as part of the Southern California branch of the Shoshonean.

The Federal Government's attempt to obtain an accurate record of the American Indian population including California's between 1940-1960 were mired in inconsistent state, county, and city/town population data and shifting racial classifications. While the California population soared from 6,907,387 in 1940 to 15,717,204 by 1960, the "Indian" population actually declined in 1930 from 19,212 to 18,675 in 1940. However, between 1950 and 1960, the total California

Indian population dramatically increased from 19,947 to 39,014. This increase in the California Indian population probably reflected in-migration from other states due to World War II and the Federal policy of relocating American Indians from the rural reservations to urban areas.

The dramatic increase of the overall California Indian population between 1940-1960 did not occur in Orange County. The reasons for this were twofold. Since Orange County was predominately a rural-agricultural based county between 1940-1960 it is doubtful there occurred a large in-migration of American Indians. In addition, the classification of "Indians" at the county level between 1940-1960 was hampered by the shifting racial categories. In 1940 and 1950, the government used "White," "Negro," and "Other Races." In 1940, the total population of Orange County was 140,400 with 2,151 listed as "Other." Population data from the cities of Anaheim, Santa Ana, Orange, and Tustin indicate that there were sixty-six "Indians" in Orange County. In 1950, the population of Orange County increased to 216,224 including 1,014 "Other Races." Indians living in Orange County totaled 145. The 1960 Census recorded 703,925 people living in Orange County including 9,935 "Non-Whites." Population totals from Anaheim, Orange, the newly designated city of San Juan Capistrano, Santa Ana, and Tustin includes approximately 397 "Indians."

The second major turning point for identifying the Juaneño Indian population of Orange County occurred in the late 1960s and 1970s. During this time period, the United States confronted the Civil Rights Era where various social groups (including American Indians) challenged the Federal and State Government's treatment of historically discriminated and underrepresented groups. This political and cultural awakening of various underrepresented groups in the United States combined with a large influx of non-white populations into California beginning in the mid 1960s forced the Federal Government to reevaluate its Federal Census methodology. Consequently, the racial classifications between 1970 and 1990 evolved from "White," "American Indian, Aleut and Eskimo," "Negro," "Chinese," "Japanese," "Hispanic" to "White," "Black," "American Indian,"

ORANGE COUNTY AMERICAN INDIAN

CENSUS (1880 – 1990)

Year of Census	Total California Population	Total California Indian Population	Total Orange County Population	Total Orange County "Indian Population"
1880	864, 694	16, 277	Not a County	
1890	1,208,130	16,624	13,589	5
1900	1,485, 082	15, 377	19,696	N. A.
1910	2,375,292	16,371	34,436	21
1920	3,426,861	17,360	61,375	125
1930	5,677,251	19,212	118,674	990
1940	6,907,387	18,675	140,400	66 out of 2,151
1950	10,586,223	19,947	216,224	145 out of 1,014
1960	15,717,204	39,014	703,925	397 out of 9,935 (non white)
1970	19, 957,304	88,271	1,420,386	1,994
1980	23,667,902	201,369	1,931,570	12,951
1990	29,760,021	242,164	2,410,556	15,255

MODERN SAN JUAN CAPISTRANO

As established earlier in this report, the city of San Juan Capistrano functions as a central hub of Juaneño community activities. The city (incorporated in 1961) continues to retain a "small town" ambiance, especially when compared to the rest of Orange County. In 1980, the city council, in association with developers, began a "face lift" of the downtown section of San Juan Capistrano to increase tourism and attract retail businesses. The redevelopment proved successful and the city currently receives thousands of visitors each month, especially during the spring and summer months, the main attractions being the Mission and the nearby historic Los Rios District. The redevelopment has provided economic benefits to the primarily "white" business owners, many of whom are not residents of the city and are recent arrivals to the area. They also have a disproportional influence on the city's management and future direction. The Juaneño residents, on the other hand, have been pushed further outside the circle of influence and economic opportunity. Up until 1970, the Juaneño had some say in the city's direction. During his term as mayor, James Thorpe (1972 to 1973) remembers actively soliciting Juaneño input into policy making and planning. When asked if he saw the Juaneño as a distinct community with specific concerns, his response was a resounding yes. He also commented that in succeeding years, relations between the tribe and the city council were not always cordial, but the tribe's participation was always sought, especially for decisions that would affect the community's continued quality of life. The relationship between the Juaneño community and the city began to erode during 1980s. One example of increasing strained relations involved a city plan to

redevelop a part of the historic Los Rios District in the mid 1980s. When the Juaneño publicly expressed their opposition to the plan, a city council member commented during the meeting that everything had been proceeding nicely until these "damn Indians" became involved (personal observation). There is no doubt that from the date of the city's incorporation until the present, successive city councils saw the Juaneño as "Indians," with their own unique voice and concerns. In the current political environment, however, Juaneño interests receive little serious consideration from civic leaders. The city's concern over the tribe's current bid for Federal Recognition has created an atmosphere of suspicion. Unfortunately, misinformation on the part of the local press and statements by individuals admittedly opposed to Juaneño self-governance has fanned the flames of distrust. Despite the current difficulties, the Juaneño continue to maintain relations with the present city council, expressing their concerns of support or opposition for city council actions, and appraising the council of the tribe's interests. David Belardes, a Juaneño, currently has a seat on the City's Heritage committee, and is regarded by other committee members as a Juaneño representative.

The city boundaries encompasses the Mission of San Juan Capistrano and the Los Rios District, a historic, residential community long occupied by a sizable membership of the city's Juaneño community. Several of the interviewed tribal elders were born in Los Rios and lived a substantial part of their life there. Other tribal members, younger and no longer residents of Los Rios, recall attending gatherings, funeral wakes, and wedding receptions in this community. Various adobes within the Los Rios district (and in other areas of the city) give testimony to Juaneño endurance. Some of these structures are over two hundred years old, and a few remain occupied today by Juaneño descendants. The Blas Aguilar adobe in particular, directly across from the Mission, currently houses a small Juaneño museum.

The Mission is the city's most prominent landmark. Construction of the Mission began in 1776 conscripting the indigenous population as a labor force. Partially destroyed by an earthquake in

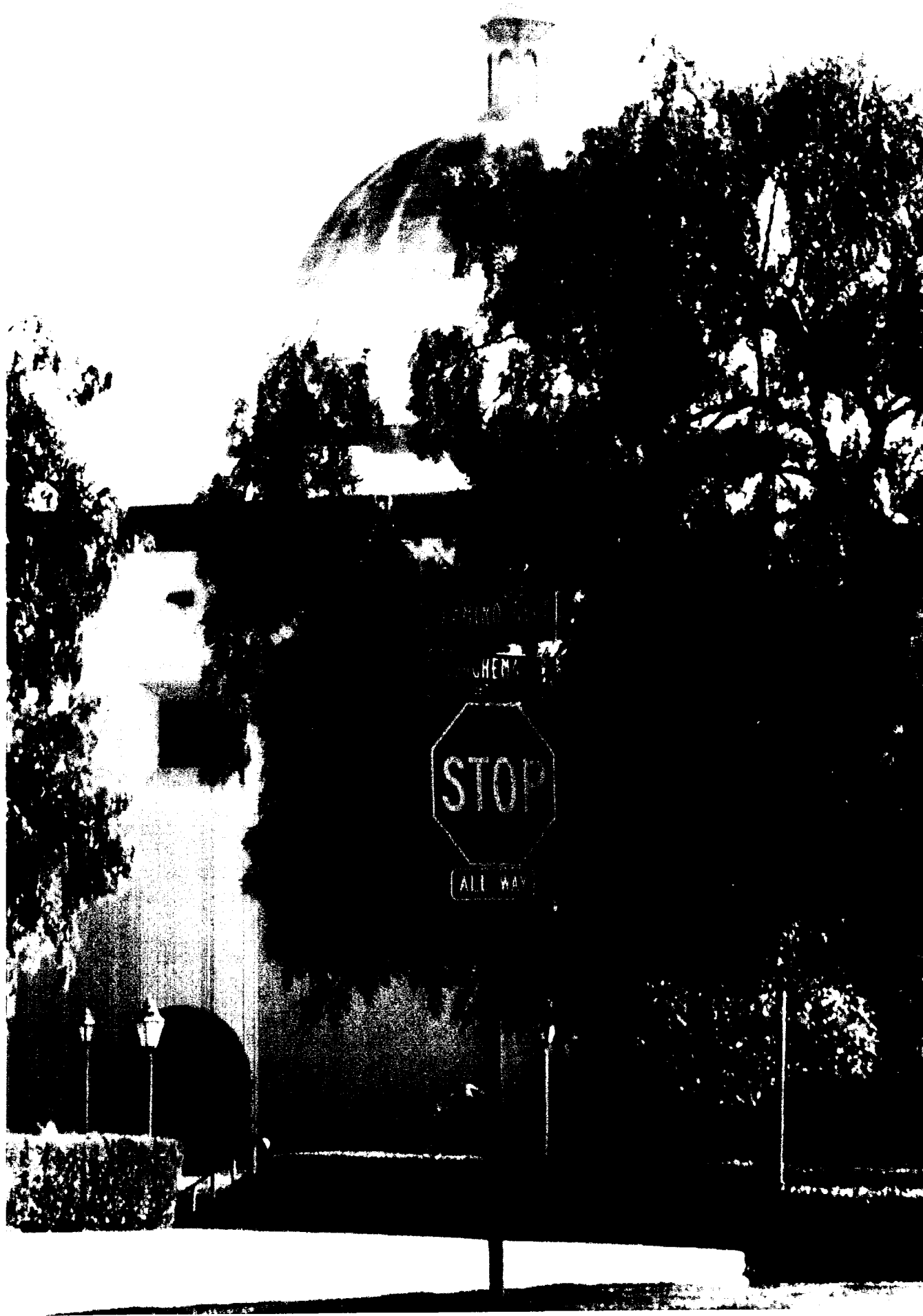
In short, the missions were furnaces of death that sustained their Indian population levels for as long as they did only by driving more and more natives into their confines to compensate for the huge numbers who were being killed once they got there." "... California's Spanish missions, established by Father Junipero Serra (aptly dubbed "the last conquistador" by one admiring biographer and currently a candidate for Catholic sainthood), were directly modeled on the genocidal encomienda system that had driven many millions of native peoples in Central and South America to early and agonizing deaths.

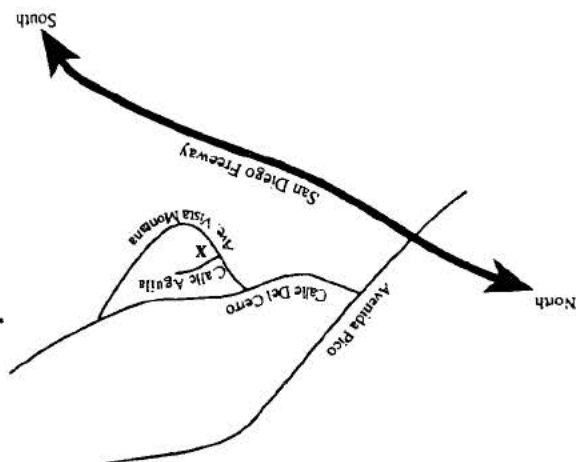
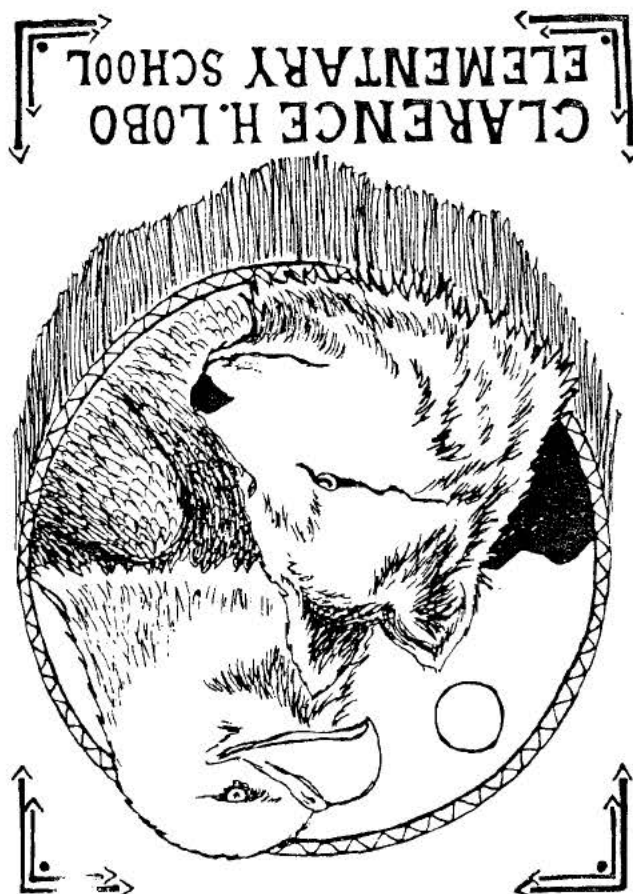
(Stannard:138-139)

The modern city of San Juan Capistrano is located approximately three miles north of the Pacific Ocean, and bordered by two low ridgelines on the east and west that terminate at the coast. The shoreline was once a series of accessible beaches interrupted by steep cliffs, but today this area is a separate city (Dana Point) with an extensive, artificially dredged harbor. The physical landmarks surrounding San Juan Capistrano figure prominently in the memories and stories of the Juaneño. Geographical features have retained the names given to them throughout the past two hundred years, although they have rephrased into Spanish and English over successive generations (Harrington: Archives, Southwest Museum of Anthropology). Another notable, physical element in Juaneño history is San Juan Creek (a river during heavy rainy seasons) bordering the western edge of the Los Rios District. According to Los Rios residents, the creek was a continuing source of food, water, and a direct and easy path to the beach. Ortega Highway, which intersects with the main street of San Juan Capistrano (Camino Capistrano) at the corner of the Mission, is the primary thoroughfare east towards Elsinore and Temecula. This route, an unimproved road until 1928, threads its way through the Saddleback Mountains, passing through ecological zones of chaparral, oak groves, and pine forests. While an important source of food and materials in the past, particularly during times of economic depression, the modern Juaneño continue to hunt and fish in these mountains and gather materials for basket making and ceremonial activities. Until the 1960s, a number of Juaneño families resided on rancheros located on the western side of the mountains, long-term residents of ancestral Juaneño dwellings. Locations of prehistoric activity (petroglyphs and pictographs) and more recent activity (ceremonies and gatherings) are known to the contemporary Juaneño. Looking

prominent today. Having "Indian" background is interesting color but being identified as an "Indian" is of minor interest, it appears. One can almost discern in these histories an unusual aberration of the concept of "mestizaje." Those Juaneño whose parents married out of the Juaneño community are identified with their non-Juaneño parent, being identified with their "non-Indian" surname as being of Spanish, Mexican, or other European descent. Their "Indian" connection disappears in historical accounts. The surname "Yorba" for example, is connected to a Spanish heritage although many, self-identified Juaneño share the same surname and trace the origin of the surname into a Juaneño lineage. The surname "Rivera," however, is associated with a Mexican heritage since no connection to a prominent, Spanish personage in the history of San Juan Capistrano exists. In the histories of San Juan Capistrano, Juaneño blood lines dry-up around the turn of the century. The fact that the Juaneño were given Spanish surnames after baptism (a common experience for all indigenous populations conquered by Spain, whether in California or what is now Mexico) seems to have escaped the notice of local historians. Apparently, an absence of stereotypic "Indian names" implies an absence of Indians. For the most part, Juaneño descendants become an unidentifiable population that has assimilated into the ethnic collage of the modern city. Contrary to the view projected by local historians, when the city needs "bonifide" Juaneño descendants to participate in historical events, they seem more than willing to recognize the contemporary Juaneño as an "Indian" presence within the city. It is of interest to note that a city street bears the name of the indigenous population "Acjachemen" (*see following page*). In addition, two Juaneño families have been honored by having schools named after them, Marco Forster Middle School and Lobo Elementary School (*see following page*). The city of Laguna Niquel, several miles to the northeast of San Juan Capistrano, has an image of an Acjachemen included in its city's seal (*see following page*).

The important question is not whether or not the city of San Juan Capistrano recognizes the Juaneño as Indians, but rather why the city seems to have amnesia from time to time concerning the Juaneño's "Indian-ness." One obvious answer is that when it suits the needs of the city the





Clarence Lobo Elementary School
200 Avenida Vista Montana
San Clemente, California
(714) 366-6740

The Board of Trustees of
Capistrano Unified School District
cordially invites you to attend a

Dedication Ceremony for Clarence H. Lobo Elementary School

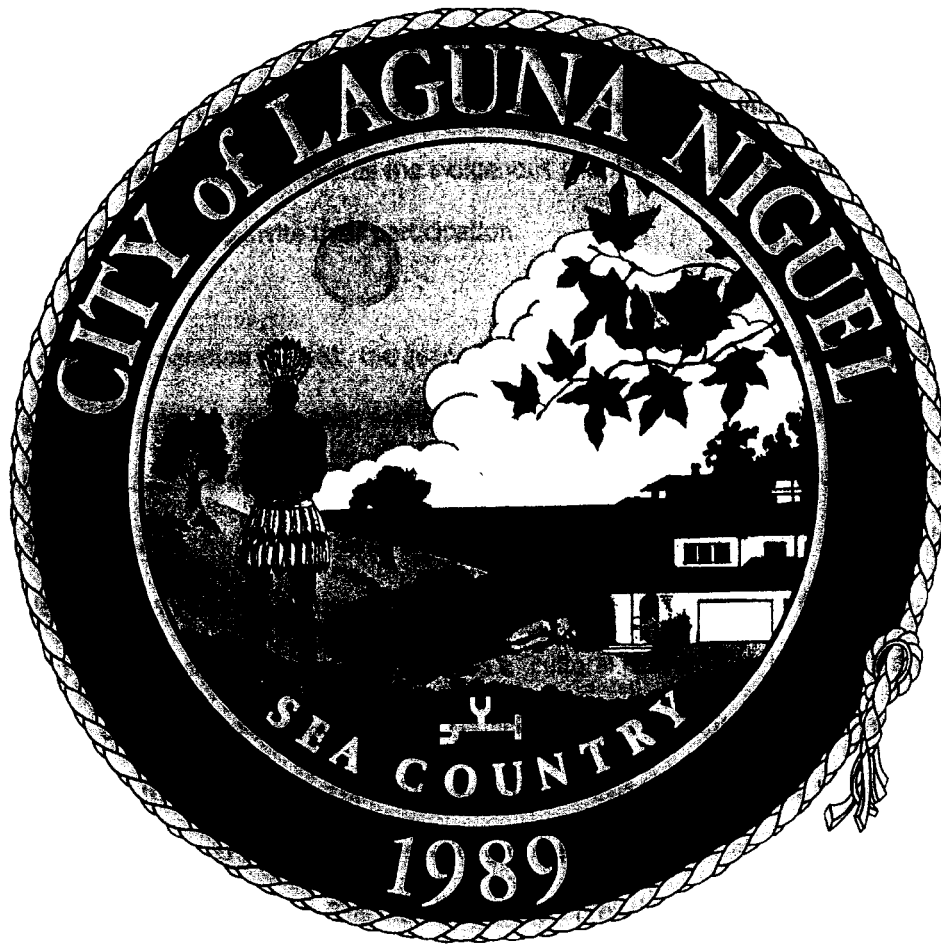
Friday, December 9, 1994, at 9:00 a.m.
200 Avenida Vista Montana
San Clemente, California

Following the dedication ceremony,
guests are invited to tour the school
and observe classroom activities
devoted to Indian education.

The cover was illustrated by Bridget McBride, Chumash
Nation. The eagle represents leadership. The wolf, or lobo
in Spanish, is symbolic of the spirit of the late Clarence H.
Lobo, leader of the Juaneño Band of Mission Indians.

Please RSVP by December 2
to (714) 489-7372.

Map on Reverse Side



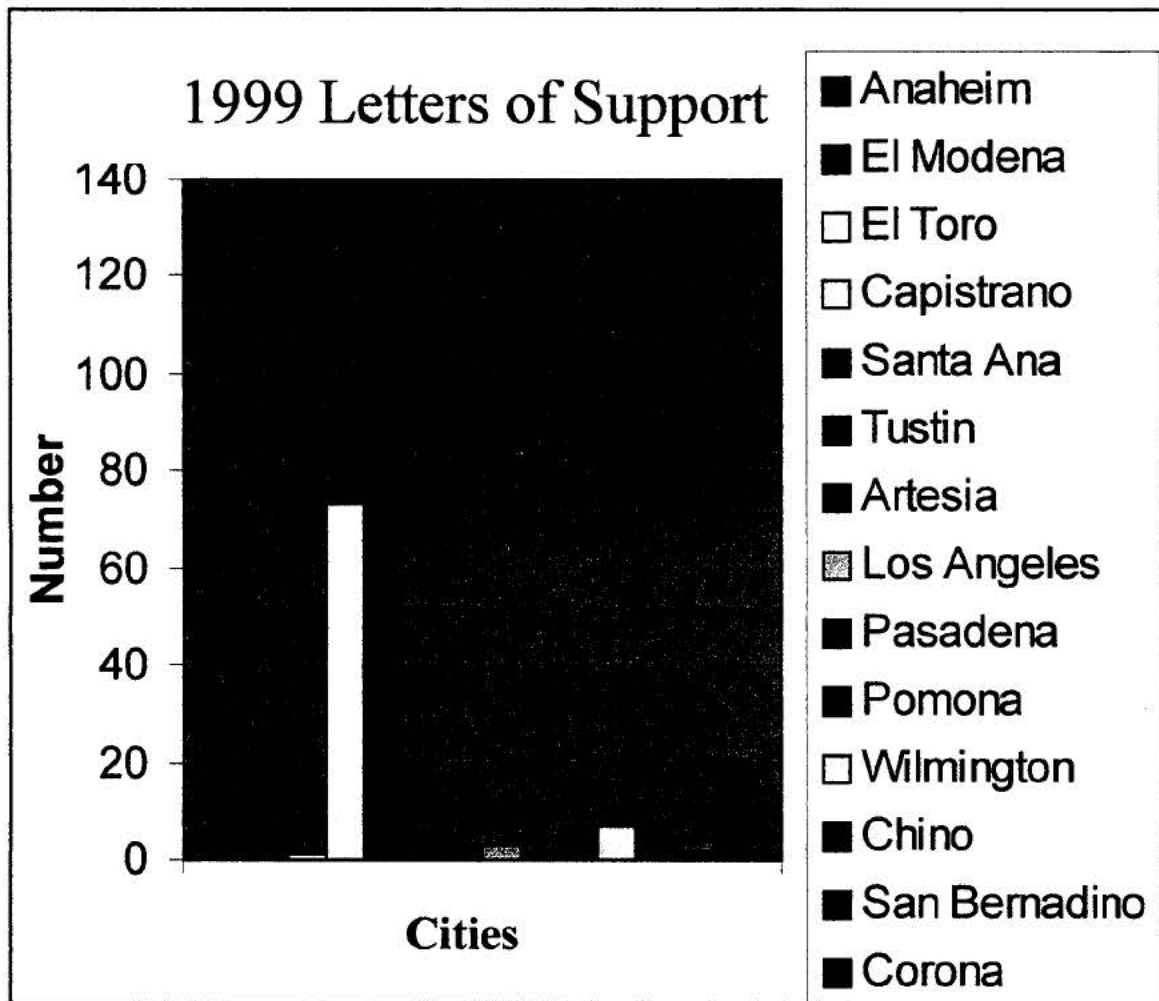
THE MODERN JUANEÑO COMMUNITY (1900 TO THE PRESENT)

POPULATION PROFILE

In terms of residence patterns, current Juaneño households reflect a long, historical occupancy throughout Orange County. From 1900 to 1950, agriculture and ranching slowly gave way to commercial enterprises. Many Juaneño families began to move closer to urban areas that offered increased economic opportunity. Many long-term residents of San Juan Capistrano however, remained where they were and became a nexus for the diffused community. A comparison of residency addresses from the 1928 Rolls and current membership addresses for Juaneño households indicates a relatively stable distribution of households over the past one hundred years (see following pages). While some members moved to nearby reservations because of affinal ties, or to other counties and states, tribal members maintained social connections with a core group of Juaneño families in San Juan Capistrano.

As stated earlier, the Juaneño community in San Juan Capistrano was the central hub that linked the peripheral members to a historical continuity and geographical navel. It was the center of pilgrimages to attend annual gatherings, weddings, and funerals. During these gatherings, individuals learned about the activities of distant members and relatives, and about the legal and social issues affecting them. They recounted traditional stories to the younger generation and assisted less fortunate members of the Juaneño community. They renewed ties and established

Residential Distribution of Juaneno Applicants in 1999



Anaheim	19
El Modena	0
El Toro	1
Capistrano	73
Santa Ana	116
Tustin	6
Artesia	3
Los Angeles	3
Pasadena	1
Pomona	7
Wilmington	7
Chino	8
San Bernadino	2
Corona	21
Total	267

potential liaisons. These activities were conducted within the setting of the Juaneño community, separate from the Anglo and Latino communities that surrounded them. Many Juaneño elders remember these gatherings in vivid detail, often recalling specific incidents that were important to the tribe's history. In reality, the Juaneño community in San Juan Capistrano became the repository of tribal history and folklore, the tribe's enduring link from the founding of the Mission to the present.

The tribe exhibits a wide range in ages over five generations. Many elders are octogenarians extending the "anthropological present" to the 1850s. A large number of tribal members fall within the generation of "baby boomers," who are now becoming grandparents. Another large segment is composed of those members under twenty years of age. Individual tribal members are very aware of their lineage and tribal affiliation. Familial associations are well known and recounted at weddings, funerals, and annual gatherings. On these occasions, newborns and long absent members are introduced and acknowledged. The Juaneño total over 1,861 adults and children based on those who have recently completed application packets in the San Juan Capistrano Tribal office.

In terms of employment, the Juaneño reflect the full range of occupations found within the Orange County community. While the majority would be defined as "blue-collar" workers, many of the Juaneño hold professional positions in the private sector as well as in City, County, State, and Federal agencies. The average educational level of the Juaneño is similar to that of the general Anglo population in Orange County. In the past, while most graduated from High School only a small number pursued college degrees. Among the younger Juaneño generation, however, more are pursuing educational programs leading to baccalaureate and advanced degrees. This may be a reflection of the fact that educational opportunities are more available to this generation. Orange County has nine community colleges and two major universities, in addition to several private colleges that actively recruit underrepresented minorities.

In terms of socio-economic status, based on income, the majority of Juaneño would fall into the classification of middle class. The average per-capita income of Orange County is a little more than \$24,000. However, Orange County represents a wide range of per-capita income based on residency. A number of Orange County communities have per-capita incomes of more than \$53,000 and household incomes of \$140,000. At the lower end, the average is \$11,000 per-capita income and a household income of \$37,000. Interestingly, the majority of Juaneño live in the parts of the county reporting the lowest per-capita and household incomes.

PERSONAL HISTORIES

From September 1998 to July 1999, twenty-eight personal histories were collected from Juaneño tribal members (*see following page*). All interviews were recorded and transcribed. A sample is attached to this report (*see Document E*). Additional impromptu interviews were conducted with tribal and non-tribal members throughout the course of a year. The interviews, structured to generate responses that would support the Juaneño's claim of a being a continuous tribe from 1900 to the present, represent a broad segment of the Juaneño community. Those interviewed exemplified a diversity of age, gender, educational background, knowledge of tribal history, and geographical location. The primary design and purpose of the questions asked of each interviewee were to illicit information that would correspond to the evidence required by the BAR to demonstrate a tribe's historical continuity. Although the same questions were asked of each person, questioning proceeded along the lines of the tribal member's memory and interest, often leading to additional information that supported the tribe's continuity. Interviews, usually conducted in the tribal member's residence, often included family members and friends who provided additional information. The average "formal" part of the interview lasted between two and three hours, with informal discussion lasting another few hours. Follow-up interviews were conducted with a number of tribal members to clarify their responses.

In addition, other interviews conducted by various individuals (covering a span of thirty-five years) were collected and reviewed, and a sample are attached to this report. The purpose of these interviews varied according to the specific interests of the interviewers, but often contained insightful information supportive of the tribe's socio-cultural history. Most importantly, many of these earlier interviews were of Juaneño elders who have since passed-away. Other interviews

LNAME	FNAME	BDATE	DEATH	ADDRESS	CITY	STATE	ZIP	SEX
			1/14/94			CA	92675	M
						CA	92675	M
						CA		M
						CA		M
						CA	92067	F
						CA	92675	M
						NV	89129	M
						CA		M
						CA		F
						CA	92675	M
						CA	92675	M
						CA	92675	F
						CA	92704	F
						CA	92122	M
						CA	92675	F
						CA	92675	F
						CA	92675	F
						CA	92675	F
						CA	92675	M
						CA	92675	F
						CA	92677	M
			7/1/85			CA	95966	M
						CA	95966	M
						CA	92677	F
						CA	92677	M

LNAMF	ENAMF	BDATE	DEATH	ADDRESS	CITY	STATE	ZIP	SEX
						CA	92122	F
						CA		M
						CA	92675	M
						CA		M
						CA		F
						CA		F
						CA	92675	F
			2/2/76			CA	92675	M
						CA	92675	F
						CA	92675	M
						CA	92675	M
						CA	92688	M
						CA	92084	M
						CA	92675	M
						CA	92675	F
						CA	92675	F
						CA	92675	M
						CA	92707	M
						CA	92675	F
			4/15/94			CA	92675	F
						CA	92675	F
						CA	91916	F
						CA	92704	F
			8/8/91			CA	92675	M

were from long-term residents of San Juan Capistrano and adjacent communities who associated with the Juaneño but were not Juaneño themselves.

INTERVIEW QUESTIONS AND RESPONSES

When is the earliest you remember being a member of the Juaneño Band of Mission Indians? How old were you? Who told you that you were Juaneño? How far back does your knowledge extend regarding your connection to family members, elders, and community members?

Everyone of the Juaneño interviewed between September 1998 and August 1999 knew he or she was an "Indian" from an early age. Parents, relatives, and others communicated this knowledge to them. Not one respondent remembered being surprised to discover that they were Juaneño. Their "Indian" heritage was an accepted "fact," and was plainly recognized by the members of the non-Indian community around them. Participating in tribal activities provided a constant reminder that they were descendants of the indigenous Acjachemen people whose history extended far beyond the founding of the Mission. Many reported that they took being "Indian" for granted and saw no need to highlight this fact, especially in the small community of San Juan Capistrano, where everyone knew each other's background (C. Russel Cook: Document E). The same was essentially true for those who lived in other County locales. They might confide that they were Indian to close friends or co-workers, but for the most part their identification as an Indian remained a private understanding. Many reported that being identified as an Indian often invoked negative responses among Whites, sometimes having adverse effects in employment and educational opportunities. It was not until the attitude towards Indians changed (resulting from

the 1960s Civil-rights movement) that being Juaneño "an Indian" became a unique distinction worthy of admiration.

It is of utmost importance to point out that individual response to anti-Indian attitudes was highly variable within the community. Over the past two hundred years, individual Juaneño declared their Indian origins and tribal affiliation, demanding recognition as an indigenous descendant. Beginning in 1920, when a Juaneño ancestor told Fr. Boscana that he would not submit to a foreign religion, to the Juaneño leaders petitioning for Federal Recognition today, the Juaneño have actively pursued their sovereignty.

Responses to this question are clearly indicative of a collective Indian recognition, although individual manifestations differed. Social realities and the day-to-day obligations of maintaining a household had an obvious impact on individual revelations, as did the historical consequences of conquest and occupation that divided them.

Of the elders interviewed, (75 years of age and older) their recollection extends to the memories and experiences of their grandparents, as far back as the 1850s. Several remember community members who spoke only Acjachemen. Between 1937 and 1940, Viola (Lobo) Brown compiled a dictionary of 220 words collected from seven Acjachemen speakers. She had no formal training but wanted to learn the language of her parents (see Document M). They remember participating in activities that were traditionally Juaneño. As young children, the women recall gathering ancestral food and medicinal plants, assisting in curing ceremonies, helping to take care of ailing community members, and preparing food for Juaneño gatherings. The men remember as young boys, hunting and fishing to supply supplemental food for gatherings, furnishing wood for cooking and ceremonial fires, and assisting older men in a variety of activities. Most of the elders are bilingual, speaking both Spanish and English, and a few remember Acjachemen words and phrases.

The childhood remembrances of those between the ages of forty and sixty are conditioned by the aftermath of the depression and the War years. While many are bilingual, English is their primary language. Their generation, gravely affected by economic depression and the absence of community members, suffered cultural discontinuity. They attended Juaneño gatherings and maintained cultural associations but elements of Juaneño material culture were less evident. Stories and folklore persisted however, connecting this generation to the stream of Juaneño continuity. That they were Indian, and descendents of a historical tribe, was not forgotten.

The memories of those between the ages of twenty and forty are similar to those of their parents. They knew they were Juaneño (of Indian descent) and attended Juaneño gatherings. They followed the directions of elders and provided what was required of them. They participated in ceremonies and annual gatherings. They memorized the stories and folklore of their community and committed them to remembrance for the benefit of their children. They learned their genealogy and the histories of their relatives. Their understanding of their Indian heritage, although conditioned by the attitudes of the contemporary society they lived in, was an accepted reality. In their view it is both absurd and unconscionable that they should have to prove they are Indian.

The youngest generation mirrored the confusion of their parents and older brothers, sisters, and cousins. The question of their Indian-ness seemed ludicrous. They are proud of their ancestry, and, for the most part, so are their non-Indian peers. They declare their heritage as the original inhabitants of Orange County without question, and take every opportunity to proclaim their association as Indian. They are actively involved in re-learning their traditional language and culture and asserting their heritage. This generation represents the resurgence of the ancestral population, a generation that demands recognition.

What kinds of family, community, ceremonial, socio-political activities do you remember participating in that would be considered specifically Juaneño? How were you able to identify activities that were specifically Juaneño? For example: Dances, funerals, weddings, tribal business or other meetings, such as family gatherings (picnics, reunions), and specialized activities such as plant gathering, spiritual and healing ceremonies, language learning.

All those interviewed had experienced activities that were definitively Juaneño. The most common of activities were gatherings. Ceremonial activities and gatherings were held in various locations throughout Orange County, although the majority of get-togethers took place in San Juan Capistrano. Gatherings occurred at various times throughout the year, and according to the memory of elders, gatherings often coincided with ritual times of the year, associated with solstices and equinoxes. (It is of interest that Fr. Boscana mentioned the Acjachemen attention to stellar movements.) However, gatherings were also associated with weddings, funerals, and religious (Catholic) events. While the primary purpose of gatherings was celebratory, the underlying environment provided an opportunity for the discussion of tribal interests. All topics were open for investigation and discussion, such as family disputes, political issues, and current problems affecting the general Juaneño community. Elders remember that at gatherings, the men detached themselves from the women and discussed issues independently. Later, both segments would review their conclusions and arrive at a solution if one was required. The gatherings also provided assistance for less fortunate tribal members in the form of food and money. In addition, the gatherings provided opportunities for tribal members to renew family ties, establish an environment for potential novios, and to relay tribal stories and folklore. They also provided an opportunity to transmit ceremony and ritual. Clearly, one of the most important results of the gatherings was the identification of elders and the deference they should be shown

as living representatives of Juaneño continuity. Juaneño gatherings were indisputably the most concrete forms of community solidarity in the past; this remains true today.

During the early nineteenth century, elders recall individuals attending gatherings that represented the interests of the Juaneño to the outside community. They remember that discussions took place but were too young to be directly involved, and they knew not ask too many questions of their elders. They remember foot race contests, dances like the eagle and fire dance, songs sung in Acjachemen accompanied by traditional musical instruments such as flutes and clapper sticks. They recollect the seemingly endless rounds of meeting relatives, especially after funeral services. Some remember wakes held for the deceased that were distinctly Juaneño activities, and wedding ceremonies separate from official Catholic services.

The children of this generation can recount similar experiences except that some elements of Juaneño culture had declined in practice. During this time, the cultural aspect of gatherings remained generally intact except for traditional dances and songs sung in the Acjachemen language. Provisions for the material needs of individual Juaneño continued, and potential marriage partners identified. The reaffirmation of family relations occurred and new members introduced. Prayer, led by an acknowledged elder remained and respect for elders continued. The respect for elders remained as an important thread woven into the fabric of this generation. Interestingly, this generation began to revive cultural practices that were aspects of their grandparents' generation.

One cultural practice revived by this generation was traditional basket making. Marion Walkingstick, along with several other women of her generation, re-learned the art of Juaneño basket making from several elders. They currently conduct workshops and classes, teaching younger Juaneño and non-Juaneño traditional basket making techniques. They collect materials from areas in the Saddleback Mountains that are known to be sources utilized by their ancestors.

Other members began to re-learn and practice ceremonial customs. A number of individuals, such as Ka'chi, the tribes current "atiatish" (ceremonial leader), who had learned ceremony from Juaneño elders as a child, began to teach other tribal members traditional ways. Many members of this generation (and their children) participate in a variety of ceremonies held throughout the year. These include but are not limited to solstice ceremonies, coming of age ceremonies, and traditional wedding ceremonies.

For the generation under twenty-five, most of what their parents experienced is essentially the same for them. Gatherings and ceremonies provide similar experiences. One of the pronounced differences is the intensity of the current generation's desire to learn and acquire knowledge of Juaneño culture. Elders are highly respected and interrogated as to their knowledge of traditional Juaneño culture.

As identified earlier, many elders remember assisting their parents and grandparents in gathering plants considered beneficial in healing. Several individuals reported traveling into the local mountains on gathering expeditions although they were unsure of the particular uses of the plants they gathered. Over time, the Spanish term "yerba buena" was applied to any plant that was used for healing. Quite a few elders and their children remember attending ceremonies outside the traditional Juaneño community, often traveling to other Indian communities in Riverside, San Bernardino, and San Diego counties. For Juaneño youth today, these activities are a common experience.

Do you remember traveling to other tribal communities? Where do you remember going and for what purpose? How did you know these were different tribal communities? What did you do there?

Most of the Juaneño interviewed remembered traveling to other local Indian communities. The primary reasons for travel were to attend gatherings and ceremonies, healing and curing sessions, and visiting relatives. Elders recall that they knew of family members and other Juaneño living on neighboring reservations. They remember visiting relatives at the Pala, San Luis Rey, Cahuilla, and San Diego reservations as children. Most recounting these visits lasting several days to a week. A few remembered that their families moved continuously between reservations, staying with relatives, living off the land and taking seasonal jobs. They recognized that during difficult times (financial, personal, or otherwise) they had somewhere to go if necessary. Several remembered that distant relatives residing in other Indian communities took in a child left orphaned by the death of a parent. They remember that distinctions existed between Juaneño and non-Juaneño members on the reservations. Although interactions were cordial, the establishment of relatedness was fundamental. In the memory of elder Juaneño, it was necessary to identify your tribal affiliation when visiting other Indian communities.

Attending gatherings was the most frequent reason (second to visiting relatives) given for traveling to other Indian communities. Individuals recall that traditional "Indian" food was served at barbecues (acorn soup, greens, deer, and fish) as well as tamales, pasole, carnitas, tortillas, and beans (all "Indian" foods but referred to as Mexican food in today's parlance). They remember that during the day adults spent time in conversation while the younger ones played. In the evenings, there was singing and dancing, usually around a large bonfire. They were

aware that community elders were often occupied in debate, but, as children, were not privy to these discussions.

Some remember traveling to other Indian communities because they were ill; their parents would take them to a respected healer whom had gained notoriety for curing. Before the 1930s, medical care in south Orange County was not broadly available and few Juaneño could afford the services of a doctor. Although several "cuenderos" lived in the San Juan Capistrano community, the reputation of healers in other Indian communities and the recommendations of relatives drew people to them.

Wedding and funeral ceremonies also drew individuals to other Indian communities. Most of the time these ceremonies involved immediate relatives and distant relations of the Juaneño. Some remember attending seasonal ceremonies and, given the fact that many southern California people share similar cultural traditions, attendance at the ceremonies of other tribes is common and accepted.

The long-term connections maintained with other Indian communities, evident in the recollections of Juaneño elders, reinforce family and tribal affiliations. This association provided the Juaneño alternatives, allowing them to retain their cultural identity and independence. Other Indians identified the Juaneño as distinct Indians, regardless of how the non-Indian community defined them. Geographical and historical realities support how these inter-tribal associations were sustained through time.

In the 1830s, after the Mexican redistribution of mission land and the curtailing of the missionary's control over the Indians, some Juaneño moved to other Indian communities, following a long established pattern of movement. Indications are that Juaneño ancestors were attempting to regain a former lifestyle of self-sufficiency and to remove themselves further from

the arriving Mexican government and landholders. It is clear from existing genealogies and personal family histories that many Juaneño moved back and forth, between ancestral village sites (often located on large Mexican land grants, and referred to as "rancheros" in the literature) and other Indian communities. In the late 1800s and early 1900s, more Juaneño began to move to established Juaneño locales such as San Juan Capistrano, and newly developing urban centers such as Santa Ana. Some Juaneño remained on rancheros scattered throughout Orange county that have since become incorporated, such as the cities of Mission Viejo, Yorba Linda, El Toro, and Laguna Niquel. Other rancheros existed on land currently under development such as Aliso Viejo, Portola Hills, and Rancho Santa Margarita. Before 1950, travel in southern Orange County was difficult. Few paved roads existed and even fewer communities were evident, except for spread out rancheros and farmhouses. A historical perspective of what this area looked like before 1950 can still be found on the Camp Pendelton Marine Base, located south of San Juan Capistrano. It requires little imagination to understand how members of an indigenous community could remain separated from the rest of developing Orange County until recent times. For over 100 years, communal interactions of the Juaneño tended to be between family members, and others known to be members of the Juaneño community, whether they lived nearby or in other Indian communities. This type of lifestyle provides the atmosphere in which cultural traditions persist and flourish. After the collapse of the mission system, there was little interest in the activities of the Indian population unless it interfered with the demands of labor. Therefore, Juaneño elders and their descendants were able to retain elements of their cultural assemblage, and share them with other community members. Different families retained distinct pieces of the cultural puzzle, and at tribal gatherings, they put together, as much as they could, a picture of traditional Juaneño culture.

Successive generations of Juaneño continue to visit nearby Indian communities, for many of the same reasons their elders did. They visit family members and attend ceremonies and gatherings, the latter now often referred to as Pow Wows. They identify themselves as Juaneño and other

Indian communities recognize them as Juaneño. They are cognizant of their family's lineage and relatedness to the members of other Indian communities. Long term historical associations are recognized and recounted.

Do you remember being identified as a member of the tribe by non-tribal members within the community? Do you remember the feelings that you experienced, both positive and negative? What were the circumstances?

This question provoked the most telling evidence that individual Juaneño knew that they were Indians, especially among the tribal elders. Many of the elders experienced the vehemence of anti-Indian attitudes, as children and as young adults. In a number of interviews, some elders became so emotional at their recollections of the prejudice directed towards them that time was required for them to compose themselves. Every person interviewed, born before 1980, could recall an instance of bigotry directed towards them. The Juaneño kept their Indian association to themselves, except among San Juan Capistrano "old timers" (Whites and Hispanics), who knew them. When interested academics like John Peabody Harrington came to San Juan Capistrano looking for Indians to interview in the 1930s they made their presence known, but interested academics were few and far between.

Many of the elders attended Indian schools. Some went to Sherman Indian School in Riverside, California, and some to Saint Boniface Indian School in Banning, California during the late 1920s through the 1940s. Most stayed only a short time, one to three years although several graduated from these institutions. Of those interviewed not one person described his or her school experience as positive. Some of the Juaneño went to the Indian schools at the insistence of parents or other tribal members; others went because they had little choice if they were to receive an education. Public education was not available in San Juan Capistrano until the 1930s and the school operated by the Mission had limited capacity. Those attending Indian schools remember being punished if they spoke any language other than English and not being allowed to converse with family members within the presence of school officials. The ill treatment of

Indians by teachers and administrators in Government operated schools is documented in numerous histories. The experience of Juaneño elders at these institutions was no exception.

Of the Juaneño who attended Indian schools many were from San Juan Capistrano, however, documents from Sherman Indian school indicate that Juaneño from other locales in Orange County were in attendance. Since the designation of "Juaneño" was not applied to the San Juan Capistrano Indian community (nor to those in other areas of Orange County) until the late 1920s, children attending Sherman were designated as Mission Indians (*Archives, Sherman Indian School*). This was a collective term applied to native populations between Los Angeles and the Mexican border, and from the Pacific coast to the Arizona border. However, the addresses of parent's residences identify at least forty Juaneño children who attended Sherman Institute from the early 1900s to the late 1940s when their designation as Juaneño began to be recorded.

Younger members of the tribe have escaped some of the animosity leveled at their elders. Many of those born in San Juan Capistrano during the 1940s remember biased attitudes from White teachers and school officials. They remember being told that they should not expect to do well in school since they were Indians, and that it would be better if they learned a trade if they wanted to be employable in the future. A few remember being released from classes to join family members employed on local ranches or working in agriculture (especially during the harvesting season). Those Juaneño growing up outside of San Juan Capistrano were most often labeled as Mexicans and encountered White prejudices directed at this population. These Juaneño knew they were Indians but were not demonstrative in their assertion. To the surrounding White community, the distinction between Indian and Mexican mattered little. To the increasing White population, there were no Indians in Orange County, and if one had a "Mexican" name, ate "Mexican" food, lived in a "Mexican" community, and was not phenotypically White, then one was Mexican. In these communities, the Juaneño experienced the same

condescending attitudes aimed at Mexican students. Their teachers expected them to fail and to have limited employment opportunities in the future.

Many of the young men from this generation followed the path of their fathers who joined the military and fought in previous wars, an occupation requiring minimal education. Many of the young women, following the established social expectations of this period, married and began the arduous labor of starting and maintaining a family household. A number of Juaneño, both women and men, proved their teachers wrong. They graduated from High School and entered universities and colleges, earning advanced degrees.

For the most part, this generation took their Indian heritage as a matter of fact, and found little reason to highlight this distinction among their peers. However, as they become older, it is important to stress that the members of this generation have become the solid foundation of the modern Juaneño community. They publicly announce their presence within the Orange County community. They participate in Indian as well as non-Indian community activities. They live their lives as Indians, and teach their children aspects of Juaneño culture.

Largely, identifying as an Indian in the current socio-political environment affords a singular distinction, and the youngest generation of Juaneño capitalizes on this distinction. To a certain degree, they are aware of the experiences of the elders but find it difficult to understand the depth of pain they encountered only a short sixty to seventy years ago. Younger Juaneño also have some trouble understanding their parent's "laissez-faire" attitude to being Indian in their younger years. This youthful generation has learned to fight intolerance and prejudice, and recognize the respect they deserve as being descendants of an aboriginal population. For the most part, this generation has accepted that being Indian, a Juaneño, carries a responsibility to assert their right to be recognized as a distinct people and a Nation.

Do you have any memories of stories, past events, and lessons told you by family members and other tribal members?

Responses to this question clearly demonstrate a collective memory of Juaneño history and folklore. Common elements of stories came from a wide range of ages and indicated a continuous thread woven through generations of Juaneño. Many of the commonly known stories involving Juaneño in the San Juan Capistrano community were recorded in diaries written by Fr. John O'Sullivan after his arrival at the Mission in 1910. In the words of Charles Francis Saunders, who published some of O'Sullivan's diaries,

It is to this interim between the regime of the old padres and the occupation of the mission by Father O'Sullivan in 1910 that these stories relate, the gathering of which has been quite incidental to the Father's duties as a busy parish priest – sparks, to use his own words, from the anvil of his daily labors.

(Saunders:vi)

What we are told then by Saunders, is that some the stories that Fr. O'Sullivan tells originate before his arrival in San Juan Capistrano (a period of sixty years). Regardless of the often "quaint" descriptions he provides of his "charges", there can be no doubt as to his recognition that an Indian community lived in San Juan Capistrano. It is evident that this Indian community was distinct, with many members still speaking Acjachemen, and participating in Indian cultural activities. One elder, Marguerita Lobo, identified in one of the stories, autographed copies of a recent reprint of O'Sullivan's diaries (April 1999).

While many stories are generic to Juaneño activities in San Juan Capistrano and are known to most, many families retain stories that are specifically their own. These stories are recounted over successive generations in much the same way that all peoples communicate their family

stories, especially those that have retained long term residency in a specific area and interact on a regular basis. The Juaneño retain an extensive memory of oral history and folklore, although some elements changed, reflecting the impact of the socio-cultural environment they experienced.

Based on numerous observations of Juaneño gatherings over the past year, it is clear that these events ensure the transmission of cultural history between the generations. Younger Juaneño listen to the stories recounted by older members of the community, and elders testify to the veracity of the storytellers. Questions focus on specific events that happened in the past, and new stories introduced. The stories told by men and women differ in the points emphasized, but relate to the shared, common experiences of the tribe. Stories relate to the full experience of the community. They are about the past and present experiences of individual tribal members, traditional cultural customs that were and are still practiced, interactions between the tribe and the non-Indian community, and innumerable "ghost" stories reflecting the Juaneño's long term experience as residents of historic San Juan Capistrano and the surrounding countryside.

The San Juan Capistrano Historical Society (on which two current tribal members hold positions) contains an extensive collection of photographs and records that provide a documentation of the Juaneño's long-term residence in the city. As pointed out earlier however, in the construction of local history, the presence of the Juaneño community is de-emphasized. That there is evidence to support numerous aspects of the Juaneño's oral history there can be no doubt. Additionally, individual Juaneño retain family photo albums and documents that have not been centrally collected nor systematically organized. Based on personal observation, when a complete ethnohistory of the Juaneño is undertaken, there will be no lack of information

How would you define the Juaneño community? What makes it a "distinct" community? What is the "social glue" that binds the community together?

The "social glue" that holds the Juaneño community together is the collective recognition that they are descendents of an aboriginal population that has lived continuously in Orange County, prior to and after Spanish conquest. They recognize that their ancestors occupied an area greater than the present boundaries of Orange County, and that they maintained extensive networks among themselves and with other aboriginal Indian populations, as they do today. They recognize that they are separate and distinct from the non-Indian communities they live in, and choose to define themselves rather than accept the definitions created by outsiders. Their individual experiences have confirmed their Indian heritage, and at various times in their lives have been subjected to prejudicial treatment and discrimination. They recognize that their voice is heard only when it suits the needs of the non-Indian community. They recognize that their right to be acknowledged as an independent Nation has been abrogated by the Federal government time after time. They recognize that as a community, they must act collectively to achieve Federal acknowledgement. All these feelings were evident in response to the question of what constitutes the Juaneño community.

The primary activity that binds this community is the Juaneño, traditional "gathering". It is during these events where discussions of common concerns occur. Issues range from the political, social, and cultural concerns of the group to individual problems and needs. It is during these gatherings that individuals within Juaneño community are exposed to the broad issues facing the tribe as a whole. These gatherings facilitate the dissemination of information to widely dispersed Juaneño through relatives who attended the gathering. Many members live too far away to attend every gathering, and some are too old or ill to make the trip. They are kept in the "loop" via the family network, and their feelings about issues are relayed back to other

members. Tribal leaders use the gatherings as a barometer to gage support for various tribal ventures. And while consensus is always sought, it is not always reached.

Gatherings are a distinctive hallmark of the Juaneño community. Elders remember attending gatherings from a young age, and are aware that their parents and grandparents attended these events, extending back to the early 1800s. Gatherings were Juaneño events, specific to their community. They took place in numerous vicinities but the general location was somewhere in or near the city of San Juan Capistrano. Although gatherings shifted in location and from family to family, community members knew where and when they were to be held. As defined earlier, the reasons for a gathering were varied but the primary result was always the same; a re-cementing of community relationships, and transmission of tribal information.

TRIBAL LEADERSHIP

The recognition criteria (25 C.F.R. 83.7 (c)) requires that a group show that it has maintained political authority or influence on a substantially continuous basis from historical times until the present day. The guidelines distinguish between "formal" and "informal" structures of governance. Formal leadership is associated with structures of Tribal councils and members elected to leadership positions. Informal leadership is associated with individuals who resolve conflicts within the community, represent the opinions of the tribe (or part of the tribe), raise funds for the community, and mediate between tribal members and the non-Indian community. In the case of the Juaneño, evidence of both formal and informal leadership exists. Starting from the present and working back, aspects of Tribal leadership include both formal and informal structures.

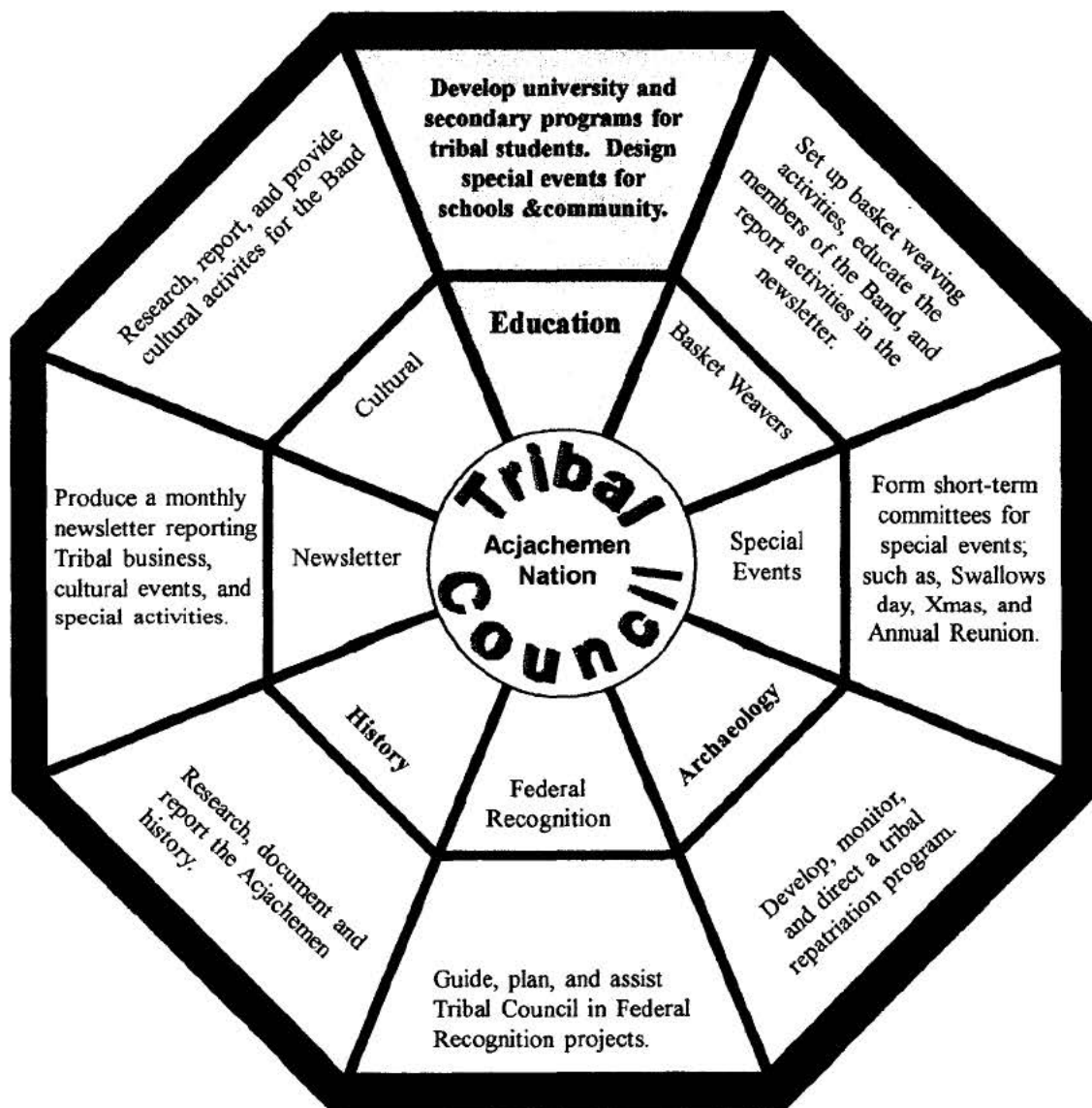
In the current Juaneño community, a main Tribal body and two minor factions are identifiable. An electoral process of the members determined leadership in a Tribal council headed by Chairwoman Jean Fietze. One of the minor factions has held purported elections; the other minor faction is led by a self-defined "interim council" and has had no elections. The circumstances surrounding the presence of three factions in the community are complicated, and result from events taking place within a short six-year period beginning in 1993. However, events associated with the current political atmosphere have their roots in the history of several generations of Juaneño, stretching back over sixty years. To a noteworthy extent, Juaneño

concerns over Tribal leadership strongly implies a dynamic community concerned about its future.

The Tribal council representing the main Tribal body is under the elected leadership of Jean Fietze who has been the tribe's chairperson, since 1997, a fact acknowledged by support letters signed by 1,040 tribal members. She has been active in the Tribal political structure since 1979. Her Tribal council is composed of four additional elected members that coordinate the activities of the tribe. In addition, eight other tribal members under the Fietze Tribal council have been appointed as chairs to specific committees. All these committees (a list of these committees is attached (*see following page*), are active components of the tribe. Membership on specific committees ranges between three and thirteen tribal members and comprises a wide diversity of age, gender, experience, education, and locale (some members travel several hours to attend committee meetings). General council meetings, held in San Juan Capistrano on the third Saturday of each month, attract on average between thirty-five and fifty adult tribal members, with even more during the holidays. Many of those who attend general council meetings travel from Santa Ana, San Diego, and Huntington Beach. Committee chairs and other community members, local and distant attend Tribal council meetings, held each Thursday evening. Audio copies of general council and Tribal council meetings (from 1979) are filed in the Tribal council office in San Juan Capistrano. A newsletter, describing the Tribal activities is published monthly and mailed to all members of the Juaneño community (*see Document F*). The council depends on member donations, business donations of supplies and materials, and fund raising events held throughout the year to support its functions. The council and committees are highly active and visible within the surrounding community. They participate in educational programs, attend social functions as recognized members of the Juaneño community, and participate in numerous civic organizations as Juaneño representatives. The Tribal council maintains an office available to tribal members five days a week. It is important to note that all members of this council maintain full-time jobs and households. They donate their time on a volunteer basis. The

Juaneño Band of Mission Indians Acjachemen Nation

Education Committee



professionalism displayed by Ms Fietze's council and committee members is noticed and respected by the tribe as a whole.

Besides the day-to-day requirements of running a Tribal office and assisting members, Ms Fietze's Tribal council has been actively pursuing Federal Recognition, compiling the necessary documentation required by the BAR. This pursuit formerly began in 1982 and is now coming to a close, seventeen years later. The most recent contact with the BAR and BIA officials was November 16, 1998, in Washington, D.C. (*see Document G*). The concern that this council represented the Juaneño community was foremost at this meeting. Secondary questions involved the nature of the petition materials to be provided. This council, since elected, has maintained a continuous dialogue with BIA officials, evidenced by the letters sent and received over the past three years. With over 1,040 adult support letters filed with the this council (as of September 23 1999), there can be little doubt that the majority of Juaneño see this council, under the leadership of Ms Fietze, as representative of the tribe's concerns.

The "interim council" of one of the two minor factions, under the self-appointed leadership of David Belardes, (no elections were held), also exists within the community. Mr. Belardes has been active in the Juaneño political community since 1978, initially as a member of the Capistrano Indian Council founded in the early 1970s, comprised primarily of long term Juaneño residents of San Juan Capistrano. He held the elected position of Tribal leadership for eight years, until Ms Fietze's election by the main Tribal body in 1997. His contributions to the Juaneño community are recognized and respected. During his leadership, work was continued on the tribe's Federal Recognition packet. His presence and articulation of the tribe's concerns over the past twenty-five years have made him a visible leader within the non-Indian community.

Mr. Belardes' current purported leadership within the Tribe is not the result of an election. According to election documents available in the Tribal office, he declined to run for re-election

as Tribal council chairperson in 1996. He considers the election of Ms Fietze and other council members as fraudulent, even though the election was conducted according to the tribe's constitution, and administered by an election committee appointed by the Tribal general council. According to Mr. Belardes' view, his "interim council" should represent the Juaneño during the recognition process. This view however, is not shared within the larger Juaneño community. Individual tribal members, who participated in the electoral process (and voted for him in past elections), attest to the validity of the process and result of the last election. They have affirmed their understanding by registering their support for the council led by Ms Fietze.

That Mr. Belardes takes the position that he should remain the representative of the Tribe during the recognition process was confirmed through personal conversation with him and a member of his "interim council". There is no indication that his council has held a meeting or an election over the past year, or published a newsletter announcing scheduled meetings. There is no officially designated Tribal office, only telephone numbers where he can be reached.

A third purported Tribal council, representing the other of the two minor factions, is under the claimed leadership of Ms Sonia Johnson who asserts she was elected after a difficult electoral period between 1993 and 1995. Ms Johnson asserts that an election for Tribal leadership, conducted in February 1993, was fraudulent. Following several years of failed attempts to rectify differences between tribal members, she formed a separate Tribal council and petitioned the BAR for recognition as the official Tribal council representing the tribe. She called for an election, in 1994 and was voted Tribal chair at this time by the small membership of her minor faction within the Tribe, prior to the general election to be held in January of 1995. Ms Johnson's purported Tribal council submitted to the BAR (February 1995) a partial response to the obvious deficiencies outlined by the BAR in a January 1990 letter sent to then Tribal chairperson David Belardes. This document, dated February 19, 1995, is part of her purported Tribal council's petition packet and is in the possession of the BAR. It is her position that her council is the "official" Juaneño council

representing the tribe's bid for Federal Recognition. Ms Johnson's council purports to conduct tribal meetings, publishes a newsletter, hold elections, and maintains a Web site. Her council has been involved in re-establishing the Acjachemen language, conducting language workshops open to the entire Juaneño membership. From personal conversations with several members of her council, it is evident that her membership is small but dedicated.

It is not within the purview of this researcher to comment favorably or unfavorably on the actions of the respective leaderships. Because these are issues to be resolved by the Juaneño community as a whole. What is important to point out is the active involvement of tribal members in determining their leaders. These issues involve a large and diverse segment of the tribe and are discussed openly at Juaneño gatherings. Interestingly (and fortunately) members identified with the different factions often interact at tribal functions, such as annual gatherings, community activities (Swallow's Day festivities), tribal workshops focused on language learning, at ceremonial functions, and meetings conducted by outside agencies. Personal observation reveals that during these functions members interact in a congenial manner, "catching –up on the latest" with each other. Younger members of the tribe freely interact and appear uninterested in the political issues that concern their parents. It is of equal importance to point out that concern arising out of differences in leadership is reflective of a dynamic community, a community that is focused on future goals. Conflict is a natural result of differences in how best to achieve the group's goals. Among the Juaneño, the resolution of conflict is part of the glue that binds members together and strengthens the community.

Formal and informal leadership structure in the community begins to merge in the early 1970s. From 1970 to mid 1980s Juaneño leadership fluctuated between groups of individuals (primarily women) who coordinated annual gatherings and got together for basket making activities. During these meetings issues affecting the tribe, of both internal and external origins, were discussed. Several women remember organizing tribal members to present their concerns to the

city council over proposed redevelopment and the increased tax base endorsed by the city. Others remember working with Tom Riely (Orange County Board of Supervisors) to establish The Orange County Indian Center in San Juan Capistrano 1974 that continues to provide services to the Juaneño community. Most remember organizing and founding the Capistrano Indian Council to address issues of Juaneño concern, such as employment, health services, and education. In 1977, the Capistrano Indian Council helped acquire Title Four funds (related to Indian Education) for the San Juan Capistrano Unified School District. This program still receives Federal funds and continues to provide information about Indians to the district's teachers. Leadership in the Capistrano Indian Council rotated within the group, and was determined by the council's members. This council collected dues, conducted meetings and workshops, published a newsletter, organized cultural activities, and generally represented Juaneño concerns to the larger community. Membership was comprised of members representing a cross-section of the community in terms of age, gender, occupation, and residence.

Some of the elders, involved in earlier Juaneño social and political activities brought a continuity of experience to the Capistrano Indian Council. Some had been active with Clarence Lobo during the 1940s and 1950s, supporting his endeavors to seek Federal Recognition for the Juaneño. In several interviews with elders, many remember collecting money to send him to Washington D.C. to represent the tribe. Some members of the tribe were involved in the "California League of Indians" at this time and raised money for Clarence Lobo's activities. A list of donors contributing support to Clarence Lobo indicates that they represented a cross-section of the Juaneño Community. This organization, comprised of Juaneño members living primarily in the northern half of Orange County, was active during the 1940s through the mid 1960s.

"Chief" Clarence Lobo was perhaps the most known and vocal representative of the Juaneño community from the late 1940s to the early 1960s. He galvanized wide support of tribal members from throughout Orange County and beyond. State representatives, County and City

officials, and a wide segment of the San Juan Capistrano community knew him. He advertised the Juaneño presence by adopting a style of dress, from time to time, that fit the stereotype of what Whites thought Indians should look like (*see following page*). He would often stand near the Mission and talk to visitors about the Indian community that still lived in Orange County, and the problems that they incurred in being recognized. His activities are well known among all the Juaneño, from elders to great grandchildren, whether they reside in San Juan Capistrano or in other locales. His son, Clarence Lobo, Jr. makes frequent trips from northern California to attend tribal functions, and is currently becoming more involved in the activities of the tribe. An extensive collection of documents detailing his father's activities are available to examine in the Tribal office, and a list of the collection's contents is attached (See Document H). Several members of Ms Fietze's council had parents who were actively involved in supporting and assisting "Chief" Lobo in his labors. They indicated that their parent's involvement clearly influenced their decision to participate in the current political structure of the tribe.

Other elders in the Capistrano Indian Council recalled their parent's and relative's involvement with the Federation of Mission Indians, an inter-tribal organization that focused on securing economic and political rights for southern California Native peoples. This organization was active during the early 1900s, and lasted into the early 1940s. Three tribal members, Marquitos Forster, Ralph Charles, and Felipa Olivares represented the Juaneño in this organization. Mr. Don Doram, a tribal elder can identify his father in a photograph taken of the Federation membership in 1920 (*see following pages*). Mr. Doram's father Jose Dorm, (on the extreme left in the photograph on the first page) is wearing a "star" which identified him as a "Capitan" in the Federation, i.e. a recognized leader of the Juaneño Band of Mission Indians. Several generations later, descendants of these individuals are involved in Tribal leadership.

It was in 1978 that Raymond Belardes (a cousin of David Belardes) entered the Capistrano Indian Council and began to formalize the direction of the council. He assumed a leadership role







October 1979 and it is under his leadership the Petition for Federal Recognition is filed with the BAR in 1982. In 1983, issues with his leadership style caused a split within the Capistrano Indian Council membership. At this point, two diverging leadership structures evolved, one becoming the origin of the current Tribal governance structure, operating with a formal constitution (see Document I), the other, maintained its original, informal structure. Today, both structures coexist, and cooperate on joint interests of the tribe. Several members participate in the activities of both the Tribal council and the Capistrano Indian Council, as committee chairs and event coordinators. In 1984, Teeter Romero, president of the Capistrano Indian Council for three years, secured the use of a historic structure (the Harrison House) for cultural activities of the tribe, and as a museum holding a small collection of Juaneño artifacts. The Harrison House is a center of Juaneño basket making activities and general community meeting place. The Capistrano Indian Council is still involved in collecting donations, food distribution, and social functions that help members of the tribe. The members are respected and held in high regard, and embody a broad spectrum of the Juaneño community.

The Juaneño community displays a cycle of intense political activity interspersed by periods of calm throughout the past 100 years. Public leadership, members who interact with the non-Juaneño community, has emerged during times of stress, corresponding to periods of the Federal government's actions concerning California Native populations. For example, several appropriation Acts passed by Congress between 1906 and 1910, involving the purchase of land resulting in the "Rancheria System", corresponds to the activities of the Federation of Mission Indians, in which several Juaneño leaders participated up until the 1940s. Clarence Lobo, an active and recognized spokesperson for the Juaneño, was active during the periods corresponding to the "Indian Claims Commission Act" of 1946, the passing of Public Law 280 in 1953, and the forty-seven cent per acre settlement for loss of land in 1964. Responses from tribal members confirm that these leaders, and others less visibly active, were supported by a substantial cross-section the tribe. It is also evident that when Tribal leaders propose directions

not endorsed by the tribal membership, they lose support. Recent events within the Juaneño Tribal council structure clearly demonstrate this fact, especially the events over the previous thirty-five years.

As described earlier, the structure of Juaneño social gatherings provided an opportunity for the social and political aspects of Tribal leadership to be discussed. Tribal members comprising a broad cross-section of the tribe attended gatherings. Individuals from different extended kin groups discussed the economic and political issues affecting the tribe, assuring a wide dissemination of what was discussed throughout the Juaneño community. The presence of different age groups insured that past responses to problems would be incorporated into present solutions.

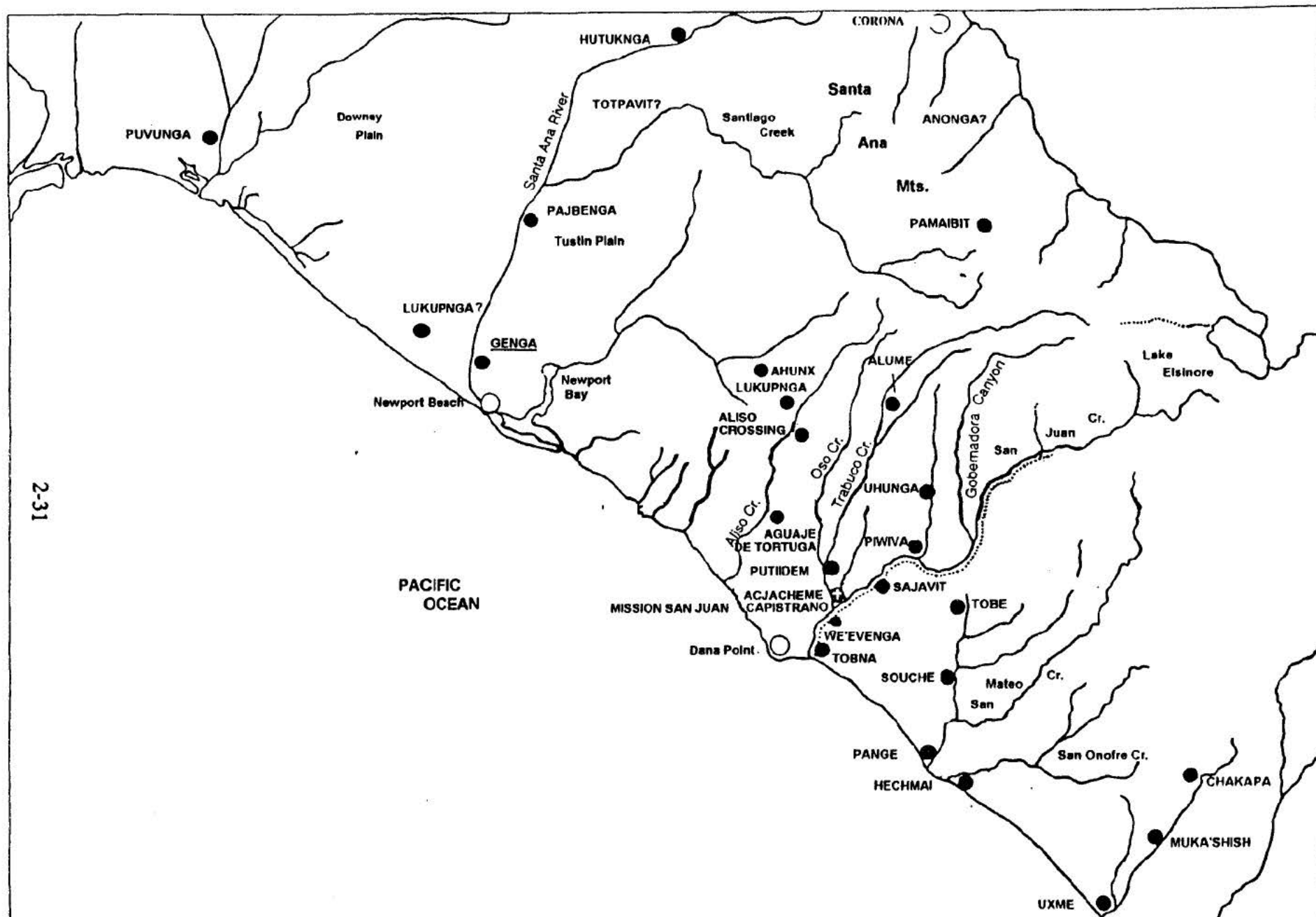
It is clear that women played an important role in Tribal leadership. They organized the gatherings, and maintained extended family connections. They established groups that provided assistance to tribal members, continued cultural traditions, represented the Juaneño to civic groups, raised funds to support the activities of Tribal leaders, and provided a continuous stability within the Juaneño community over time. Based on the memories of elders and their children, it is the activity and leadership of women that has maintained the cultural, social, and political network of the Juaneño community over the past 100 years. That a woman currently heads the leadership of the tribe is indicative of the important role women continue to have.

TRIBAL RECOGNITION

The Juaneño can clearly demonstrate that they have maintained a distinct community different from the non-Juaneño community that surrounds them, and that they have maintained this distinction from historical times to the present. Included in the original petition for recognition filed with the BAR in 1988, and a subsequent document addressing the obvious deficiencies filed in 1993, are numerous documents describing the historical continuity of the Juaneño presence. While the organization of these documents is less than orderly, the documents themselves are solid pieces of evidence and need to be considered when reviewing the Juaneño supportive materials. Additional ways in which the Juaneño are defined as a separate "Indian" community have been provided in earlier sections of this document.

The most substantial evidence for a continued Juaneño presence as a distinct community derives from the detailed records of the Mission, and the genealogical charts completed by tribe members. In 1996, members of the tribe participated in several workshops focused on genealogical research and the construction of accurate genealogical charts. Many current members can trace their ancestry to pre-contact village sites and demonstrate residence in the locales of San Juan Capistrano and Orange County (*see following page*). These genealogies also demonstrate a strong pattern of intermarriage within the community over time. A sampling of Juaneño genealogical records are attached (*see Document D*). On file in the San Juan Capistrano Tribal office are additional, completed genealogies of many members, available for review.

The examples below document recent examples of recognition and many more examples are available in the Tribal office in San Juan Capistrano.



2-31



Not to Scale

SOURCE: Earle & O'Neill 1994

The most recent example of the Juaneño being recognized as a distinct tribe is provided in a letter (*see following pages*) of accord between the Juaneño and the Manitoba Keewatinowi Okimkanak, members of the First Nations of Canada. Representatives of the First Nations (seven chiefs and one vice-chief) visited the Tribal office in San Juan Capistrano on August 20, 1999 to discuss the details of the proposed agreement. On the following day, they attended the annual Juaneño gathering held in San Juan Capistrano and publicly announced the joint venture to be entered into (*see following pages*).

Another recent letter, (*see following pages*) from the City Manager, representing the City Council of San Juan Capistrano, unequivocally defines the Juaneño as a distinct group, recognizing its long and continued presence in the city and surrounding communities. The letter expresses the city's support for the tribe's recognition bid. Another recent correspondence from the city acknowledges the Tribal council's application for collaborative use of an unused landmark in San Juan Capistrano (*see following pages*).

In 1993, the State Assembly officially recognized the Acjachemen Nation (*see following pages*). The event that surrounded the Assembly's recognition involved a joint partnership formed with the City of San Juan Capistrano, the Mission, and the Juaneño community.

A group of archaeologists, from ASM Affiliates, in a letter addressed to the Juaneño Tribal Council, clearly attests to the Juaneño's autonomy as a distinct tribe today (*see following pages*).

**Juaneño Band of
Mission Indians
Acjachemen Nation
Petition 84A**

Jean Fietze*Chairwoman
Damien Shilo* Vice Chairman
Christopher A. Lobo* Secretary/Treasurer
Fran Yorba*Member at Large
Ollie Valencia*Member at Large

31877 Del Obispo, Suite 106A
San Juan Capistrano, CA 92675-3209
Telephone (949) 488-3484
Fax (949) 488-3294

**MEMORANDUM OF UNDERSTANDING AND JOINT ACCORD WITH RESPECT TO
THE ESTABLISHMENT OF ECONOMIC AND OTHER INITIATIVES**

ON THIS DAY, August 21, 1999, we, the Tribal Council of the Juaneño Band of Mission Indians, Acjachemen Nation, and Sydney Garrioch, Vice Chief, selected by Manitoba Keewatinowi Okimakanak, Inc., representing Sayisi Dene First Nation, York Factory First Nation, Oxford House First Nation, Barren Lands First Nation, God's Lake First Nation, War Lake First Nation, God's River First Nation, Northlands First Nation, Fox Lake First Nation, Sapotaweyak Cree Nation, Chemahawin First Nation, Mathias Colomb First Nation, Mosakahiken First Nation, Black Sturgeon First Nation, Opaskwayak Cree Nation, Wuskwi Sipihk Cree Nation, Wasagamach First Nation, Garden Hill First Nation, Red Sucker Lake First Nation, Nisichawayasihk First Nation, Norway House First Nation, Cross Lake First Nation, Tataskweyak Cree Nation, Grand Rapids First Nation, Shamattawa First Nation, and St. Theresa Point First Nation, have with the blessing of our respective people entered into a memorandum of understanding and joint accord in a manner of our culture and heritage.

WE the people, as sovereign nations, seeking to live in peace, freedom and prosperity with all humanity in accordance with our own laws are united in our relationship with the land and the resources of our territories.

WE have retained the inherent right to be self-determining and we will work to secure the greatest possible freedom, dignity and prosperity of our descendents.

WE have all experienced outside encroachment upon our traditional homelands and arbitrary lines which have been drawn between Canada and the United States which have never severed the ties of kinship between our peoples.

WE affirm and resolve to strengthen the bonds of mutual respect for each other's unique position as sovereign entities with unique status and rights as the First Nations of our territories and we will go forward with greater strength and wisdom as we interact with other governments.

AS BROTHERS AND SISTERS of common conviction and concern for the continued well being of our peoples, who are the proud First Nations of North America, we have opened a dialogue on joint principles and initiatives concerning mutual needs and respect as it relates to better cooperation in terms of assistance to each other.

THIS ACCORD is a mutual understanding and promise to work together as possible and as the need arises that would benefit those we serve, and not for individual gains, on issues of common concern including achieving the full recognition, protection and implementation of existing legal rights of our nations, advancing the economic and social well being of the citizens of our nations, wherever they may currently live, developing and implementing formal mechanisms and infra-structures for First Nations' trade and other

Juaneño Band of Mission Indians
Acjachemen Nation-Petition 84A

Page 2 of 2

economic ventures between the parties, exploring the exchange of services and programs of mutual interest, ensuring that as laws and institutions further develop that our voices are respected, and promoting and protecting the inherent rights of our people including the right to move and to trade freely across the border of Canada and the United States. This Accord is open for further discussion, deletions and additions when requested by any of the signatories, or their constituents each according to their own custom and practice, at an annual meeting of the peoples entering into this Accord. It is, therefore, an accord with the life of our traditions and for the duration of our presence on this earth, not mistaken as a euro-style 'legal document' that binds, restricts or which is usually held exclusively to the signatories.

THIS ACCORD opens the door of opportunity and mutual cooperation for all our peoples, will be guided by honesty, truth, sharing, and determination to better our relations, and has been executed at San Juan Capistrano, California, on behalf of the peoples so represented.

SIGNATURES

For Manitoba Keewatinowi Okimakanak, Inc.

By:


Sydney Garrioch, Vice Chief

Witnessed for

Manitoba Keewatinowi Okimakanak, Inc.:

By:


Arnold Ouskan, Chief

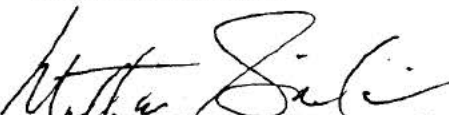
By:


David Harper, Chief

By:

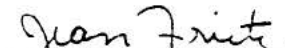

Clarence Easter, Chief

By:


Matt Sinclair, Councillor

For the Juaneño Band of Mission Indians,
Acjachemen Nation

By:


Jean Fietze, Chairwoman

By:


Damien Shilo, Vice Chair

By:


Christopher A. Lobo,
Secretary/Treasurer

By:


Fran Yorba, Member at Large

By:


Ollie Valencia, Member at Large



32400 PASEO ADELANTO
SAN JUAN CAPISTRANO, CA 92675
(949) 493-1171
(949) 493-1053 (FAX)

September 21, 1998



MEMBERS OF THE CITY COUNCIL
COLLENE CAMPBELL
JOHN GREINER
WYATT HART
GIL JONES
DAVID M. SWERDLIN

CITY MANAGER
GEORGE SCARBOROUGH

Ms. Jean Fietze
31877 Del Obispo St., Suite A
San Juan Capistrano, CA 92675

Dear Ms. Fietze:

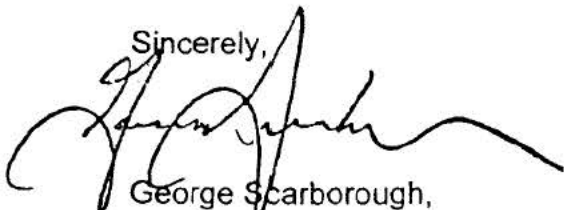
City Council members have asked me to insure that whenever possible, I give you advance notice of any items that may appear on City Council agendas that might be of direct interest to members of our local Native American community. For your information, City staff plans on placing on the October 6, 1998, City Council meeting agenda a request that the City Council take a position on Proposition 5. It is City staff's intent to recommend the City Council adopt a position of opposition to Proposition 5. The basis for opposition is that if the proposition passes it effectively takes away local governments' abilities to protect their communities from the negative impacts associated with gaming facilities.

At present, the only elected official that has a meaningful role in the consideration of the establishment and operation of a Indian casino in California is the Governor. Proposition 5 would require the Governor to "rubber stamp" any casino proposed by an Indian tribe effectively taking away any meaningful involvement of the Governor and eliminating the state's ability to insure that the establishment and operation of a Casino will not damage the public safety and welfare.

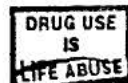
We remain deeply concerned about the welfare of the local Juaneno people and continue to be supportive of efforts for federal recognition. We believe this recognition is deserved and correct, and we know how dear this idea is to members of our local Native American Community. We also know that there are differing views among the Juaneno population about whether a casino would be appropriate, once federal recognition is achieved.

While we remain fully supportive of efforts for tribal federal recognition, we believe Proposition 5 is an ill conceived and short sighted effort to avoid addressing public safety and welfare issues before a casino is established.

Sincerely,



George Scarborough,
City Manager



32400 PASEO ADELANTO
SAN JUAN CAPISTRANO, CA 92675
(949) 493-1171
(949) 493-1053 (FAX)



MEMBERS OF THE CITY COUNCIL
COLLENE CAMPBELL
JOHN GREINER
WYATT HART
GIL JONES
DAVID M. SWEROLIN

CITY MANAGER
GEORGE SCARBOROUGH

September 23, 1999

Ms. Jean Fietze, Chairwoman
Juaneño Band of Mission Indians
Acjachemen Nation
31877 Del Obispo, Ste. 106-A
San Juan Capistrano, CA 92675

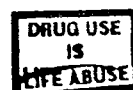
Dear Jean:

Thanks so much for the recent opportunity to meet with you and Damien Shilo to discuss the status of the City's Old Fire Station reuse process and the Juaneño Band of Mission Indians' proposal. I appreciated your clarification regarding the tribe's needs for use of Old Fire Station facilities and the tribe's desire to work in collaboration with either the YMCA or San Juan Research Institute to obtain Old Fire Station facility use access.

You shared how the tribe feels that this collaborative approach is a much more realistic approach for the tribe to take rather than continue to seek consideration as an organization that possesses the financial capabilities and background experiences to administer and oversee the Old Fire Station site, as do the Beach Cities YMCA and San Juan Capistrano Research Institute. Based upon this information, I have forwarded correspondence to both Beach Cities YMCA and San Juan Research Institute representatives regarding your facility use needs and have asked them to contact you for further discussions and dialogue regarding the possibilities for accommodating your needs. You should be hearing from these representatives in the very near future since I have requested that they forward a formal response back to my office advising as to how they can accommodate the tribe's facility use needs at the Old Fire Station.

When I mentioned to YMCA and San Juan Research Institute representatives your interest to discuss with them the potential for collaboration and facility use sharing, they were extremely receptive and look forward to the opportunity to discuss your needs in greater detail. I am hopeful that the upcoming dialogue you have with them will result in their ability to accommodate your tribe's most important needs for facility usage.

I look forward to touching base with you in the near future as to the status of your discussions as well as hearing from representatives from the Beach Cities YMCA and San

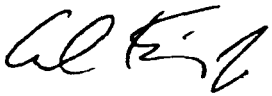


San Juan Capistrano: Preserving the Past to Enhance the Future

Ms. Jean Fietze
Juaneño Band of Mission Indians
Acjachemen Nation
September 23, 1999
Page 2

Juan Research Institute regarding the status of this item. Thanks again for the opportunity to meet with you and Damien as well as for the interest that the tribe has shown regarding the Old Fire Station reuse process. Please do not hesitate to give me a call if I can be of any additional assistance to you or the tribe.

Sincerely,



Al King, Jr.
Community Services Director

AK:jtb

cc: Commission Subcommittee Members Bob Cardoza and Tom Ostensen
Deb Staszewski, Capistrano Beach Cities YMCA
Janet Whitener, San Juan Capistrano Research Institute
George Scarborough, City Manager
Jennifer Murray, Assistant City Manager

Assembly



RESOLUTION

By the Honorable Bill Morrow, 73rd Assembly District; the Honorable Mickey Conroy, 71st Assembly District; the Honorable Marian Bergeson, 35th Senatorial District; the Honorable William A. Craven, 38th Senatorial District; and the Honorable John R. Lewis, 33rd Senatorial District; Relative to

The Juaneno Band of Mission Indians

WHEREAS, The Juaneno Band of Mission Indians, Acjachemen Nation, whose villages were spread out over their aboriginal territory, throughout Orange County, from the Pacific Ocean to the West, to parts of Los Angeles County to the North, to parts of Riverside County to the East, and to parts of Camp Pendleton to the South; and

WHEREAS, Archeological reports through carbon dating have shown the Juaneno Band of Mission Indians, Acjachemen Nation, to be in existence dating back 10,000 years in Orange County; and

WHEREAS, The Juaneno Band of Mission Indians were known as the Acjachemen Nation long before the expansion of the Spanish Empire in 1769 into their ancestral homeland, usurping their lands, their religion, and adversely affecting the well-being of their people; and

WHEREAS, The documented descendants of the Juaneno Band of Mission Indians, Acjachemen Nation, whose ancestors were baptized at the Mission San Juan Capistrano consist of over 4,500 tribal members registered with the Bureau of Indian Affairs; and

WHEREAS, Conservatively over 7,000 Juanenos have continued to live in and around Orange County and the Mission San Juan Capistrano; and

WHEREAS, By an error of an Indian agent in not reporting the Juaneno Band of Mission Indians, Acjachemen Nation, existence in the 1880's, the Juaneno Band of Mission Indians, Acjachemen Nation, were removed from the records in Washington, D.C.; and

WHEREAS, Without being informed or consulted, the Juaneno Band of Mission Indians Acjachemen Nation, official existence was terminated; and

WHEREAS, The Juaneno Band of Mission Indians, Acjachemen Nation, exercising great patience, with continued hope and through their own funding and means have toiled to regain recognition of the existence of their tribe for over 30 years through the Bureau of Indian Affairs-Federal Recognition Processing; and

WHEREAS, Juaneno Band of Mission Indians, Acjachemen Nation, is recognized as the aboriginal tribe of Orange County by the Tribal Chairmen's Association of Recognized Tribes; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF CALIFORNIA JOINTLY, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and declare that the Juaneno Band of Mission Indians, Acjachemen Nation, to be the aboriginal tribe of Orange County; and be it further

RESOLVED, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

Assembly Joint Resolution No. 48
Adopted in Assembly August 26, 1993

Signed:

Willie L. Brown, Jr.
Speaker of the Assembly

Attest:

Dotson Wilson
Chief Clerk of the Assembly

Adopted in Senate September 11, 1993

Signed:

Leo T. McCarthy
President of the Senate

Attest:

Rick Rolien
Secretary of the Senate





a f f i l i a t e s

September 20, 1999

Ms. Jean Fietze, Chairwoman
Juaneño Band of Mission Indians, Acjachemen Nation
31877 Del Obispo, Suite 106A
San Juan Capistrano, CA 92675-3209

Dear Ms. Fietze,

We are writing this letter in support of the Juaneño Band of Mission Indians' petition for recognition as a distinct tribal entity. On numerous occasions over the last 17 years we have consulted with members of the Juaneño Band during archaeological investigations in southern Orange County and northern San Diego County, most recently during projects at Camp Pendleton. Although culturally and linguistically related to the Luiseño Indians, your divergent histories following the establishment of Mission San Luis Rey in 1776 and Mission San Juan Capistrano in 1798, justify the recognition of the Juaneño as a distinct socio-political group. We have known through many years of personal and professional association that the members of the Juaneño Band hold a strong sense of cultural identity and commitment to maintaining that identity. We support you in your efforts to obtain Federal recognition.

Sincerely yours,

John R. Cook, RPA
Principal

Brian Byrd, Ph.D.
Senior Archaeologist

Jerry Schaefer, Ph.D.
Senior Archaeologist

Seetha Reddy, Ph.D.
Senior Archaeologist

The University of California, Los Angeles has endorsed the Juaneño community as a distinct entity and nearest descendants for the disposition ancestral remains held in the University's archaeology collection (*see following pages*).

The City of Laguna Niquel has included a depiction of an Acjachemen ancestor on the City Seal and has invited the Juaneño as participants in the City's annual celebration and parade (*see following pages*). The current city is located on the site of an ancient Acjachemen village.

The Juaneño have participated in numerous City and County functions for over fifty years as descendants of the indigenous, Orange County population. Disneyland, during its opening day festivities in 1956 invited and included a membership of the Juaneño community in its inaugural parade (Disneyland archives). Interestingly, Jacque Nunez, a descendent of the Acjachemen people, was asked to open a Disneyland event on September 21, 1999. The event was focused on the Hispanic History of Orange County, and the organizers felt that a representative of the first people of this land should begin the program. Clearly, the Hispanic community has little trouble recognizing the Juaneño as a community distinct from their own.

City parks (Acu Park in San Clemente), local Schools (Marco Forster Middle school and Lobo Elementary), hiking trails in the local State and National forests (the Juaneño Trail), and streets reflect the general community's knowledge of the Acjachemen historical presence.

The National Forest Service has recognized the modern Juaneño as original descendants of an ancestral, indigenous population and officially extended them permission to gather basket making and ceremonial material on Forest Service land.

Other indigenous communities representing a broad segment of Native Americans have continuously recognized the Juaneño. At the turn of the century, the Juaneño were recognized

CONFIDENTIAL

UNIVERSITY OF CALIFORNIA, LOS ANGELES

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SANTA BARBARA • SANTA CRUZ

Leon Letwin
Professor of Law Emeritus
PHONE: (310) 825-3238
FAX: (310) 206-7010
HOME: (310) 475-5207
E-mail: letwin@law.ucla.edu

UCLA SCHOOL OF LAW
405 HILGARD AVENUE
LOS ANGELES, CALIFORNIA 90095-1476

September 2, 1999

Jean Fietze, Chair
Juaneno Band of Mission Indians
Acjachemen Nation
31877 Del Obispo, Suite 105A
San Juan Capistrano, CA 92875-3209

Dear Ms. Fietze,

I'd like to bring you up-to-date as to where we stand on your request of May 6 for repatriation of ORA 469C. Our Coordinating Committee discussed the matter at length at its meeting of July 28. We expect to soon complete our report setting forth the relevant facts and our recommendations. I need to reemphasize what I said in my letter of May 18: our Committee does not decide on repatriation requests, it only makes recommendations to the UCLA administration and to the Office of the President of the University of California, which alone have the power to act for the University in this area.

It is a matter of concern to us that we are not yet in touch with the other two Juaneno/Acjachemen groups, one chaired by David Belardes and the other by Sonia Johnston. It is the Committee's understanding that each of these groups could assert a claim similar to yours to cultural association with, and for repatriation of, ORA 469C. We have no reason to doubt that your Tribal Council would agree on the importance of notifying the other two Juaneno/Acjachemen groups. I am therefore sending copies of this letter to the other two groups, so they too will be aware of the status of this claim and be able to take such steps as they think appropriate. It would assist the University in responding to this claim if all three tribal councils were able to join individually or in union, in writing, in the request for repatriation in behalf of the Acjachemen Nation. It seems clear to us that if the three groups cannot join in, or come to some form of agreement on, this repatriation request, its processing will prove more difficult, if not impossible.

CONFIDENTIAL

May 18, 1999

Page 2

If you have any questions or comments, please let me know.

Sincerely,



Leon Letwin
UCLA NAGPRA Coordinator

cc: Mr. David Belardes
Ms. Sonia Johnston
Duane Champagne
Diana Drake Wilson
Rick Mendez
Anthony Rivera
Lillian Robles

Enclosure

Wednesday, January 20, 1999

Native American remains will be moved to Hershey

REMAINS: Juaneno Tribe will reclaim ancestors now interred in Haines

By Cathy Collins

Daily Bruin Contributor

Members of the Juaneno Tribe of Mission Indians will be on campus this week to move ancestral remains from the Fowler Museum of Cultural History archives in the basement of Haines Hall to Hershey Hall.

The move comes as part of the recent closing of Haines for seismic renovation.

The Fowler archives contain fragments of at least 2,000 people. Among these remains are the bodies of 11 Juaneno Mission Indians, a tribe based in what is now Orange County.

When Native American students at UCLA learned of the move, they contacted tribes with ancestors in the collection. Of many tribes contacted, the Juaneno was the only one that responded, according to Diana Wilson, an assistant ethnographer.

The bodies, which dated from 800 to 1100 AD, were accidentally unearthed from an ancient burial site in Mission Viejo during the construction of a road. The items were then given

<http://www.dailybruin.ucla.edu/DB/issues/99/01.20/news.move.html>

3/25/99

to UCLA, according to Wilson.

According to the Native American Grave Protection and Repatriation Act of 1990 (NAGPRA), tribes must be granted control over any of their ancestral remains.

However, the Juaneno band of Mission Indians has not been recognized by the federal government as a native people.

"We are in a critical position because although the state recognizes us, until the federal government recognizes us, we cannot get our ancestors back under NAGPRA. These are obviously ancestors of ours," said Anthony Rivera, the archaeological chairman of the Juaneno tribal council.

Tribe members will be participating in the move with singing and prayer, although there will be no ceremonies, Rivera said.

"There will be no ceremonies to honor what's going on," he said. "We'll always honor our ancestors, wherever they are, but we will not sanction what's going on."

Rivera added that most tribe members were not aware of their ancestral remains in Haines until they were contacted about the move and that the tribe hopes to retrieve the remains from Fowler's collection at some point.

Wendy Giddens Teeter, Fowler's curator of archaeology, hopes that the construction will improve the archive space in Haines. While located in the basement of Haines, the archives suffered from periodic flooding from burst drainage pipes in the ceiling.

"Haines dates from at least the '20s. It was designed to be an archeological space," Teeter said.

In Haines, the remains were kept in a basement, but in Hershey, they will be kept in what was formerly a kitchen with windows.

The university has taken steps to provide for the safety of the remains by adding locks and treating the windows for protection from ultraviolet rays.

"We've basically made it like a fortress," Teeter said, although she added the presence of windows was a security problem not present in the enclosed basement of Haines.

The moving process began in January 1998 and was scheduled to be finished by last October. Due to delays in constructing the space in Hershey, the final move will take place some time in the next few weeks, according to Teeter.

The archives, which also contain ancient artifacts from California, Mexico and the American southwest, have not been moved since the 1950s, when they were originally placed in Haines. The fragile nature of many objects raised concern about the move.

"The material is extremely fragile, so we've had to be very careful so as not to lose any information," Teeter said. "People come from all over the world to do research on this collection."

She added that the archives will probably be returned to Haines after the completion of construction in two years.

But members of the Juaneno tribe believe that UCLA's possession of Native American remains is wrong.

"Basically, they're being held hostage there," Rivera said. "How would you like it if one of your ancestors was dug up, examined and kept in a box?"



as an equal but separate member of the Federation of Mission Indians. The tribe's representative to the Federation was Jose Doram, a Juaneño elder. Federation member tribes continue to see the Juaneño as a separate entity in southern California. Federally "recognized" tribes recognize the Juaneño as a distinct indigenous community (*see following pages*) as well as do other Native groups such as indigenous Hawaiians.

There are literally hundreds of letters, pamphlets, announcements, and invitations to or about the Juaneño Band of Mission Indians, The Acjachemen Nation in the files of the Tribal council office. Individual tribal members have letters, photographs, and newspaper accounts that stretch back to the late 1800s. The tribe is actively compiling these materials to form a reference source for a definitive ethnohistory.

When organizations or individuals decide to look for "Indians" in the Orange County community the presence of the Juaneño is quickly discovered. It appears that when one of the many local newspapers hires a new reporter, their first assignment is to write a cultural piece on the Juaneño. It is the Juaneño's misfortune that their tenacious persistence went unnoticed by earlier scholars. The Juaneño have told their story to many, but of those who listened, few rarely heard what they were saying. That they are alive and well is unquestionable, and their presence now as well as in the past is obvious to anyone who takes the time to look.

It is elementary, my dear Watson, elementary.

(Sherlock Holmes)

San Manuel Band of Mission Indians

August 23, 1999

Mr. Damien Shilo
Vice-Chairman
Juaneno Band of Mission Indians,
Acjachemen Nation
31877 Del Obispo, Suite 106 A
San Juan Capistrano, CA 92675

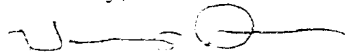
Dear Mr. Shilo:

Enclosed are copies of some of the original primary documents which were identified in 1891.

I hope these are useful in documenting the grave injustice suffered by your Tribe. Federal recognition for your Tribe is long over due and you are now given the unique opportunity to make the Tribe's future a reality.

I thank you for your time and consideration and for the help, through your efforts, to ensure a permanent homeland for your Tribe.

Sincerely,



Henry Duro, Tribal Chairman
San Manuel Band of Mission Indians

EDUCATIONAL ACTIVITIES

The Juaneño have been active in local education for over fifty years, and this involvement further demonstrates their distinctiveness as a separate community. Many Juaneño have been active in school related organizations such as the PTA, tutoring and mentoring programs, curriculum development, and Indian education related to teacher preparation.

Jacque Nunez provides examples of educational materials that highlight her activities as an educator and as a Juaneño spokesperson to the general community (Archives: Tribal Office, San Juan Capistrano). Her work to educate the non-Juaneño community is supported by the tribe and greatly encouraged. She involves many other members of the tribe in her activities, from adults to children, as evidenced by the articles included in this attachment. To a large extent these attachments are historical commentaries in themselves, reflecting one Juaneño's activities to call attention to the tribe's presence, and the contemporary Juaneño community.

Beginning in the 1960s, several Juaneño elders began to teach traditional basket making to younger Juaneño. Their expressed concern was to keep the knowledge alive. Now, over a dozen women are actively involved in teaching basket making to other community members and non-Juaneño. Classes, held in the Harrison House, are offered throughout the year. Juaneño basket makers attend conferences focused on indigenous arts, displaying their work and conducting workshops. One important aspect associated with the development of basket making activities is the socio-political involvement of the members. Several of the women are members of different councils but interact socially, sharing information that travels broadly within the

Juaneño community. The origin of the Capistrano Indian Council has its roots in the reintroduction of basket making.

An interest in re-learning the Acjachemen language has resulted in the formation of the "Children of Tamayowut", a Juaneño association that conducts language workshops and classes. Classes are offered in various parts of Orange County on a rotating basis and are attended by all members of the tribe, regardless of council affiliation. Elders and children interact in re-learning their traditional language. Several non-Juaneño also attend the classes. The daughter of Frank and Susan Lobo is currently enrolled as a graduate student in linguistics (University of California, Berkeley) focused on Acjachemen language research. She also conducts the majority of the language workshops within the Juaneño community. Recently, The Children of Tamayowut received a grant to support the classes being offered. At the invitation of the tribe, the 3rd Working Conference on the Papers of J. P. Harrington was held in San Juan Capistrano in 1994. Tribal members have raised funds to purchase tapes that Harrington made of Anastacia de Majel, one of the last fluent speakers of Acjachemen, between 1932 and 1935.

The "Tushmal" Singers", another Juaneño association, have been re-learning traditional Acjachemen songs. They perform at ceremonies, gatherings, schools, conferences, and at other non-Juaneño related functions. There is a women's and a men's group, who sing songs respective to their gender. Traditional musical instruments accompany their singing. Many songs are private and are only sung during ceremonies. Members vary in age and gender and practice on a regular basis (*see following pages*).

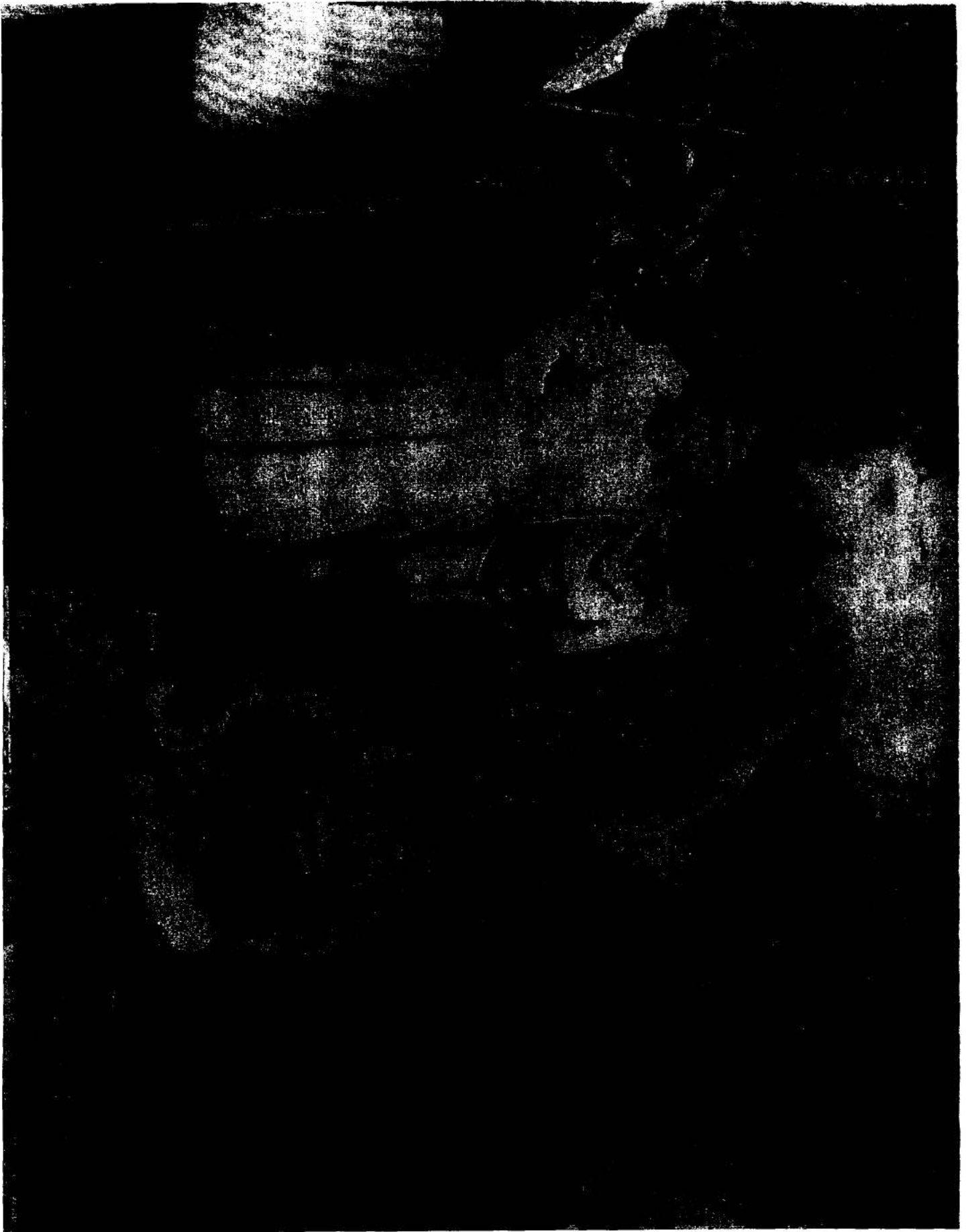


CEREMONY AND RITUAL

There is every indication that aspects of Juaneño ceremony were retained through time. Elders remember that at gatherings, elements of ceremony were always evident. Traditional ceremonial rituals were normal aspects of Juaneño funerals and weddings according to the recollections of several elders. These events brought many Juaneño together, especially when members of related kin groups married, or at the funeral of an elder such as Evelyn Marie Lobo Villegas in 1994 (see following pages). Depending on surrounding circumstances, Juaneño ceremonial activities occurred before, during, and after these events.

It is reported that in the past, funeral ceremonies took place at the residence of those who died, often lasting several days. In 1985, the Acjachemen gained verbal approval to practice sacred ceremonies and conduct reburials on five acres at Camp Pendelton Marine Corps Base in San Clemente. Ceremonies are currently held there throughout the year. Juaneño ceremonies related to marriage were often held in secluded areas in the community (*see following pages*). In 1977, a traditional Juaneño wedding ceremony took place in Casper's State Park, six miles east of downtown San Juan Capistrano. Over 130 Juaneño, representing families from extended kin groups, attended the three day event. Several Juaneño weddings are planned for the future.

Winter solstice ceremonies are held in December and occur over a two-day period. From personal observation, Juaneño solstice ceremonies demonstrate the complete range of ceremonial knowledge that the Juaneño retain. In Boscana's account of the Acjachemen, one Chapter refers to the Acjachemen's knowledge of celestial events, and their seeming interest in defining the movement of the sun, moon, and stars. Contemporary Juaneño solstice ceremonies





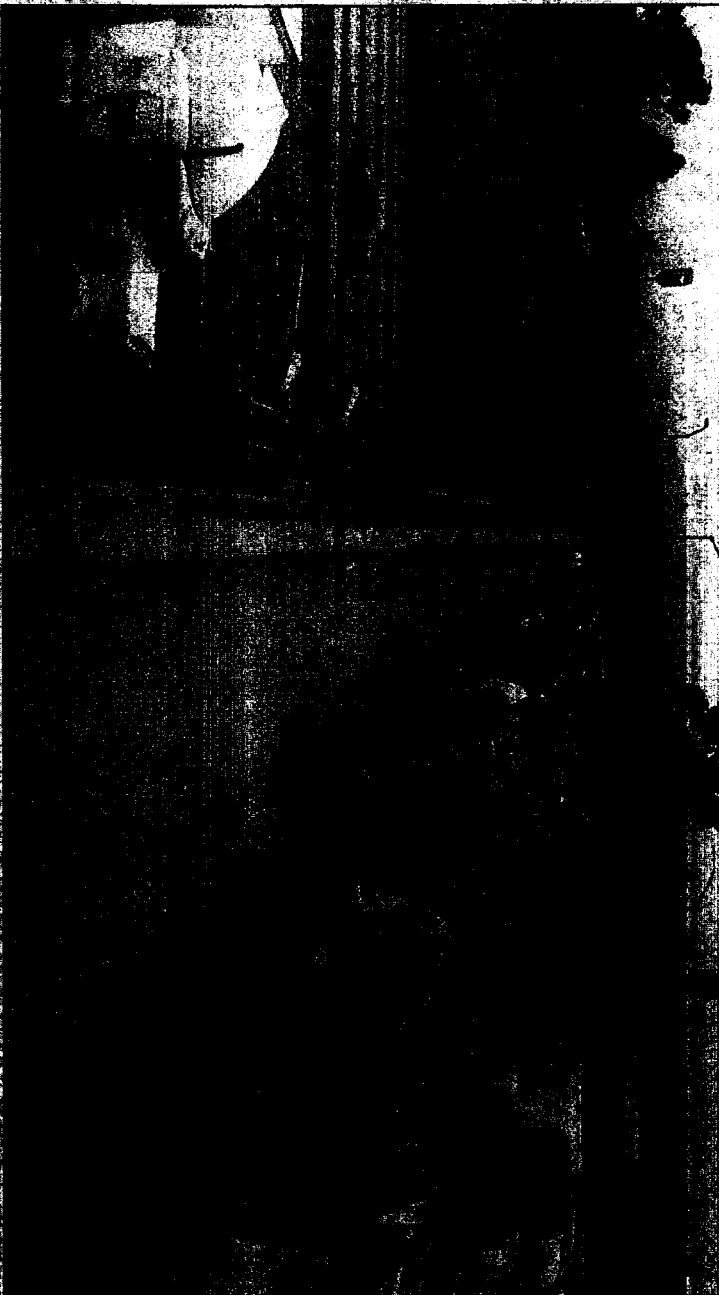
ORANGE COUNTY

Los Angeles Times

THURSDAY, APRIL 21, 1994

CONTAINS 15th ANNUAL MIRROR COMPANION 1-14 PAGES

Funeral for a Matriarch



Palmdale Press Photo

by Evelynne Harrell, Los Angeles Times Staff Writer

reflect a long lasting connection to star gazing. The ceremony, lasting one night and two days was intensely spiritual, involving regalia, songs and dances of the respective clans. It is during ceremony that the appearance of clan affiliation is most evident, and it is clear that those who participate know their individual and family's clan affiliation. It is interesting to note that the Juaneño Band of Mission Indians, Acjachemen Nation have chosen "The Starman" to represent them on the Tribal council's logo.

Knowledge of ceremony and ritual were passed from generation to generation in particular families. Families knew their clan affiliations and family elders knew the ceremonial aspects and rituals associated with their clan affiliation. This knowledge was transmitted from parents to children. Several of these families, living on Rancheros and removed from the strong assimilative force of European influence, retained knowledge of Juaneño ceremony to greater extent. They practiced ceremony at Juaneño cultural events, moving between San Juan Capistrano and outlying communities. This pattern is in evidence today.

Cathy Lobo is the most visible Juaneño ceremonialist. She is currently the tribe's accepted "Atiatish," their spiritual leader who organizes and conducts annual ceremonies, as well as ceremonies requested by individuals (*see following page*). Her spiritual name is Ka'chi. She learned traditional ceremony from her father and other elders, who had learned it from their elders. Even though the Juaneño community comprises a wide variety of Protestant and Catholic practitioners, individual tribal members accept and embrace traditional Juaneño ceremony with equal support. Ka'chi has provided a description of a girl's puberty ceremony and a chronology of recent ceremonies of the past fifteen years (*see Document J*). She explained during her interview that much of what she knows and does is being taught to other members of the Juaneño community, and that this knowledge is becoming a daily practice of many tribal members.





To underestimate the value and influence of ceremony and ritual practiced by the Juaneño would be a grave error. Some observers in the past have intimated that Juaneño ceremonial practices went underground and that is why they were not visible. There is clearly some support for this observation given the dominant attitude of "Christen missionaries" that Native American ceremonies were barbaric. However, Juaneño ceremony and ritual, identifiable in the memories of elders and older members of the Juaneño, is found throughout the community. These practices were aspects of daily life, a spirituality that expressed and supported the relations between family members, and the tenacity to retain a connection with their ancestors. The old adage, that an absence of evidence is not evidence of absence, defines the retention of Juaneño ceremonies and rituals within the modern community.

A NOTE ON METHOD

The following description of the Juaneño community is an attempt to comply with the specific requirements outlined by the BAR in defining a modern, Native American community. It also endeavors to address the omissions and deficiencies of the original petition. It is not meant to be a comprehensive account nor a "formal" ethnography. As an anthropologist, I have employed the traditional methods of anthropological inquiry. My perspective, however, derives from the tenants of applied anthropology, as well as from a position of advocacy.

Although I had known individual members of the tribe for twenty-five years, I had minimal knowledge of the tribe's contemporary political organization and community activities. I was certainly aware the tribe had been working towards gaining Federal Recognition, and that they experienced difficulties in reaching this end, but I was unaware of the specific issues and individuals involved. In May of 1998, I was introduced to the current Tribal leadership of the Juaneño. I then submitted a resume and verified my availability to work on the project. At a later meeting, the Tribal council and community elders interviewed me as to my intent and reasons for wanting to assume this responsibility. Accepted as the tribe's anthropologist, I began formal research in July of 1998.

My initial task was to become familiar with the language and requirements of 25CFR83. I apprised the tribe's original petition and response to the letter of omissions and deficiencies, comparing the information contained in these documents to the criteria specified in 25CFR83. I then began to piece together a research strategy that would supply the missing data, and would eventually complete the tribe's application.

In both documents, information confirming the existence and functioning of the tribe in modern times (designated by 25CFR83 as from 1900 to the present) was scanty, and only minimal information concerning recent Tribal governance was provided. Too, there was virtually no information defining the modern community inhabited by the tribe, nor the tribe's relations within the non-Indian community. Additionally, the archival material included in both documents lacked supportive narrative, and some of the data described as supportive documentation, was said to be unavailable for review and verification.

In the original petition, a distinct emphasis was placed on Juaneño pre-history, and their interaction with the early Spanish, Mexican, and American Periods. This emphasis was most likely the result of the academic preparation of those hired by the tribe to do the work. Ms. Paige Tally, the primary author of the initial petition in 1982 was an archaeologist. Mr. Joe Wilson, who drafted the tribe's response to the BAR's letter of omissions and deficiencies in (1993), had his primary training in the area of Human Services. The fact that neither were cultural anthropologists or historians does not invalidate the work both authors produced, but illustrates the point that each had an orientation that influenced the choice of data they emphasized. It seemed logical, therefore, that supplying information lacking in the tribe's petition would produce a solid document. The earlier question on whether to rewrite the entire petition from the beginning, or to augment the previous documentation by supplying the missing data, was apparently resolved. According to the BAR's anthropologist, Mr. Steve Austin (personal communication), much of the material already submitted, however disjointed, was still of value in

making a determination of the tribe's bid for recognition. He also suggested that a review of the letter sent to the tribe, highlighting the omissions and deficiencies found within the original petition, would be valuable in organizing a research strategy. The direction of research appeared to be deceptively simple: identify the areas where information was incomplete and fill-in the appropriate data.

Over the previous year, as the Juaneño's anthropologist of record, I have spent an average of twenty hours per week with the Juaneño community. I have attended Tribal council meetings, tribal committee meetings, ceremonies, local festivities such as Swallow's Day and other events, gatherings, and fund-raising activities. I participated with the tribe's November (1998) meeting with BIA and BAR officials in Washington, D.C. In addition, I have conducted hours of library and museum research. I have solicited the support of acknowledged scholars such as Florence Shippek, Lowell Bean, Lisbeth Haas, and Paul Apodaca, all highly respected by Southern California Indian Bands.

The goal, then, was to identify the elements that described and defined the modern, Juaneño community, the significant links that connected the modern community to a historical continuum, and to attach the appropriate documentation supported by applicable narration.

To accomplish the goal, traditional tools of the cultural anthropologist (review of the relevant literature, participation and observation, and personal interviews) were put into practice. In addition, several practices associated with applied anthropology were introduced. Furthermore, tribal members have been brought into the present research process, creating a broader base of understanding than had previously existed, concerning the recognition application. It is important to note that only a handful of tribal members had any real knowledge of the procedural aspects associated with Federal Recognition. Even fewer had seen the original petition or had knowledge of the Wilson response. Within the community, Federal Recognition

took on an almost magical quality, the work seemingly being done by invisible agents who were not members of the tribe. The general belief was that the process was ongoing, when in reality, virtually nothing had been done to further the tribe's progress towards recognition since the submission of the Wilson response. This situation created an atmosphere of confusion, suspicion, and rumor that was prevalent when I entered the picture. This condition will be discussed more fully in the governance section but the negative feelings were a result of controlling influences practiced by a few members in leadership positions before 1997. In order to ameliorate concerns and suspicions, I encouraged tribal members to take an active part in compiling the missing data. I also shared collected information with tribal members, and conducted several mini workshops focused on explaining the Federal Recognition process, to the extent that I understood the process. Their active participation lends even more credibility to the fact that the Juaneño are a functioning tribe with a shared goal of achieving recognition. In addition, other scholars, students, and local community members participated in the preparation of this document. The resulting description is the result of a cooperative venture, representing a sincere dedication to the Juaneño's claim that they have always been, and still are, a Native American tribe, deserving to be Federally Recognized.

BIBLIOGRAPHY

Provided in this section are two bibliographic listings. The first listing cites sources referenced in this narrative. The second listing provides two extensive bibliographies compiled in 1979 by Nicholas M. Magalousis, and in 1997 by Susan Lobo and Frank Lobo. Frank Lobo, who taught at the University of California, Berkley is a Juaneño.

The Magalousis bibliography (53 pages), entitled the Joint Archaeological Research Program on the Mission of San Juan Capistrano (University of California, Irvine and Chapman College), is an outstanding resource of published material on the regional history of Orange County, the Juaneño, and the local history of San Juan Capistrano (*see Document K*). Of particular interest is the extensive collection of references documenting the activities of the Juaneño reported in Orange County newspapers and magazine articles. Over eighty percent of the sources cited in this bibliography refer to the Juaneño specifically.

The Lobo bibliography (31 pages), is a compilation of the major academic resources documenting the archaeological research related to the Juaneño presence in Orange County, and extensive ethnographic material referenced in preparing a report for a "contract" archaeological firm, Scientific Resource Surveys, Inc. in 1997 (*see Document L*). The report, New Directions In South Coast Ethnography: The Bolsa Chica Project, is included as an attached document.

The rationale to include bibliographic references and not the material referenced is first to demonstrate that references to the Juaneño presence is established from a variety of resources, academic as well as topical. Secondly, providing the bibliographies precludes the attachment of

ponderous sheaves of paper. The majority of the references are readily available if needed and can be provided to the BAR staff for review.

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2. Juaneño Band of Mission Indians. Tribal office. 31877 Del Obispo, Suite 106A, San Juan Capistrano, CA 92675.
3. National Archives: Pacific Southwest Region. 24000 Avila Road, Laguna Niguel, CA 92677
4. Sherman Indian School. 9010 Magnolia Avenue, Riverside, CA 92503
5. Southwest Museum. 6067 Wilshire Blvd., Los Angeles, CA 90036

SUPPORTIVE DOCUMENTS

Document A	New Directions In South Coast Ethnography
Document B	Newport Coast Archaeological Project
Document C	The Ethnohistoric Basis for Cultural Affiliation in the Marine Corps Base Camp Pendleton Area
Document D	Genealogical Records
Document E	Personal Interviews
Document F	Tribal Council Newsletter
Document G	The BAR Meeting [11-16-1998]
Document H	Clarence Lobo Papers
Document I	Constitution of The JBMI
Document J	Ceremony
Document K	Magalousis Bibliography
Document L	Lobo Bibliography
Document M	Lobo Lexicon