Proposed Finding

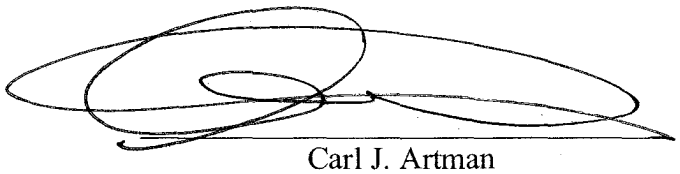
Against Acknowledgment of

The Juaneño Band of Mission Indians
(Petitioner #84B)

Prepared in Response to the Petition Submitted to the Assistant Secretary - Indian Affairs for Federal Acknowledgment as an Indian Tribe

NOV 2 3 2007

(Date)



Carl J. Artman
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ACRONYMS AND ABBREVIATIONS

ADS	Associate Deputy Secretary
AGN	Archivo General de la Nación, México, Distrito Federal
AODO	Addendum to the Obvious Deficiencies and Omissions
AS-IA	Assistant Secretary - Indian Affairs
BAR	Branch of Acknowledgment and Research, Bureau of Indian Affairs
BIA	Bureau of Indian Affairs
BLUC	The Bancroft Library, University of California, Berkeley
CA	California
CIC	Capistrano Indian Council
CFR	*Code of Federal Regulations*
DHM	Documentos para la Historia de Mexico
DOI	Department of the Interior
ECCP	Early California Population Project, the Huntington Library
FAP	Federal Acknowledgment Project
FD	Final Determination
FAIR	Federal Acknowledgment Information Resource
FR	*Federal Register*
FTM	Family Tree Maker™
IBIA	Interior Board of Indian Appeals
JBA	Juaneño Band of Mission Indians, Acjachemen Nation (Petitioner #84A)
JBB	Juaneño Band of Mission Indians (Petitioner #84B)
JBM	Juaneño Band of Mission Indians
JBMI-IP	Juaneño Band of Mission Indians, Interested Party
LCI	League of California Indians
MIF	Mission Indian Federation
OD	Obvious deficiency letter
OFA	Office of Federal Acknowledgment
PF	Proposed Finding
SJC	San Juan Capistrano
TA	Technical assistance review letter
U. S.	United States

SPANISH TERMS LIST

SPANISH TERM	DEFINITION
alcalde	Indian municipal official that the Indian residents of a mission elected annually.
cacicazgo	The political and social jurisdiction of a traditional Indian leader.
cacique	Traditional Indian leader.
Californio	Self-ascribed term for early Spanish/Mexican settlers and ranch owners who asserted claims of Spanish versus Mexican descent.
capitán	Captain.
coyote	Racial/caste term that generally applied to a person of mixed European and Indian ancestry, generally considered to be a mix of *indio* and *mestizo*.
ecolta	Group of soldiers stationed at each mission.
Español	Spaniard born either in Spain or in the Americas.
estado	General report on population, vital statistics, numbers of livestock, and agricultural production in the missions.
gente de razón	Racial/caste term used to identify non-Indians. Literally means "people of reason."
gentile	Term that Franciscan missionaries used to describe non-Christian Indians.
india/indio	Racial/caste term that designated an Indian
mestiza/mestizo	Racial/caste term that generally applied to a person of mixed European and Indian ancestry.
mulata/mulato	Racial/caste term that generally defined a person of mixed European and African ancestry.
neófita/neófito	Neophyte or Christian Indian living at the missions.
padrón	Detailed population count that generally listed individuals by family.
presidio	Military garrison. There were four presidios in California: San Diego (1769), Monterey (1770), San Francisco (1776), and Santa Barbara (1782).
pueblo de indios	Indian settlements with a formal town government including an "Iberian-style" council that included an *alcalde*, *regidor*, and council members.
rancheria	Spanish term for an Indian village.
rancho	Mexican-era ranch specializing in cattle.
regidores	Indian municipal official that the Indian residents of a mission elected annually.
república de indios	Legal, political, and social jurisdiction for Indians.
sistema de castas	Hierarchical system of racial/caste classification that defined people on the basis of stereotypical assumptions about blood-lines and racial mixing.
vaquero	Cowboy.

Figure 1: Timeline of California History

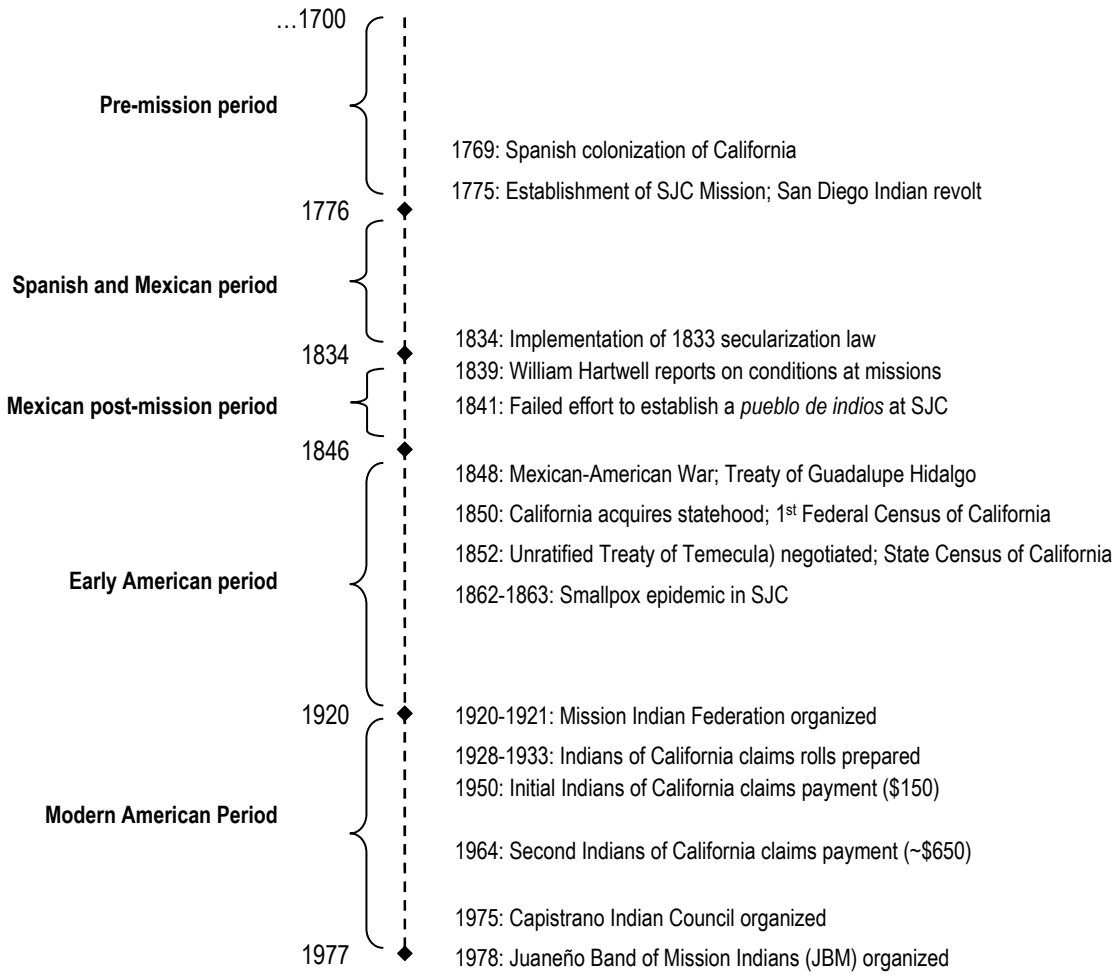
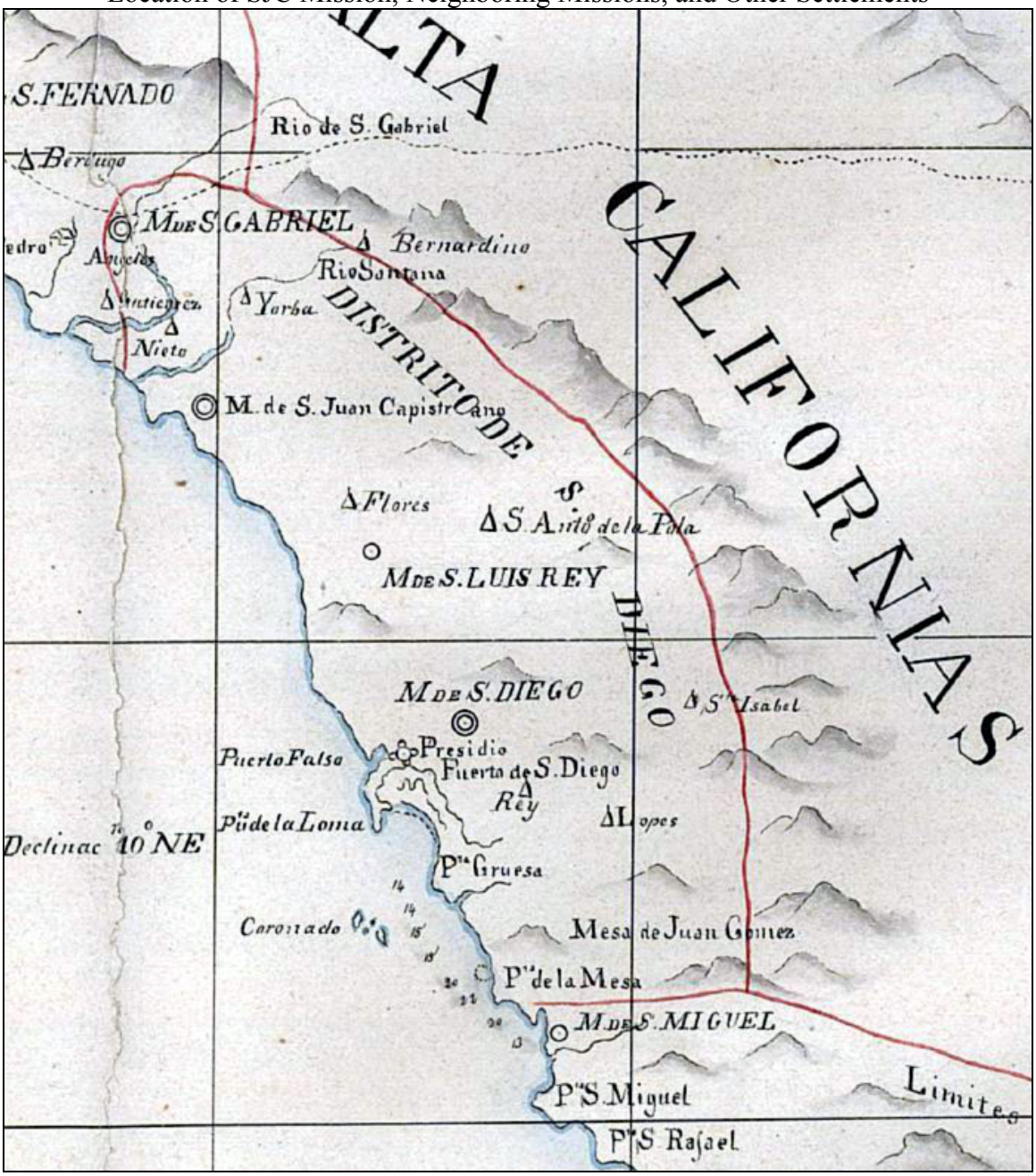


Figure 2
An 1823 Map Showing Political Jurisdictions and Settlements in California

Source: José Narváez, "Carta esférica de los territorios de la alta y baja Californias y estado de Sonora."(1823). The Library of Congress Geography and Map Division, Call Number G4300 1823.N3 TIL Vault.

Figure 3
Section of an 1823 Map of California showing the San Diego Presidio District and Showing the Location of SJC Mission, Neighboring Missions, and Other Settlements



Source: José Narváez, "Carta esférica de los territorios de la alta y baja Californias y estado de Sonora."(1823). The Library of Congress Geography and Map Division, Call Number G4300 1823.N3 TIL Vault.

INTRODUCTION

The Office of the Assistant Secretary-Indian Affairs (AS-IA) within the Department of the Interior (Department) issues this proposed finding (PF) in response to the petition the Department received from the group known as the "Juaneño Band of Mission Indians" (JBB) located in Santa Ana, California. The petitioner seeks Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the *Code of Federal Regulations* (25 CFR Part 83), "Procedures for Establishing that an American Indian Group Exists as an Indian Tribe."

The evidence submitted by the JBB petitioner, and another petitioner and an interested party, and evidence Department staff obtained through its verification research, demonstrates that the JBB petitioner does not meet four of the seven mandatory criteria for Federal acknowledgment: criteria 83.7(a), 83.7(b), 83.7(c), and 83.7(e). The petitioner meets criteria 83.7(d), 83.7(f), and 83.7(g). An explanation of the Department's evaluation of each criterion is presented in full in sections that follow this introduction. In accordance with the regulations set forth in 25 CFR 83.7, the failure to meet all seven criteria requires a determination that the petitioning group is not an Indian tribe within the meaning of Federal law. Therefore, the Department proposes to decline to acknowledge the JBB petitioner.

Regulatory Procedures

The acknowledgment regulations under 25 CFR Part 83 establish the procedures by which a non-federally recognized group may seek Federal acknowledgment as an Indian tribe, establishing a government-to-government relationship with the United States. To be entitled to such a political relationship with the United States, the petitioner must submit evidence documenting that the group meets the seven mandatory criteria set forth in section 83.7 of the regulations. Failure to meet any one of the mandatory criteria will result in a determination that the group does not exist as an Indian tribe within the meaning of Federal law. The Office of Federal Acknowledgment (OFA) within the Office of the AS-IA has responsibility for Federal acknowledgment, administering the regulations and analyzing petitions based on the evidence in the administrative record (evidence).

The time periods for the evaluation of documented petitions are set forth in the acknowledgment regulations in section 83.10. Publication of the notice of the PF in the *Federal Register* (FR) initiates a 180-day comment period during which the petitioner, interested and informed parties may submit arguments and evidence to support or rebut the evidence used in the PF. Such comments should be submitted in writing to the Office of the Assistant Secretary-Indian Affairs, 1951 Constitution Avenue, N.W., Mail Stop 34B-SIB, Washington, D.C. 20240, Attention: Office of Federal Acknowledgment. Interested and informed parties must provide copies of their submissions to the petitioner.

The regulations at 25 CFR 83.10(k), provide petitioners a minimum of 60 days to respond to any comments on the PF submitted during the comment period. At the end of the response period for the PF, OFA shall consult with the petitioner and interested parties to determine an equitable time frame for consideration of written arguments and evidence that are submitted during the comment and response periods. OFA shall notify the petitioner and interested parties of the date such consideration begins.

After consideration, the AS-IA shall issue a final determination (FD) regarding the petitioner's status. The Department shall publish a notice of this FD in the FR.

After publication of the notice of the FD, the petitioner or any interested party may file a request for reconsideration with the Interior Board of Indian Appeals (IBIA) under the procedures in section 83.11 of the regulations. A request for reconsideration must be made within 90 days of publication of the notice of the FD. Unless the petitioner or interested party files a request for reconsideration pursuant to section 83.11, the FD will become effective 90 days from its date of publication.

Administrative History

An initial group known as the Juaneño Band of Mission Indians (JBM) submitted a letter of intent to petition to the AS-IA. The Department received the letter of intent on August 17, 1982. Notice of the receipt of the letter of intent appeared in the FR on December 15, 1982 (47 FR 56184). Notice of the submission of the letter of intent also appeared on February 21, 1983, in *The Register,* a newspaper located in Orange County, California. The Department designated JBM as Petitioner #84. JBM submitted its first documentation that included a narrative entitled "Petition for Federal Recognition of the Juaneño Band of Mission Indians in Compliance with CFR Part 83," as well as some documents outlined in the JBM petitioner's narrative. The Department received this material on February 2, 1988.

The Department conducted the initial technical assistance (TA) review of the petition, and sent an obvious deficiency (OD) letter dated January 25, 1990, to the JBM.[1] The JBM responded to the first OD letter on September 24, 1993, when they submitted additional materials, and requested that the Department place it on the "ready, waiting for active consideration list" (ready list). The Department determined the petition was ready for consideration and placed the JBM petitioner on the ready list on September 24, 1993.

An election occurred in 1993 that resulted in a dispute within JBM. Former JBM member Sonia Johnston claimed that JBM had elected her as chairperson in the election held on August 27, 1994 (Johnston 12/29/1994). The group that Johnston headed, which included some former JBM members and people not previously involved with JBM, submitted a letter of intent to petition on March 8, 1996. The Department designated the group Petitioner #84B. This group named itself "The Juaneño Band of Mission Indians" (JBB) (Johnston et al. 2/17/1996). Notice of the letter

[1] The TA review letter noted: "While you have provided copies of some of the documents cited in the petition narrative, it is extremely important that copies of all documentation used as supporting evidence be made available" (Elbert 1/25/1990).

of intent appeared in the FR on December 2, 1999 (64 FR 67585). The Department designated what appeared to be the original group that David Belardes headed, the "Juaneño Band of Mission Indians, Acjachemen Nation" (JBA), as Petitioner #84A. An election dispute within the JBA group resulted in Belardes forming a new group which this finding refers to as the "interested party" (JBMI-IP).

The regulations require an analysis of a petitioner based on its current membership. Thus the Department sought clarification of the membership lists of Petitioners #84A and #84B. The JBB petitioner submitted documents in March 1996. OFA conducted a technical assistance (TA) review of these documents and sent the JBB petitioner a TA review letter on May 15, 1996. This letter identified obvious deficiencies in JBB's submitted materials and noted, "During active consideration of your petition, we may request samples of the supporting documentation and evidence you have used to establish an individual's Juaneño descent" (Maddox 5/15/1996). OFA considered the petitioner ready for evaluation and placed it on the Ready, Waiting for Active Consideration" list effective May 23, 1996, following the petitioner's written request of May 31, 1996.

In 2004, JBB submitted additional materials in response to the 1996 TA review letter. The submission included a narrative entitled "Addendum to Obvious Deficiencies," which included some analysis, and a transcription of an 1846 census (*padrón*) the petitioner inaccurately identified as an 1846 mission roll. JBB also submitted genealogical tables and a revised membership roll (Johnston, et al. 7/6/2004).

By letter dated July 19, 2005, JBB requested that the AS-IA waive the regulations so that JBB and JBA could be considered simultaneously. On August 5, 2005, the Department responded that it would consider this request.

OFA conducted informal TA with JBB on September 6, 2005, by telephone (Fleming 9/23/2005). The TA meeting raised issues regarding genealogical claims including descent from the historical Indian population of San Juan Capistrano (SJC) Mission[2], and evidence for criteria 83.7(b) and 83.7(c), including problems with the use of the 1846 census (*padrón)*. During this meeting OFA requested the submission of copies of governing documents and current council minutes. OFA also requested the submission of copies of different Mission-era documents such as marriage registers to analyze marriage patterns pursuant to 83.7(b).

The Department waived the priority provisions of the regulations at 25 CFR § 83.10(d) in order to consider the petition of Petitioner #84B at the same time as the petition of Petitioner #84A, citing that "much of the historical documentation and genealogical sources of the two petitioners overlap" and finding "this waiver to be in the best interest of the Indians" (Fleming 9/28/2005). Both petitioners went on "active consideration" on September 30, 2005.

On November 21, 2005, JBB submitted a letter requesting a temporary suspension of consideration of its petition. JBB noted in the November 21 letter:

[2] The term "historical population of SJC Mission" refers to Indians that lived at the mission between 1776 and 1834, at which time the Mexican government secularized the mission.

> Given the tribe's traditional custom and practice of relying on their membership's genealogical statements and not collecting required documents, the inherent problems of access to the mission registers in such a short time, and OFA's suggestion that the membership files contain a support letter to politically distinguish one group's members from the other, the tribal administrative staff was literally unprepared to undertake this type of data collection and analysis on such a large scale. (Johnston 11/21/2005)

On November 27, 2005, JBB timely submitted new materials to its petition (Johnston et al., 11/27/2005). The submission included a new narrative in one volume with a second volume of supporting documents, genealogical information on a compact disc (CD), and minutes of group meetings. JBB also made available membership and ancestor files and three census lists OFA staff consulted at the law firm of Monteau & Peebles in Washington, D.C., in November 2005, and again between January 4, 2007, and January 8, 2007 (Johnston, et al. 11/27/2005). This PF includes a review and analysis of all the materials before the Department at this time, including those materials that the #84A and #84B petitioners, and the JBMI-IP group submitted, as well as materials that OFA researchers collected during the verification and evaluation process. Since the claims and evidence of the various Juaneño groups overlap, the analysis and evaluation under the criteria in the PFs also overlap. The Department will consider any additional material that it received after the submission deadline of November 29, 2005, for the FD.

The JBB petitioner submitted a new claim in its November 2005 narrative that the period it considers for sustained contact with Europeans under the regulations first began in 1848, when the United States acquired California. JBB argues that the 1848 date is correct, in part, by asserting that documentary sources for the prior Spanish-Mexican period prior to 1848 would have to be found in Spain, even though OFA previously identified for them significant document collections for this period located in several repositories in California, including at SJC Mission itself, that the JBB petitioner referenced in preparing their 2004 "addendum to Obvious Deficiencies."

The Department will consider any additional material that it received after the submission deadline of November 29, 2005, for the FD, pursuant to a directive the Department published on March 31, 2005 (70 FR 16515).

HISTORICAL OVERVIEW

The petitioner claims descent from the historical Indian tribe of SJC Mission, and from the Acjachemen or "Juaneño" historical Indian tribe.[3]

[3] The JBB and JBA petitioners both currently use the spelling "Juaneño." Therefore, this PF uses the "Juaneño" spelling, including within quotations.

This PF treats the Indian population at the SJC Mission in 1834 as the "historical Indian tribe." The regulations provide for acknowledgment of historical Indian "tribes or groups that have historically combined" (§ 83.6(f)). Members of the Order of Friars Minor (Franciscans) established the SJC Mission in 1776, very soon after the Spanish initiated first sustained contact in the area. The evidence in the record establishes by a reasonable likelihood that as a result of Spanish policy, the Indian population of the Mission became an entity consisting of Indian tribes or groups that had combined. Socially connected and culturally similar Indian populations from politically allied villages from a small local geographic area moved to the SJC Mission. The current record provides some evidence between 1776 and 1834 that pre-existing social and political relationships at the villages continued within the Mission population. Spanish policy at the Mission created a political structure for its Indian population which made the combined groups a single political entity. This Indian tribal entity existed at the SJC Mission when the Mexican government ordered the secularization of the Mission in 1834. Therefore, the petitioner may meet the acknowledgment criteria by demonstrating that it is a continuation of the Indian tribes that historically combined at the Mission by 1834.[4]

The Department's analysis of the evidence, as well as additional research by OFA, identified 13 confirmed Indian individuals from the historical Indian tribe of the SJC Mission before 1834 and 2 SJC Indians born several years after the Mexican government secularized the Mission in 1834, all of whom the petitioners and the interested party claim as ancestors and from some of whom the petitioners' members demonstrate descent. They are: Felis (b.1828-d.?), Juana Bautista (b.abt.1835-d.1876), Leona (b.1813-d.?), Primitiva (b.1821-d.1862), Ynez (b.abt.1840-d.1873) (spouse of Antonio Maria [Yorba]), Geronima [Abudguem] (b.abt.1803-d.?), Antonio Maria [Yorba] (b.1835-d.abt.1915), Rufina Maria Allam (b.abt.1761-d.aft.1800), Peregrino Ayoubenet (b.abt.1786-d.aft.1832), Magdalena Castengura (b.1808-d.1876), Maria Bernarda Chigila (b.abt.1732?-d.aft.1790), Jose de Gracia Cruz (b.1845-d.aft.1910), Claudio Erehaquela (b.abt.1767-d.?), Facunda Pabujaquim (b.abt.1753-d.1808), Odorico Jose Tungo (b.abt.1747-d.1801).[5]

Many of the two petitioners' current members who do descend from the historical Indian tribe of SJC Mission, descend from six Indian women who lived at SJC Mission prior to the secularization of the Mission in 1834 and who married or were in unions with non-Indian men that produced children: Maria Bernarda Chigila, Maria Rufina Allam, Magdalena Castengura, Primitiva, Maria Clara (the granddaughter of Odorico Jose Tungo), and Maria Materna (the daughter of Peregrino Ayoubenet).

The Department's analysis of the petitioners' and the interested party's current membership demonstrates that only 613 of 1,640 current JBA members (37 percent), 163 of 908 current JBB members (18 percent), and 87 of 266 current JBMI-IP members (33 percent) claim descent from

[4] This PF refers to the "tribe" as the "historical Indian tribe of SJC Mission."

[5] Accent marks over proper Spanish names were used inconsistently in the various historical texts consulted for this finding. This PF adopts a consistent style by not using accent marks over personal names. An exception is that this PF uses a tilde ("ñ") in the surname "Cañedo." This PF uses accent marks with the proper names of Spanish or Mexican institutions and uses tildes in the tribal designations "Diegueño," "Cupeño," and "Luiseño." In this PF, Spanish words are italicized, as are Native American words such as "coronne."

at least one of these 15 historical Indians from SJC Mission. Of this total only 37 JBA members (2 percent), 36 of JBB members (4 percent), and 5 of JBMI-IP's members (2 percent) have provided documentation to actually establish a generation-to-generation link to a historical Indian ancestor from SJC Mission.

The evidence does not support JBA and JBB's assertions that they continue to exist as the claimed historical tribe or a finding that either group evolved from the historical Indian tribe of SJC Mission. The Department's analysis of the evidence under criterion 83.7(e) below shows that a majority of the JBB petitioner's current members descend from Spanish or Mexican settlers from San Diego Presidio or Los Angeles who began to move to SJC in the 1830's and 1840's following the secularization of the Mission in 1834.

Analysis of demographic patterns at SJC Mission shows chronically high mortality rates among the Indians living at the Mission. Following the secularization of the Mission beginning in 1834, many of the surviving Indians migrated away from SJC, and about 100 individuals remained in the early 1840's, including some of the petitioner's ancestors. At the same time, the evidence demonstrates that some of the JBB petitioner's non-Indian ancestors such as the Yorba family who lived in the SJC area in the 1830's and 1840's received land grants from the Mexican government. In the 1830's and 1840's, the Mexican governors of California distributed land grants to non-Indians, under the authority of a colonization law legislated in 1822 and reaffirmed in 1824. The lands granted included tracts from SJC Mission, granted to individuals who are among the JBB petitioner's claimed ancestors who were not Indian. Some Mexican settlers moved to SJC in 1841 as recipients of house lots in the town, including Blas Aguilar who was born at San Diego Presidio and Tomas Gutierrez who was from Los Angeles.

The evidence demonstrates that during the course of the 19th century the historical Indian population of SJC Mission (but not Indian descendants from mixed unions with Mexican settlers) continued to decline. A smallpox epidemic in 1862-1863 killed many of these remaining Indians. Moreover, the evidence suggests that the lower economic status of these remaining Indians contributed to higher death rates, particularly among infants and young children. At the same time, the evidence suggests that Indian women in relationships with non-Indians had better health, and their children had higher survival rates.

The economy of the SJC region was based on agriculture, and the evidence demonstrates that the remaining Indian population (not descended from mixed unions) worked primarily as laborers on lands non-Indians controlled. SJC Mission Indian descendant Jose de Gracia Cruz (aka "Acu"), worked as a labor recruiter for landowners in the SJC area, and several Federal censuses, particularly the 1860 census, document Indian laborers who lived and worked on properties owned by non-Indians.

During the period 1850 to 1920 the Indian descendants of mixed unions and a few descendants of Indian-Indian unions lived among the general population of SJC, but there is insufficient evidence to show that they formed a distinct community separate from the non-Indians living there. There is little evidence in the available record to show the exercise of formal or informal political authority and social interaction among the JBB and JBA petitioners' ancestors or of the existence of any type of organization until the formation of the Mission Indian Federation (MIF)

in the 1920's. Some of the JBB and JBA petitioners' ancestors moved from SJC to neighboring communities such as Santa Ana in search of better or more stable employment.

The JBB petitioner claims that some organized groups during the early 20th century are antecedent to it. The first was the MIF SJC chapter. Organized in 1920, the MIF consisted primarily of Indians living on the federally maintained reservations in San Diego County, south of SJC. The SJC chapter was the only MIF chapter not located on a reservation, and the limited evidence submitted suggests that the SJC chapter primarily advocated claims issues, rather than provided a form of self-governance for members as the reservation tribes did for their members. There is evidence in the available record that indicates that the SJC chapter enrolled people living in Orange County, California who claimed descent from other California Indian populations, as well as those claiming descent from the historical Indian tribe of SJC Mission. The JBB petitioner has not explained how the pan-Indian MIF and the SJC MIF chapter can be an antecedent group, and the evidence does not show it is.

The next period for which there is evidence of activity is during the 1950's and 1960's, when Clarence Lobo claimed leadership of a SJC group. However, the evidence available in the record indicates that Lobo's activities in SJC were limited to claims activities, rather than evidence of internal political processes or decision making by a group. Lobo also participated in pan-Indian groups that were not antecedent to the petitioner. Evidence regarding activities of these pan-Indian groups does not substantiate social or political activities for a group at SJC antecedent to the petitioner.

The petitioner identified several organizations during the 1950's and 1960's in which Clarence Lobo is named in a leadership role, including the MIF, the "Capistrano-Santa Ana band," and the pan-Indian "League of California Indians" (LCI). Documents included in the record also indicate that many of the current petitioner's ancestors and living members participated in meetings that these organizations held. However, attendance lists and other documents included in the petition also indicate that these were pan-Indian organizations that had members claiming descent from other California Indian populations. The petitioner has not provided evidence regarding activities of a group with members descending from the historical Indian tribe of SJC Mission separate from these pan-Indian organizations. The petitioner also did not demonstrate informal forms of political and social interaction.

Two new organizations that included members claiming descent from the historical Indian tribe of SJC Mission emerged in the 1970's. The first was the pan-Indian "Capistrano Indian Council" (CIC) organized in 1975. The second was the "Juaneño Band of Mission Indians" (JBM), organized after 1978 under the leadership of Raymond Belardes. The JBM petitioned for Federal acknowledgment, submitting a letter of intent in 1982. David Belardes, who had headed the CIC, replaced his cousin Raymond Belardes as the leader of the JBM in 1989. However, there is little evidence available in the record of social interactions within the CIC or JBM, or of formal or informal political leadership and activities in relation to the petitioner, beyond the goal of achieving Federal acknowledgment.

HISTORICAL BACKGROUND

The Spanish initiated the colonization of California in 1769 with the establishment of San Diego Presidio and San Diego Mission, located about 60 miles south of SJC. The Franciscans, the Order of Friars Minor (O.F.M.) of the Catholic Church, first established SJC Mission in 1775 at a site in modern Mission Viejo, but temporarily abandoned the Mission as a consequence of an Indian attack on the San Diego Mission. The Franciscans re-established SJC Mission on November 1, 1776, and relocated the Mission to its current site on October 4, 1778.[6] Spaniards established first sustained contact with the Indians there at this time.

The Franciscans administered SJC Mission between 1776 and 1834, at which point the Mexican government (Mexico obtained its independence from Spain in 1821) decreed the secularization of missions on its northern frontier (Baja California and Alta California), including SJC Mission. Secularization, at least in theory, entailed the transfer of jurisdiction over the ex-missions to diocesan priests under the authority of a bishop, and the distribution of mission property and lands to the Indians at SJC and the other missions. Spanish law defined the Indians living at SJC Mission and the other California missions as "minors" and "wards of the Crown." Secularization did not legally emancipate the Indians living at SJC Mission and the other missions from their status as wards of the government. The Spanish and after 1821 the Mexican government wanted to create stable and politically autonomous Indian settlements known as *pueblos de indios* (Jackson and Castillo 1995, 87-106). This intended result of secularization did not occur at SJC Mission. In the 1830's and 1840's, as is discussed below in more detail, non-Indian settlers from San Diego and Los Angeles moved to SJC, and acquired former Mission lands and house lots in the emerging town. Although an Indian population remained, the new settlers largely displaced the SJC Mission Indian population, acquiring lands that otherwise would have been distributed among the surviving Indians from the Mission pursuant to the 1833 secularization law.

In 1846, the United States and Mexico went to war, and United States (U.S.) army and naval forces occupied California in 1846 and 1847. Under the terms of the Treaty of Guadalupe Hidalgo (1848) that settled the war, the U.S. acquired California from Mexico. In the same year the discovery of gold in the foothills of the Sierra Nevada Mountains initiated significant changes in California society, and some 100,000 people came to the territory over the next two years (Pitt 1966, 48-53). In 1850, California became a state. SJC initially formed a part of Los Angeles County, but after 1889 was in Orange County when the State legislature created the new county (Hallan-Gibson 2001, 64). The modern town of SJC is located between Los Angeles and San Diego in what is now southern Orange County, about 49 miles south of Los Angeles.

[6] A detailed 1783 report outlined the early history of SJC Mission. See Pablo de Mugartegui, O.F.M. and Vicente Fuster, O.F.M., SJC Mission, October 26, 1783, "Ynforme de la Misión de S. Juan Capistrano," Archivo General de la Nación, México, D.F.

The Historical Indian Tribe of SJC Mission

Early Spanish accounts and the writings from the 1820's of SJC missionary Geronimo Boscana, O.F.M., stationed at the SJC Mission from 1814 to 1826, provide details regarding the political and social organization of the Indians living in the region where the Franciscans established SJC Mission (Boscana 1934 and *in* Harrington 1978). Ethnographer John P. Harrington's research notes, prepared in the 1930's and 1940's which drew on his own field research as well as research in preparation for the annotated 1934 publication of Boscana's 1820's account of the Indians of SJC Mission, provide additional information. These and other sources provide some details regarding the different residents the Franciscans brought to live at SJC Mission and the culturally, socially, and linguistically related residents resettled to neighboring San Luis Rey Mission which the Franciscans established in 1798. Scholars now collectively identify the residents of the politically autonomous villages in the region the Spaniards encountered in 1769 by the terms "Juaneño" and "Luiseño."

Ethnographers/anthropologists coined these terms in the early 20th century and derived the terms from the names of the two missions. The evidence based on ethnographic research in the early 20th century among several Indians still living at SJC suggests that these residents spoke a dialect of Cupan Takic, a language of Uto-Aztecan stock related to the languages spoken by their neighbors including the Cahuilla and Cupeño, and the residents brought to live at San Gabriel Mission generally known today as the "Gabrielinos" (Bean and Shipek 1978).

Prior to being drawn into SJC Mission after 1776, the Indian populations lived in autonomous and largely sedentary villages located in different ecological zones, and derived from several social-cultural groups. Each village was a patrilineal clan-based entity with its own leadership. Villages "owned" a well-defined territory within which village residents collected plant foods and hunted (Bean and Shipek 1978, 551, 555). There was also what Boscana described as a "general council" or *puplem* that advised the *no't*, the village "*capitan*" or "chief" (Boscana 1978, 41). Boscana also noted that the titles assigned to individuals from important families were *corrone, nu, eyaque,* and *tepi* (Boscana 1934, 58). The Spanish identified the Indian population using the term *indio* (*indias, indios*).

The structure of the subsistence economy is important to understanding why many village residents abandoned their traditional way of life and entered the missions. The Spaniards introduced domesticated livestock including cattle, sheep, and horses that multiplied and displaced large game such as deer. Moreover, growing numbers of cattle and sheep consumed acorns and seed-producing grasses that constituted a large part of the diet of both inland and coastal villages. Sheep, in particular, devastated grasses, since they ate to the roots, killing the plant. Modern anthropologists and historians have developed a scenario to account for the effect of contact for California Indians. Village by village, Indians turned to the missions as newly introduced livestock degraded their territory and disrupted subsistence patterns. Starting with the villages closest to the missions and the ranches where the Franciscans placed livestock, domesticated animals moved outwards (Hackel 2005). This is not to say that the proliferation of livestock and degradation of traditional food sources were the only reasons that village residents elected life in the missions, but as the number of Indians entering the missions increased, life outside of the missions became very difficult as social and political networks broke down and

regional trade among villages probably collapsed (Bean and Shipek 1978, 552), spurred by rising death rates caused by pathogens that the newcomers introduced.

Some evidence pertaining to SJC Mission indicates that the Indians in that region experienced some of the changes described in general by Shipek and Bean, Hackel, and others. The number of livestock SJC Mission owned rapidly increased: in 1779, it was 190 head of cattle and 200 sheep; and this grew to 7,256 cattle and 13,748 sheep 19 years later in 1798; and 12,000 cattle and 13,000 sheep in 1821.[7] The Franciscans relocated the Indian populations of a number of villages to SJC Mission. Boscana described the village closest to the second SJC Mission site occupied in 1778. Boscana stated that it was:

> a place called Acagchemen distant from where the mission now stands only about sixty yards. From this time, the new [Spanish] colony assumed the name corresponding to the place. (Boscana 1978, 84)

The 1934 version of Boscana's account contains the following description of the origins of the Indian population brought to SJC Mission not found in the 1978 edition:

> These are the 15 rancherias or towns which were founded by the first settlers of this Canyada of San Juan Capistrano and its environs.[8] It is to be reflected that they must have been settled not all at a single time, but little by little, some later than others, according as was found more convenient and to the purpose. It also should be noted that since these Indians never lived fixed in a single place, but moved from time to time from one place to another depending on the seeds, there were always some unoccupied rancherias. (Boscana 1934, 62)

The Spanish created a series of special terms throughout the Americas to categorize different groups of peoples in an effort to establish an ordered colonial social and political structure. One example of this system of classification was the *sistema de castas* (caste system), a legal matrix the Spaniards created. Native peoples, including the historical Indian tribe of SJC Mission,

[7] Figures for 1779 and 1798 come from two documents from the Archivo General de la Nación, located in Mexico City: No Author, No Place [Mexico City?], "Extracto del Estado que tenian las Misiones de Monterrey q[u]e estan a cargo de este Ap[ostoli]co Colegio de San Fernando a fines del año 1779;" and Vicente Fuster, O.F.M. and Juan Norberto de Santiago, O.F.M., SJC Mission, December 31, 1798, "Informe del Esta de esta Misión del S. Juan Capistrano, en el dia ultimo de Diciem[br]e de 1798." The figure for 1821 is from José Señan, No Place [San Buenaventura?], No Date [December 31, 1821?], "Estado de las Misiones de la Alta California sacado de los Ynformes de sus Misioneros en fin de Dici[em]bre de 1821," the Bancroft Library, University of California, Berkeley.

[8] Boscana identified the 15 villages in the following order: Putuidem, Atoum-pumcaxque, Ulbe, Tebone, Eñe, Panga, Souche, Tobe, Tumume, Tepipche, Ecjeime, Taje, Uut, Alume, and Uxme (Boscana1934, 60-62. Later scholars identify others, (as many as 24) but suggest that it would be difficult to determine any others. The Franciscan missionaries recorded village names in the mission registers, but often with variant spellings. For example, the Franciscans recorded Pange not only by its Spanish name San Mateo, but also as Pangegna, Pangigua, and Pangivit. Some Franciscans failed to record village names, particularly in the case of baptisms following the initial phase of congregation. Other villages that Franciscans identified with SJC Mission passed to the jurisdiction of San Luis Rey Mission established in 1798.

regardless of tribe, village, or band, were classified under the term *indio* within the legal and political jurisdiction of the *republica de indios* (Lockhart and Schwartz 1983). However, the classification of diverse groups under a single category did not eliminate the social and cultural distinctions among Indian groups. On the frontiers, the Spanish encountered diverse Indian groups living in complex social and political structures that included small bands, clan-based villages called *rancherias*, or tribal villages and entities based on sedentary agriculture.

Spanish and Mexican-era records such as censuses and registers of baptisms, marriages, and burials identified the population of SJC Mission in two ways: as *indios* or residents of a particular village. The Franciscans identified some individuals as *capitanes* in addition to the high status terms *corrone, nu, eyaque,* and *tepi* (the last four terms derive from the local Indian language). Little is really known about these titles, how one came to have one, or the role played by these individuals. The Franciscan missionaries most commonly used the generic term *indio* to classify people in annual reports and the registers of baptisms, marriages, and burials. The Franciscans also recorded the village of origin of most but not all Indians recorded in mission registers (SJC Baptisms). The Franciscans also used the term *neófito* (neophyte) for Indians living at the mission, and *gentile* (gentile) for non-Christian Indians not living at the mission. However, the evidence in the record does not show the creation of separate political jurisdictions at SJC Mission based on the village of origin, since the Franciscans introduced a different political system to SJC Mission and the other California missions (Hackel 1997).

Mission Life and Social-Political Organization

Spanish royal officials attempted to implement municipal governments in the California missions, but did not use the new government system to perpetuate the influence and authority of traditional village leaders (Hackel 1997; Hackel 2005). The names of some *alcaldes* and *regidores* (Indian municipal officials; some records also list an Indian official known as a *capitan*) appear in the SJC Mission registers of baptisms and marriages as godparents or witnesses. In addition, some of the records show *eyacques* and *nus* and the husbands and close male relatives of *coronnes* and *tepis* acting in these capacities.

Spanish officials in California forced the Franciscans in the late 1780's to institute annual elections for *alcaldes* and *regidores* who governed the Indians living at the mission, but who generally established little if any independence from the Franciscan missionaries. The Franciscans often manipulated the elections to ensure the selection of Indians they considered to be pliant and cooperative, and used the Indian officials to help maintain discipline and organize labor in the missions. In practice the Franciscans continued to run the missions, although scholarly studies show that some traditional Indian leaders filled positions in the governments at other California missions such as San Carlos which was the subject of one study, and continued to exercise their authority as it existed before the arrival of the Spanish (Hackel 1997).

Some evidence demonstrates the persistence of authority or influence by traditional Indian leaders at SJC Mission, and SJC Mission records contain the names of several Indian municipal officials at the Mission (see below in 83.7(b) and 83.7(c)). Additional documentary evidence not currently in the available record may provide more information regarding formal and informal Indian leaders at SJC Mission prior to the secularization of the Mission in 1834.

In the California mission system in general and at SJC Mission in particular, the Franciscans attempted to transform the social organization, religion, and world view of the California Indians to match those of the Spaniards. The Franciscans directed the construction with adobe bricks of permanent European-style housing at the mission and the majority of the Indians lived at the mission in this housing (Webb 1952). The mission program disrupted Indian social and political relations, and created health and sanitation problems that caused the rapid decline of the Indian population at SJC Mission and the other missions.

The Franciscans brought the local Indians to live at the missions and trained them in agriculture and ranching to provide for the subsistence needs of the residents of the missions, and, to the extent possible, produce surpluses that might be sold in local or regional markets to contribute to economic development and the costs of maintaining the missions. The Franciscans in California also supplied food and other goods to the military garrisons in California, which required additional labor to produce surpluses (Cook 1976). Evidence shows that the Franciscans stationed at SJC Mission directed the development of agriculture and ranching, and the construction of an extensive building complex at the Mission that included housing for the Indian population (Engelhardt 1922).

The Department's analysis of data from the SJC Mission baptismal and burial registers (1776-1834) demonstrates that the Indian population living at the Mission declined significantly between 1776 and 1834. In these 58 years, the Franciscans stationed at SJC Mission baptized 2,152 children born at the Mission, or an average of 37 per year. The number of burials in the same years totaled 3,270, or an average of 56 per year. Death rates were consistently higher than birth rates at SJC Mission, life expectancy at birth was low and averaged 12.3,[9] and the Franciscans expanded the population of the Mission through the recruitment of Indians from outside of the Mission. The Franciscans baptized 2,158 "gentiles" (non-Christians), both adults and children (SJC Baptismal and Burial registers). In 1834, the reported Indian population of SJC was 861,[10] or 20 percent of all Indians baptized between 1776 and 1834. There are 179 Indians identified in the baptismal registers, but not accounted for in 1834, who most likely escaped from the Mission, had been emancipated from the Franciscans' control in the 1820's

[9] Mean life expectancy at birth at SJC Mission from 1776 to 1834 ranged from a low of 7.9 years to a high of 17.1 years. The congregation or resettlement of large numbers of Indians in a compact village with rudimentary sanitation caused high mortality, particularly among young children. Neighboring San Gabriel Mission with larger populations than SJC Mission evidenced mean life expectancy at birth between 1779 and 1833 of 6.4 years. In contrast, mean life expectancy at San Luis Rey Mission which had a dispersed pattern of settlement with large numbers of Indians living away from the mission averaged life expectancy from birth of 19.1 years from 1813 to 1832 (Jackson 1994, 83-89).

[10] The original annual reports for SJC Mission for the years 1799 to 1834 have disappeared or can not be located at the Santa Barbara Mission Archive-Library, a research facility that contains documents the missionaries stationed at each mission sent to the Franciscan head of the California missions. However, Hubert H. Bancroft's research team prepared population tables for the California missions and other Spanish settlements from reports contained in an archive housed in San Francisco that burned in the fire that followed the 1906 earthquake. These tables are preserved at the Bancroft Library, University of California, Berkeley, in a collection entitled "Mission Statistics."

(see below), or had been baptized at the Mission but worked on the private ranches being created in the region.[11]

The Franciscans continued to baptize "gentiles" up until 1834 when the Mexican government secularized SJC Mission, and in some years baptized large numbers.[12] In 1805, the Franciscans baptized 265 "gentiles," and another 201 in 1812 (SJC Baptisms). The turnover in population at SJC Mission perhaps contributed to the persistence at the Mission of pre-contact social relationships and the political influence of high status families because of the continuous influx of "gentiles" who brought pre-mission beliefs and practices into the Mission. At any given point in time between 1776 and 1834, the Indian population of SJC Mission consisted of varying numbers of children born there, "gentiles" baptized at different ages who had spent time in the Mission, as well as "gentiles" only recently settled at the Mission. Moreover, the chronically high infant mortality rates reduced the number of young children, whom the Franciscans generally believed to be more easily inculcated with the new social, cultural, and religious norms they hoped to impose on the baptized Indians.

The Post-Secularization Decline and Dispersion of the SJC Mission Indian Population

In 1821, Mexico achieved independence from Spain. Several decades of political turmoil followed as factions vied for control over the government and implemented different policies based on competing ideological agendas. Early 19th century liberal ideas influenced politicians who envisioned a radical transformation of Mexican society, particularly a greatly reduced role for the Catholic Church. The "liberal" agenda reflected strong anti-clericalism and the goal of achieving greater integration of the Indian population into social and political life of Mexico. Liberals targeted frontier missions for closure because they viewed them as an overly paternalistic, anachronistic colonial institution that prevented or delayed the integration of Indians. Although two Mexican government orders expelled Spaniards from Mexico in the late 1820's, they exempted many Spanish-born missionaries, including those on the California frontier, who were considered essential personnel. The missionaries' pro-Spanish views and

[11] The Huntington Library Early California Population Project (ECPP) database contains detailed information from the sacramental registers of the California missions as well as Santa Barbara Presidio and the Our Lady of the Angels Los Angeles Plaza Church [Los Angeles Parish]. This database is available on the internet through the Huntington Library web site (www.huntington.org). The database conveniently summarizes more than 100,000 register entries, and is formatted to enable some data searching and primarily serves to track individuals mentioned in the mission sacramental registers. This database should be used as a means to find the original records verification in the original registers.

[12] OFA's analysis of the evidence suggests that the population the Franciscans recorded at SJC Mission did not include large numbers of unbaptized "gentiles." In 1805, for example, the Franciscans baptized 265 "gentiles" of all ages. Between 1776 and 1804, the Franciscans baptized 2,291 Indians, both "gentiles" and new-born children, and buried 1,211 Indians. The net difference between baptisms and burials was 1,080, and the population reported at the end of 1804 totaled 1,024. The difference between baptisms and burials recorded through the end of 1804 and the population the Franciscans reported is 56, considerably less than the number of "gentiles" the Franciscans baptized in the following year.

political conservatism caused friction with the civil officials whom the Mexican government appointed to California (Jackson and Castillo 1995, 89-90).[13]

In the second half of the 1820's, the Mexican government experimented with the emancipation of a limited number of neophytes from selected missions. Emancipated Indians were no longer subject to mission authority. The first emancipation decree of July 25, 1826, affected a small number of more assimilated Indians living at missions in the presidio districts of San Diego, Santa Barbara, and Monterey, including SJC Mission (Jackson and Castillo 1995, 90-93; Haas 2003).

The architects of the emancipation program envisioned that the emancipated Indians would continue to live in the missions. However, many emancipated Indians left and settled in the growing towns such as Los Angeles, where they joined non-gentile Indians who were also attracted to the towns that provided work opportunities. The Indian population of Los Angeles increased from 33 in 1825 to 311 in 1828. In 1833, Governor Figueroa extended the emancipation to a larger number of Indians in the southern missions (Jackson and Castillo 1995, 90-93, Haas 2003; Ivey 2003). The out-migration rapidly accelerated in the decade following the secularization of the missions in 1834.[14]

In 1833, California territorial Governor Figueroa chose SJC Mission to implement an experiment to create a politically autonomous *pueblo de indios* (Engelhardt 1922, 112-115). The secularization of the Mission the following year and the appointment of a civil administrator disrupted the development of the *pueblo de indios*. Approximately 100 Indians lived at ex-Mission SJC (Engelhardt 1922, 112-117). In 1839, the Mexican territorial government appointed William Hartnell, an Englishman living in the Salinas Valley near Monterey, to inspect and report on conditions on the ex-missions, and to receive complaints from the Indians still living on the ex-missions. Hartnell counted 76 Indians at SJC Mission. Several Indians complained (Hartnell only named Jose Fermin/Jose Delfin) that the civil administrator put the Indians to work for his own benefit. They also complained about the alienation of Mission land and assets which ended up in the hands of politically and socially connected non-Indian Spanish/Mexican settlers (Hartnell 1839).

[13] Narciso Duran, O.F.M., stationed at San José Mission and the father-president of the California missions, openly criticized the newly created Mexican government and its policies, and particularly policies regarding the missions. In 1833, Mexican-born Franciscans from an apostolic college in Zacatecas took charge over the missions in southern California, including SJC.

[14] The available evidence in the record does not permit a calculation of the number of Indians who left SJC Mission or indicate where they went although there is evidence that some went to Los Angeles. Agustin Janssens, the civil administrator of SJC Mission around 1840, reported sending two *alcaldes* to Los Angeles to return Indians to the Mission. However, Janssens did not indicate if the *alcaldes* succeeded in returning Indians to SJC (Janssens 1953, 106). An 1844 census for Los Angeles enumerated the number of Indians living in the town and working on surrounding ranches. The census listed 24 Indians from San Juan Capistrano living in the town, and another 111 working on ranches (Phillips 9/5/2007). The original 1844 Los Angeles census and other related documents are found in the Los Angeles City Clerk's Office. The petitioner did not provide analysis and copies of the 1844 census and other related censuses such as an 1848 enumeration. Also see Gonzalez 2005.

In 1841, the Mexican government abandoned the *pueblo de indios* experiment at SJC and granted ex-mission lands to Indian and non-Indian heads of household. Four "free" or emancipated neophytes received house lots in SJC in 1841. They were Zeferino, Maria de Jesus, Rosario de Jesus, and Magdalena [Castengura] who is the only one of the four known to have descendants in the JBB petitioner. Many of the Indians mentioned settled at Mission Viejo, the first site of SJC Mission, which Mexican officials later granted in the mid-1840's to the non-Indian Juan (John) Forster as Rancho La Paz (Engelhardt 1922, 140-146).[15] The evidence also demonstrates that non-Indian settlers originally from San Diego Presidio and Los Angeles received the bulk of the house lots distributed in 1841.

The evidence suggests a high rate of out-migration or dispersion of the Indian population of SJC Mission after 1834. An estimated 80 to 90 percent of the Indians living at SJC Mission in 1834 had left by 1842, as the table below demonstrates.[16] Some of the Indians who left the Mission went to work on the growing number of *ranchos* in the region, moved to Los Angeles, or went elsewhere. The dispersion of the Indian population from SJC Mission also made it easier for non-Indians to claim lands and settle there. The secularization of SJC and the other missions coupled with the granting of private *ranchos* to non-Indians set in motion social and economic change in Mexican California in general and SJC in particular. The non-Indian recipients of land grants, and not the surviving California Indian populations, benefited the most from the distribution of the assets from the mission estates, including land and livestock. Few California Indians received much at all. The granting of former mission lands to non-Indians also contributed to the dispersion of much of the Indian population of the ex-mission SJC, since the ranch owners now controlled lands previously used by SJC Mission Indians who now had to find a way to support themselves.

In the period from 1834 to 1846, the Mexican territorial governors of California made hundreds of grants of land that embraced thousands of acres throughout California, including grants from the estates of the ex-missions and particularly of developed mission *ranchos* (Beck and Haas 1974). These governors made thirteen grants from the lands of SJC Mission to non-Indian settlers such as several children of Antonio Jose Francisco Yorba (b.1746-d.1825), a soldier born in Spain and stationed at San Diego Presidio, who are among the JBB petitioner's ancestors who were not Indian.

[15] The JBB claims that "some Juaneño participated in the establishment of pueblos called Las Flores – currently located on the vast Camp Pendleton Marine Corp Base, South of SJC" (JBB Narrative Extracts 12/1//2005, 11). The JBB presents no evidence to support this claim.

[16] OFA staff estimated the out-migration by calculating the net difference between Indian births and deaths reported at the ex-Mission between 1834 and 1842, and used the figure to estimate what the population of the ex-Mission would have been, if hundreds of Indians had not left. OFA staff compared this estimate to the actual Indian population reported in 1842 (see Table 1).

Table 1: Post-Secularization Baptisms/Births and Deaths at SJC Mission, 1834-1842

Year	Births	Deaths	Baptisms/births minus deaths on the year	Reported Mission Indian Population	Projected Population[17]
1834	27	39	-11	861	
1835	24	33	-8		853
1836	19	25	-4		849
1837	21	26	-4		845
1838	20	21	-1		844
1839	7	13	-6	76	838
1840	7	14	-5		833
1841	7	21	-11		822
1842	7	N/A	N/A	100	

Source: SJC Baptisms; SJC Burials; "Mission Statistics," the Bancroft Library, University of California, Berkeley.

Decline of the SJC Indian Population

The 1852 California State census enumerated 4,193 Indians living in Los Angeles County (including modern Orange County) and 2,273 Indians in San Diego County, which then extended eastward to the Colorado River and the border with Arizona which formed a part of New Mexico Territory in 1852. The information regarding the Indians living in the two counties differed significantly. The enumerator in San Diego County identified the Indian officials (*capitanes*, *alcaldes*) of several Indian settlements in the jurisdiction, including the officials of San Luis Rey, Pala, and Pauma. In contrast, the enumerator in Los Angeles County did not record similarly organized Indian settlements with *capitanes* or *alcaldes*, or evidence of Indian leaders at SJC. Rather, the enumerator listed individual Indians, and from the transcriptions in the record which OFA analyzed it is not clear if the large number of Indians listed together on the census lived together in exclusive neighborhoods, or if the enumerator listed all Indians together after he listed the non-Indian population. These transcriptions show that many of the Indians in the SJC area lived in the households of their employers, but a significant number lived in households next to each other (Transcribed 1852 California State Census).

In the early 1850's, Indian agents negotiated with politically and socially organized Indian settlements in San Diego County such as Pala and San Luis Rey, but the record does not show that Indian agent O.M. Wozencraft negotiated with any such organized group with recognizable Indian leaders in the SJC area of Los Angeles County (Wozencraft 1/9/1852). Wozencraft himself identified the groups with whom he negotiated. Wozencraft prepared a report in early 1852 in which he named these groups, and did not include an Indian group at San Juan Capistrano (Wozencraft 1/9/1852).

The 1850 Federal census did not enumerate Indians living at SJC, but the California State census prepared two years later in 1852 listed more than 200 Indians there. Evidence from the 1852 California State and the 1860 Federal censuses, as well as other sources, documents the declining Indian population living at SJC, and the continued decline during the early 1860's, 1870's, and

[17] This column indicates what the population of the ex-mission could have been based on the calculation of the net difference between baptisms/births and deaths, had there been no out-migration from the mission.

1880's. The 1860 Federal census of San Juan Township enumerated 213 Indians, mostly listed without surnames and living primarily around the ex-mission. Some worked in non-Indian households as servants, cooks, farm laborers, and *vaqueros* (1860 Federal Census, Los Angeles County, San Juan Township). They continued in the same social-economic relationship centered on the *ranchos* that evolved during the Mexican period in the 1830's and 1840's. Because of the lack of surnames and the duplication of common names, it is difficult to determine which of the Indians listed on the 1860 Federal census may be identical to the JBB petitioner's ancestors. Most of the individuals ancestral to the JBB petitioner who were then residing in SJC appear with surnames and are not identified as "Indian." The evidence also suggests that the descendants of mixed Indian-non-Indian unions were generally enumerated on the Federal censuses and in the SJC sacramental registers with surnames, and often not as "Indians."

On the 1860 Federal census, the household of the non-Indian John Forster represented a microcosm of the social and economic status of most of the Indians living in SJC. The census listed Forster's real property value at $12,000, which was the highest value recorded for the entire township.[18] The census-taker listed Forster living with Isadora Pico, and three children: Mark A. (elsewhere called Marcos), Francisco, and Juan F.[19] They are listed as "W," non-Indian. Eleven other non-Indians listed in the household worked as cowboys, farm workers, and servants. There were also five Indians, including two adults listed as servants. The three households immediately following the Forster household on the census consisted of 28 Indians of different ages, including some children (1860 Federal census, San Juan Township, Los Angeles County, page 174, dwellings 1570-1572).

High mortality during a particularly lethal smallpox epidemic in 1862-1863 was one cause for the rapid decline in the number of Indians and the number of people identified as Indians living in the vicinity of SJC in the second half of the 19th century. The epidemic broke out between October and November 1862 and January 1863. Evidence from the SJC Mission burial register shows that over a period of two to three months the epidemic killed 130 people in SJC (SJC Burials, 1862-1863). Based on the evaluation of the SJC baptismal and burial registers, it appears that the priest continued the general pattern in the registers of not assigning or recording a surname for the people he considered to be Indians. OFA staff estimated that as many as 92 Indians and 38 non-Indians died during the epidemic.

The smallpox epidemic was an extremely traumatic event in the history of the SJC Indians that survivors remembered for decades. More than half a century later one of anthropologist John P. Harrington's non-Indian informants, retained a vivid memory of the epidemic, and discussed and

[18] Forster owned three ranches: Mission Vieja or La Paz (46,433 acres), Trabuco (22,184 acres), and Potreros de SJC (1,168 acres), and also acquired Santa Margarita (modern Camp Pendleton) in what later became northern San Diego County to cancel a debt his brother-in-law Pio Pico, who originally received the grant, owed him.

[19] Marcos A. Forster's own son Marcos H. Forster (b.1866-d.aft.1933), later claimed Indian descent. Marcos H. Forster's application for inclusion on the 1933 Census Roll claimed his descent through his mother Guadalupe Avila, but the available evidence shows that her non-Indian parents lived in Los Angeles when she was born (Our Lady of the Angels Los Angeles Plaza Church Baptisms #911, 3/4/1839).

described it in detail (Harrington Notes, reel 122 [c. 1920]). The non-Indian Jose Juan Olivas/Olivares, for example, noted:

> The Small pox started in a house near the ocean from a man who came from the north, and moved up the south side of the river, then crossed to the north side and swept down upon the town like a whirl wind, carrying off nearly every Indian and many Mexicans. (Account of J.J. Olivares, Harrington Notes reel 122 [c. 1920])

Special Indian agent Ames filed an 1873 report that implied that approximately 40 Indians resided in the vicinity of SJC Mission, although the report did not name them or indicate if they descended from the historical Indian tribe of SJC Mission. The report also did not indicate if Ames included Indians married or in relationships with non-Indians and their descendants living with the general population. Ames's report on "Mission" Indians in Los Angeles and San Diego Counties focused primarily on land issues, and laid the foundation for the later creation of Indian reservations in southern California. In his report Ames noted:

> We reached San Juan Capistrano the next day, where we called upon Rev. Jos. Mutt [*sic*] of the Roman Catholic Church, whom we found much interested in the Indians of that locality and in possession of information of interest in regard to the pueblo lands adjacent to the mission property. He showed us copies of record matter obtained at great trouble and expense from the archives in San Francisco, from which it appears that the pueblo of San Juan Capistrano was in the year 1841 actually subdivided by the Mexican authorities among the inhabitants, the Indians sharing with the Mexicans in this distribution. (Ames 10/28/1873, 4)

Ames described the status of lands in SJC:

> I am led to believe that it was the design of the Spanish government to erect these missions into pueblos, and to distribute the lands among the Indians, giving to each family a certain number of acres as soon as they were sufficiently civilized to warrant such a step. This distribution of lands, however, was never made under the Spanish rule, and, as far as I am informed, in only one instance under the Mexican rule. I refer to the mission lands of San Juan Capistrano, which, according to documents now in the archives at San Francisco, were so distributed by order of the Mexican government. Upon some of these lands Indian families are still living, claiming possession, and justly, I think in virtue of this action. (Ames 10/28/1873, 11)

The report is ambiguous as to the source of the estimate of the number of Indian residents, and provided no additional details as to which Indian families still owned lands in SJC. The report did not make any reference to the agent meeting any individual Indian or group of Indians, and noted only that he met with Fr. Jose Mut, the local Catholic priest. The fire that followed the 1906 San Francisco earthquake destroyed the archives Ames referenced, but local land records not currently in the petition record may contain further information regarding the identity of the Indians who received land distributed in 1841, who still owned lands in the early 1870's at the time of Ames's report.

The few SJC Indians who can be identified living in or near SJC at the end of the mission era in 1834 continued to decline in the two decades following the 1862 epidemic. Between 1864 and 1880, there were 18 baptisms of children of Indian couples from the historical Indian population of SJC Mission, as against 35 deaths of identifiable SJC Indians. The priests stationed at SJC also baptized, married, and buried Indians from other areas who settled at SJC or neighboring ranches. The priests also routinely visited Luiseño settlements in the 1860's and 1870's that did not have resident priests, including Temecula, Pauma, Pala, and San Luis Rey. The number of marriages and births recorded there showed that these Indian populations thrived, while the Indians at SJC declined, with the exception of some families of mixed non-Indian-Indian marriages or families with a distant SJC Mission Indian ancestor.

Many SJC Indians who had lived at SJC at the end of the mission era in the 1830's and survived the 1862-1863 smallpox, and who appear in the sacramental registers, died over the next two decades, as did many of their children.[20] In the two decades following the smallpox epidemic, birth rates among Indian-Indian couples were lower than death rates, and the population of their descendants continued to decline, a conclusion based on the evaluation of evidence from the SJC baptismal and burial registers (SJC Baptisms and Burials). One such Indian-Indian couple, Jose de Gracia Cruz (b.1845-d.aft.1910) and his wife Maria, did not have any children. On the other hand, the overall better economic status of Indian descendants from mixed unions (principally unions of Indian women and Spanish settlers primarily from northern Mexico such as Sinaloa and Sonora), and thus their better health, perhaps explains why these Indian women tended to have more children who survived to adulthood than did Indian women married to Indian men.[21] Children of Indian to non-Indian unions were more likely to survive to adulthood, as was the case of Jose Manuel Apolonio Rios whose parents were a SJC Indian woman named Primitiva and Severiano Rios, a non-Indian born at San Diego Presidio. They married in 1834 at SJC Mission (SJC Marriages # 1165, 9/7/1834). Jose Manuel Apolonio Rios was born at Los

[20] A number of these Indians died at relatively young ages. In 1870, for example, Lazaro Cruz, Jose de Gracia Cruz's father, died at about age 46 (SJC Burials, no #, p.346, 1/1/1870). In 1880, Ignacio Soilo, the son of Indians from SJC Mission, died at about age 22; Leonor, a single Indian woman, died at about age 24; and Jose de Jesus Soilo died at about age 14 (SJC Burials, no #, p.379, 1/21/1880; no #, p.381, 1/28/1880; #5440?, 6/28/1880). Two years later, in 1882, another Indian named Maria Antonia Soilo died at about 14 years of age (SJC Burials, no #, p.388, 3/17/1882). In 1883, three children of the Indian Juan de Mata died at SJC: Elodomiro aged 16, Ricardo aged 18, and Rosa aged 13 (SJC Burials, no #, p.389, 3/21/1883; no #, p.391, 11/16/1883). The petitioner did not claim these Indians as their ancestors.

[21] The Cowlitz reconsidered FD documented similar demographic patterns:

> The proportion of [Cowlitz] members who descend from the métis [descendants of mixed Indian-non-Indian unions] does not preclude this petitioner from meeting criterion §83.7(e). For demographic reasons, the métis are currently more represented than non-métis in the current group. This composition is the result of the métis producing larger families than non-métis, and non-métis Cowlitz gaining membership in neighboring reservation tribes at Yakima, Puyallup, and Chehalis in Washington or Warm Springs in Oregon. (Cowlitz RFD, 22-23)

The limited available evidence analyzed in 83.7(b) below suggests that the SJC Mission Indian descendants of mixed unions did not form a part of a distinct Indian community, as in the Cowlitz case, although there is evidence of Indian descent discussed in 83.7(e) below.

Angeles in February 1840 (Los Angeles Parish Baptisms #968, 2/17/1840), survived to adulthood, started his own family, and has descendants in the JBB petitioner.

Take, for example, the children of Magdalena Castengura, an Indian baptized at SJC Mission in 1808 (SJC Baptisms #2863, 4/13/1808). She and her SJC Mission Indian husband Urbano had one child who lived to adulthood. After her husband died in 1825, she entered a long-term relationship with the non-Indian soldier Silverio Rios, who was a member of the San Diego Presidio garrison stationed at times at SJC Mission. The Department's research identified nine children of Magdalena Castengura and Silverio Rios born between 1829 and 1848 (see Appendix lV below). Rios was also married to the non-Indian Juana Barreras, and had a large family with her including several children born contemporaneously with children whom he fathered with Magdalena Castengura.

As the historical Indian population of SJC Mission continued to decline, Luiseño Indians who had not lived at SJC in the 1830's, 1840's, or 1850's moved there, in some cases because landowners from SJC recruited them to work as laborers. Some SJC Indians married Indians from other populations, including Luiseños. One example is the SJC Indian Jose de Gracia Cruz, who served as a labor recruiter for ranchers from the SJC area. The Harrington notes contain a reference to his travels to San Luis Rey, Pala, Pauma, Rincon, La Jolla, Mesa Grande, San Pascual, and Pechanga to recruit between 40 and 50 sheep shearers in the spring to work on SJC area ranches, usually in mid-March (Harrington Notes, n.d. [c. 1920]). The reference is undated, but his labor recruiting may have begun in the 1860's. Jose de Gracia Cruz married a Luiseño Indian woman. The SJC Mission baptismal and marriage registers also identified Indians from San Luis Rey, Pala, or Pauma living at SJC in the 1860's and 1870's, prior to the establishment of the reservations for these "Luiseños" in the late 1870's. The priests recorded marriages of Indians from San Luis Rey and Pala to both Indians and non-Indians at SJC.

Most Federal census records provide information regarding race. However, these designations are sometimes inconsistent, and should be compared with other records. For example, the 1880 Federal census enumerated 41 people living at SJC as "Indian," but enumerated as "white" 16 children of women enumerated as "Indian." Additionally, the census enumerator Richard Egan identified at least three women who are Indian descendants as "White" (Victoria Romero, Salome Rios Perez, and Ynez Yorba). The Department's analysis of other records shows, for example, that the priests at SJC recorded Salome Rios Perez as an "*India*" in the baptismal entries for two of her children (SJC Baptisms #1567, 11/8/1876; #1770, 12/13/1880). Egan tended not to list Indian descendants of mixed ancestry as "Indian" including several families who were descendants of the historical Indian population of SJC. The De Mata and Soilo families discussed above, and a number of other Indian families descending from SJC Mission and listed on the 1880 Federal census do not appear in the available record after 1880.

The residents enumerated as "Indian" appear to be either originally from SJC or "Luiseños" who moved there to work or to live with their Indian or non-Indian spouses.[22] The 1880 Federal

[22] Examples of Luiseños or Diegueños who settled at SJC and married there, or married elsewhere and then moved to SJC with their husbands include: Maria de la Luz (married to the SJC Indian Juan Robles); Maria Manuela la Chepa (married to the SJC Indian Jose de Gracia Cruz); and Maria del Refugio [Calixta/Keinge] (wife of Jose Manuel Apolonio Rios whose mother was a SJC Indian named Primitiva), as well as Erculana Martin Oliveras (wife

census enumerated a number of Indians whose names indicate that they were from other Indian groups, but for whom the current record provides no further information: Carmen Cumaya (dwelling #40), Ana Ustack (dwelling #40), Maria Braule (dwelling #41), and Leonoro Cohatches (dwelling #61) (1880 Federal census, Los Angeles County, San Juan Township).

The 1880 Federal census further shows several individuals whom the enumerator identified as Indian: Maria Gomez, Vicenta Gomez (who was later enumerated with her father's surname, Arce), Nerio, Luci, Prena and Francisca Rios, and Jose de Gracia Cruz. The current record demonstrates that these individuals are descendants of the historical Indian tribe of SJC Mission.[23] The "Patricio Ricardo" enumerated as an Indian on the 1880 Federal census appears to be "Patricio Ricardes," the son of Eustaquio and Juana Bautista (who may have been the Eustaquio and Juana de Dios married in 1837 discussed above), Indians described as being from SJC Mission. Civil and church documents identify others, such as Jose Doram, as descending from the historical Indian tribe of SJC Mission.

The 1900 Federal census contained a special Indian population schedule for recording Indian households, but the enumerator for SJC did not use the special Indian schedule. Indians and Indian households were recorded in the general population schedules. In 1910, however, the enumerator did record a special Indian population schedule, and identified 19 people who remained from the historical Indian population of SJC Mission or had come from other Indian populations. Of these 19, 12 were members of the extended Mesa/Majel family and the enumerator identified them as "SJC" Indians, even though several (Cristanta, J. D. Mesa, and Francisco Majel) descended from the Indian population of the Pala reservation and not from the historical Indian tribe of SJC Mission. The enumerator listed another three persons as "Digueños:" Estuario Lugo, Miguela Lugo, and Margarita Michaque. The enumerator listed Maria, the wife of Jose de Gracia Cruz as a "San Luiseño." The enumerator listed the three individuals as "San Juan Capistrano" Indians: Maria Gomez, her granddaughter Esmila,[24] and Jose de Gracia Cruz.

Other people of SJC Mission Indian descent in the enumeration district did not appear on the 1910 special Indian population schedule. They appear rather as "whites" or "Mexicans" on the general population schedule. This trend continued on the 1920 Federal census, where the census enumerator listed only Jose de Gracia Cruz and Maria Cruz as "Indians." Census enumerators

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of two non-Indians). Crisanta Serrano (later recorded as Crisanta Mesa) enumerated on the 1880 Federal census appears in other documents and interviews as having originally been from Pala. Maria de la Cruz (wife of Acu) was also a Luiseño, although the record is unclear whether she was born at Pala or at another Luiseño settlement. Regarding Maria del Refugio Rios, the record suggests that she was from Pala. According to the record of her first husband's death, Erculana Martin/Martinez Olivares was either a Luiseño or a Diegueño. The record suggests that she spent much of her life in SJC.

[23] These people lived next door to each other in dwellings #40 and 41. The Rios children resided with their mother and two other Indian women named Carmen Cumaya and Ana Ustack. "Jose de G. Cruz" and his wife were boarding Maria Gomez and her daughter Vicenta, as well as another Indian woman named Maria Braule.

[24] The entry is difficult to read, but baptismal records and other documents indicate that Maria had a granddaughter named "Petronila Margarita."

identified the rest of the people in town, including most of the JBB petitioner's ancestors, as "White" or "Mexican." The 1920 Federal Census did not provide a separate Indian schedule.

During the late 19th and early 20th centuries, representatives of the Indian Office (precursor to the Bureau of Indian Affairs) reported on conditions of Indians in southern California, and the administration of federally maintained reservations established for "Mission Indians" such as Pauma and Pala. The Commissioner of Indian Affairs issued annual or biennial reports that incorporated individual reports that agents submitted. OFA staff reviewed the reports from 1850 through 1930, but did not find reports or related records that identified a group in SJC or Orange County, California. The 1893 Annual Report, for example, included a summary of conditions in the Mission-Tule River Consolidated Agency, which administered reservations located in the southern San Joaquin Valley and in San Diego, Riverside, and San Bernardino Counties. The report listed both reservations and non-reservation Indian groups, such as the non-reservation "village" at San Luis Rey, the site of the former Franciscan mission of the same name (Commissioner of Indian Affairs Annual Report 1893, 124-132). However, the 1893 Annual Report did not mention an Indian entity at SJC, or in Orange County, California.

This 1893 Annual Report incorporated and summarized the findings of the 1891 Smiley Commission Report also entitled "Report of Mission Indian Commissioners." This report detailed the status of the federally maintained "Mission Indian" reservations, and also described non-reservation Indians living on privately owned lands. One purpose of the survey was to identify lands that might be made available to landless Indians, or conversely to make recommendations to relocate landless Indians to existing reservations. The report did not mention a landless or other Indian group in SJC or Orange County, California (Smiley Report 1891).

The 1894 and 1895 Annual Reports provided additional details regarding the groups under the jurisdiction of the Mission-Tule River Consolidated Agency. In addition to the categories previously reported that included federally maintained reservations, "villages," and "allotments," the two reports added a new category for "tribes." The 1894 Annual Report listed six "tribes" in the consolidated agency: the "Coahuila," "Serrano," "San Luis Rey," "Dieguino," "Tule River," and "Yuma." The 1895 Annual Report added "Agua Caliente" and "Santa Ynez" to the list from the previous year (Commissioner of Indian Affairs Annual Report 1894, 123; Commissioner of Indian Affairs Annual Report 1895, 135). These Annual Reports did not mention a "tribe" in SJC or in Orange County, California.

Later Annual Reports listed Indians living on the federally maintained reservations as well as non-reservation groups in southern California, including "Mission Indian" groups. The 1930 Annual Report, for example, prepared at the same time as the ongoing enrollment pursuant to Public Law 423 – 70th Congress entitled "An Act Authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California"(1928 Claims Act) that enrolled individuals who claimed descent from California Indians, enumerated the federally maintained reservations in the jurisdiction of the Mission Agency, as well as non-federally maintained "rancherias" and Federal allotments identified in the reports as "public domain allotments." The Annual Report did not enumerate a group in SJC or Orange County, California (Commissioner of Indian Affairs Annual Report 1930, 36-40).

Settlers in Spanish and Mexican California

The Spanish/Mexican soldiers and settlers who moved to SJC beginning in the 1830's came primarily from two other settlements in California: San Diego Presidio, established in 1769, and Los Angeles, founded in 1781. Many of the families that figured prominently at SJC during the period following the secularization of the Mission in 1834 and in the early transitional period following California statehood descended from non-Indian soldiers stationed at San Diego Presidio. Others were themselves non-Indian soldiers from San Diego Presidio stationed for periods at SJC as members of the *escolta* or mission guard assigned to each of the Franciscan missions. Non-Indian families from Los Angeles also moved to SJC beginning in the 1830's. The evidence evaluated below in 83.7(e) demonstrates that a majority of the JBB petitioner's members descend from this non-Indian population or from Indians from other parts of California, and have no ancestors from the historical Indian tribe of SJC Mission before 1834.

The Spanish/Mexican settlers in California in the 1830's descended primarily from the first colonists and soldiers brought to the region in the 1770's and 1780's. In 1774, the non-Indian population of California totaled approximately 170, and of this 94 (55 percent) lived at Monterey or served in the *escolta* at San Carlos Mission (Hackel 2005, 55). In 1776, Juan Bautista de Anza, the commander of Tubac Presidio in the Pimeria Alta region of northern Sonora, brought a group of about 242 new soldiers and settlers overland through the Colorado River region, and another 230 arrived in 1781. The first group established San Francisco Presidio in 1776 and San José pueblo, the first town in California, in the following year. The 1781 group established Los Angeles in the same year and Santa Barbara Presidio in 1782. At least 80 percent of the 3,500 settlers living in all of California in the 1820's were descendants of the soldiers and settlers who arrived in 1769, 1776, and 1781 (Hackel 2005, 56-57).

The detailed 1790 census, prepared for Spanish officials in Mexico City, documented the place of origin of the non-Indian soldiers and settlers living in California. More than 70 percent were from the mining camps, ranches, and military garrisons in the three neighboring frontier regions Sinaloa, Sonora, and Baja California. This 1790 census was one of the few California censuses that used caste terms to categorize the population. Most other documents, such as the annual reports and the mission baptismal registers, did not use caste terms to identify non-Indians. Most frontier settlers in Sinaloa, Sonora, and Baja California were of mixed caste or racial ancestry. The enumerator listed 242 individuals (46 percent) "Spaniards," and another 210 (40 percent) as being of mixed ancestry, using the terms *mestizo, mulato,* and *coyote.* The enumerator also listed 45 *indios* (9 percent) living among the soldier-settler population. Of these, 20 were from California (19 of the 20 were Indian women married to non-Indian men), and 25 were *indios* from Baja California or other parts of Mexico brought to assist the Franciscans in the missions. The census did not record the race/caste status of the remaining 28 individuals (5 percent) (Hackel 2005, 58-60).

The 1790 census return for San Diego Presidio[25] showed that several soldiers married California Indian women from San Diego, SJC, and San Gabriel Missions (Mason 1978). Three soldiers

[25] SJC Mission was in the military-political jurisdiction of San Diego Presidio.

(Antonio de Cota, Pio Quinto Zuñiga, and Salvador Carreaga) married Indian women from SJC Mission, women they met during periods of service with the *escolta* (mission guard) there (see Appendix IV for additional details).

Antonio de Cota married Maria Bernarda Chigila in 1778 (SJC Marriages #26, 8/30/1778), and in 1790, after 12 years of marriage, the couple had two living children. The petitioners claim descent from this couple. The evidence available in the current record demonstrates that, following her marriage, Maria Bernarda Chigila and her husband spent little time at SJC Mission.[26] Antonio de Cota returned to San Diego Presidio with his wife and family, and they later moved to Los Angeles. Her descendants returned to live at SJC in the 1840's.

In 1779, Pio Quinto Zuñiga married Rufina Maria Allam whom the petitioner claims as an Indian ancestor (SJC Marriages #54, 10/30/1779). In 1790, the couple had four living children, and was living at San Diego Presidio, away from SJC Mission.

The SJC Mission Indian woman Maria Guadalupe married Francisco Maria Peña. Peña was born at San José del Cabo in Baja California (SJC Marriages #35, 12/12/1778). After her first husband died, she married Salvador Carreaga, identified as an Indian from Loreto in Baja California (not a California Indian) serving in the San Diego Presidio garrison (SJC Marriages #78, 11/15/1781).[27] In 1790, Carreaga and his wife lived at San Diego presidio, and not at SJC Mission. The petitioner does not claim Maria Guadalupe as an ancestor.

Some San Diego Presidio soldiers married non-SJC Mission Indian women, but periodically lived at SJC Mission with their non-SJC Indian wives when stationed as members of the *escolta* (mission guard). For example, Juan Carlos Rosas married Maria Dolores, an Indian woman from San Gabriel Mission. Rosas also served in the *escolta* at SJC, and the Franciscans at the mission baptized several of their children. In 1790, Rosas and his wife had three living children. Another soldier, Manuel Bustamante, married Clara, an Indian woman from San Diego Mission (San Diego Marriages #356, 5/13/1792), and the couple had one known child named Marta Francisca. Clara had previously been married to a non-Indian named Antonio Leyva, and the 1790 census listed her with three children surnamed Leyva.[28]

Two events in the 1820's and 1830's arising from Mexican independence in 1821 transformed California frontier society. The first was the passage in 1822 and the re-passage in 1824 of colonization laws designed to promote settlement of the sparsely populated northern frontier by

[26] Maria Bernarda Chigila and her husband were at SJC Mission in 1790, when she served as the godmother for an Indian child baptized there (SJC Baptisms #1019, 3/5/1790). Her husband Antonio de Cota apparently was stationed at SJC Mission in 1790 as a member of the *escolta*.

[27] In his recently published study of San Carlos Mission in northern California, Steven Hackel noted that Spanish soldiers/settlers married local Indian women during the early phase of colonization, when there were few non-Indian women in California. Once women arrived from other parts of Mexico, the soldiers/settlers married fewer local Indian women (Hackel 2005, 222-223).

[28] On April 3, 1792, Fr. Vicente Fuster, OFM presided over the burial of Maria de Jesus, the daughter of Antonio Leiba [sic Leyva] (deceased) and Maria Clara, Indian from San Diego Mission currently married to the soldier [Manuel] Bustamante (SJC Burials #343, 4/3/1792).

offering land grants to settlers. The second important event was the secularization of the California missions, beginning in 1834.

In the 1830's and 1840's, numbers of settlers moved to SJC from San Diego and Los Angeles, and the recipients of large land grants engaged in conscious strategies designed to achieve or maintain an elevated social status. One such strategy was the marriage of children to members of families of equal or higher social-economic status, a parental strategy long employed by elite Spanish and Spanish-American families at that time. Members of these families and some other descendants of the early settlers have sometimes been called "*Californios*." *Californio* family members generally did not marry Indians, which would have constituted "marrying down" to a lower status individual. As the *Californios* recreated their identity as "Spaniards," marriages with Indians would have undermined their new claimed status, which particularly concerned the *Californios* after the U.S. acquired California from Mexico under the terms of the Treaty of Guadalupe Hidalgo (1848). The evidence shows that few *Californios* living at SJC in the 1830's and 1840's married Indian women, but baptismal registers indicate that some *Californio* men fathered children with Indian women to whom they were not married.

The *Californios* also differentiated between themselves and those immigrants they viewed as recent arrivals from Mexico, because they came to California and SJC in the last years of Mexican rule or following the 1848 Treaty of Guadalupe Hidalgo. This differentiation also re-enforced the strategy of asserting an identity as "Spaniards" versus "Mexicans," and of maintaining social barriers between themselves and the recent arrivals. The priests stationed at SJC in the second half of the 19th century further reinforced the distinction and separateness of the *Californios* from the more recent arrivals from Mexico, particularly Sonorans who came to California and SJC about the time of the gold rush. It was the priests' standard practice to note in register entries the place of origin of recent immigrants from Mexico. The priests recorded a number of the marriages between local Indians and non-Indian recent arrivals from Mexico at SJC (SJC Marriages).[29]

Baptisms recorded at SJC also identified the place of origin in Mexico of the parents of new-born children receiving the first sacrament. On February 20, 1850, for example, Fr. Rosales baptized Jose Teodosio, the son of Jose Bernardo Velasques and his wife Maria Venecia. The petitioners claim Jose Teodosio as the ancestor of some of its members. The baptismal entry also noted that both of Jose Teodosio's parents came from Hermosillo in Sonora, Mexico (SJC Baptisms #4642, 2/20/1850).[30]

[29] Non-Indian Jesus Doram, for example, the father of SJC Indian descendant Jose Doram, was born in Mexico.

[30] The baptismal entry also identified Jose Bernardo Belardez by the honorific term "Don." In the early colonial period, in the sixteenth century, the title "Don" was reserved for men with claims to nobility. By the nineteenth century the term "Don" did not designate individuals with claims to noble status, but still identified a person *de calidad* (of status).

The Mission Indian Federation and California Claims

During the early 20th century, a number of organizations addressing the concerns of American Indians came into existence across the country. In California, the pan-Indian "Mission Indian Federation" (MIF) was one such organization. The MIF counted among its members Indians from many of the federally maintained southern California reservations for Luiseños, Diegueños, and Cahuillas such as Pala and Pauma, but also included some non-reservation descendants, both claimed and documented, of the historical Indian tribe of SJC Mission. The MIF also functioned as a social organization, which held barbecues and other events in order to publicize and advocate for issues of concern to California Indians. Many people in SJC, including ancestors of the petitioners began to profess and assert an Indian identity. The evidence in the current record shows that some of those who professed their California Indian ancestry in the 1920's and 1930's have not been able to document those claims. Others have documented Indian ancestry, but it was not derived from the historical Indian tribe of SJC Mission. The formation of a local MIF chapter in SJC in the early 1920's represented the first instance of an organization composed primarily of the ancestors of the JBB petitioner who claimed Indian descent and identity.

The MIF chapters on federally maintained reservations focused primarily on concerns unique to the federally recognized Indian tribes and their members at places such as Pala and Pauma. One issue was a reduction in dependence on the Mission Indian Agency based in Riverside, California, and of the Federal bureaucracy of the Indian Office. The evidence demonstrates that the leaders of the SJC MIF chapter (such as Marcos H. Forster and Felipa Olivares) focused instead on claims activities, the receipt of BIA services, and gaining financial benefits from the Federal Government (see discussion under 83.7(b) and 83.7(c) below).

In 1928, Congress passed legislation entitled "An Act Authorizing the attorney General of the State of California to bring suit in the Court of Claims on behalf of the Indians of California" (1928 Claims Act) to remedy Indian land losses in California which were a consequence of the Senate's refusal in 1852 to ratify the 18 treaties negotiated in 1851-1852. Under the terms of the 1928 Claims Act the Attorney General of California brought suit against the Federal Government in the Court of Claims on behalf of Indians resident in California who descended from individual Indians who lived in the state on June 1, 1852. The Act did not provide for the recognition of contemporary tribal entities. Rather persons who claimed descent from Indians who lived in California on June 1, 1852, could individually apply (submitting a document entitled "Application for enrollment with the Indians of the State of California under the Act of May 18, 1928") (1928 Applications) for inclusion on a claims roll The claims roll (entitled "Census Roll of the Indians of California Under the Act of May 18, 1928") (1933 Census Roll) was to be prepared under the direction of the Secretary of the Interior (U.S. Statutes 1928).[31] In 1930, Congress amended the Act to provide for the submission of additional applications until May 18, 1932 (Collier 5/9/1933). The Secretary of the Interior approved the roll on May 16-17, 1933.

Approximately 488 people, appearing in about 180 of the 1928 Applications claimed descent from SJC Indians living in California on June 1, 1852. About 202 of the 488 claimants appear to

[31] For additional discussion of the 1928 Claims Act see Muwekma PF, 119-120; Muwekma FD, 16-17.

descend from SJC Indian ancestors. Discussion of the merits of the claims applications will be presented under section 83.7(e), but the evidence demonstrates that 198 of successful applicants claiming SJC Mission Indian ancestry had no record of California Indian ancestry, SJC or otherwise. Another 88 applicants appear to have had ancestry from other California Indian populations, but not SJC.

A contemporary document confirms that the 1933 Census Roll identified a larger undifferentiated California Indian population, and not specific "tribal" entities. The document entitled "Estimate of Funds Needed For Rehabilitation of Indians in California" reported the number of people being considered for the provision of housing, and estimated the annual income of the residents of federally maintained reservations based on reports prepared in 1934 and 1935. The report enumerated 12,453 people and 2,665 families at the Hoopa reservation and the 28 settlements listed under the category "Mission," but did not include an Indian entity in SJC or Orange County, California (Estimate of Funds Needed for Rehabilitation of Indians in California [/6/1937]). The report concluded:

> "The Baker Roll" [1933 Census Roll] shows approximately 22,000 *Indians in California*, including the 12,453 persons who are regularly enrolled in the various jurisdictions; the remainder, 9547, persons, shown in the above table are not enrolled anywhere except on the Baker Roll. [emphasis added] (Estimate of Funds Needed for Rehabilitation of Indians in California [2/6/1937])

Representatives of the Federal Government in the 1930's differentiated between the 1933 Census Roll that enrolled individuals that claimed descent from "California Indians" and other rolls that enrolled "tribes" in different jurisdictions in the state.

During the same period, Indian Affairs officials solicited information and opinions regarding proposed Congressional legislation known as the Wheeler-Howard Indian Bill (H.R. 7902 and S 2755) which became the Indian Reorganization Act (IRA). One document reported that through February 12, 1934, five California Indian groups and one individual submitted comment regarding the proposed legislation. Those providing comments included Indians in the Sacramento and Ft. Yuma Agencies, and the Los Cogotes [*sic*], Mesa Grande, and Rincon groups in the Mission Agency (Records Relating to the Wheeler-Howard Bill. E 1011, Sacramento 4/17/1934). Other California Indian groups submitted petitions in support of or in opposition to the legislation, but there is no evidence that the SJC MIF chapter or any other group in SJC or Orange County, California, presented comments regarding the proposed legislation. For example, there are petitions from the "Pit River Indian Community," the "Kashia Reservation School District" at Stewart's Point, and the "Antelope Valley" group in Mono County (Records Relating to the Wheeler-Howard Bill. E 1011, Sacramento 5/15/1934; Records Relating to the Wheeler-Howard Bill. E 1011, Johnson 4/23/1934; Records Relating to the Wheeler-Howard Bill. E 1011, Sacramento 5/7/1934).

Indian Affairs officials organized a conference that took place on March 17 and 18, 1934, at the Sherman Institute in Riverside, California, to provide the "Indians of Southern California" an opportunity to express their comments regarding the proposed IRA legislation. Delegates from different groups attended, and the only individual who claimed descent from the historical Indian

tribe of SJC Mission was a woman named Juanita Machado. Her name appears on some lists associated with or generated by the contemporary SJC MIF chapter and apparently had a stronger connection to the federally maintained Pala reservation (Records Relating to the Wheeler-Howard Bill. E 1011, Proceedings of the Conference for the Indians of Southern California 3/17/1934-3/18/1934).

This Juanita Machado, who was present at the conference, and her son Robert Machado, identified themselves as Indians from "San Juan" on a 1934 petition regarding the IRA legislation prepared at the Pala reservation several days following the conclusion of the conference.[32] The document claimed to represent the "people of the Pala Indian Reservation, representing three tribes, i.e. Coopeños, San Luiseños, and Diegenos" (Records Relating to the Wheeler-Howard Bill. E 1011, n.p. [Pala] 3/21/1934).[33] Although the Machados descended from the historical Indian tribe of SJC Mission, there is no evidence in the current record that they represented or spoke on behalf of an Indian entity in SJC or elsewhere in Orange County, California in 1934. Juanita Machado is a petitioner's ancestor, and her son Manuel Machado has been a member of both JBB and JBA.

Indian Affairs officials also contacted anthropologists in 1933 and 1934 to solicit information regarding Indian groups throughout the United States that might be affected by the proposed IRA legislation. William D. Strong, an ethnologist in the Bureau of American Ethnology responded to a questionnaire regarding Dakota and "Southern California" Indians, but noted that his research focused on Indians at first contact and not contemporary groups. Strong listed four groups in southern California including "Cahuilla, Serrano, Cupeño, and Luiseño." Strong did not provide information regarding a contemporary Indian entity in SJC or Orange County, California, even though the circular questionnaire solicited specific information regarding the social and political organization and activities of contemporary groups (Records Relating to the Wheeler-Howard Bill. E 1011, Documents Regarding Anthropology Questionnaire, Strong 12/5/1933).

The proposed IRA legislation generated considerable activity in 1933 and 1934, but the evidence suggests that neither the MIF SJC chapter nor any other group antecedent to the petitioner participated in the discussion in 1934. They also did not participate in the March 1934 conference held at the Sherman Institute organized specifically for Indians in southern California to discuss the bill. However, MIF President Adam Castillo and Marcos H. Forster presented a 1936 petition requesting a reservation for SJC Indians. Of the 189 signatories to the petition, 157

[32] The petitioner's genealogical database includes Robert Machado born in 1911, Juanita Rosetti his mother (b.1896-d.1973) born in Los Angeles, the daughter of Domingo Rosetti from Italy and Rosa Garcia, who was born at SJC. According to Juanita Machado's 1928 Application (#2354), Rosa Garcia was the daughter of Jose Maria Garcia and "Clara Sitales." Juanita Machado listed all of her children on the 1928 Application including Robert, born in 1911. However, the 1928 Application apparently conflated two generations. Rosa Garcia was the daughter of Jose Maria Garcia and Maria Joaquina Uribes, daughter of Jose Maria Uribes and Clara (Yujunivit) Tacupa, whose second husband was Jose Maria Sitales/Citalez. Clara Yujunivit was an Indian baptized at SJC Mission (SJC Baptisms #4180, 6/6/1829).

[33] Other signers of the petition identified an affiliation with other federally maintained reservations in southern California including La Jolla, Los Coyotes, Mesa Grande, Pechanga, and Rincon.

appear to be named on other MIF SJC chapter documents. Three names are illegible and 19 individuals appear to be other Indians who lived in Orange County, California, and went to SJC to fill out their claims applications. Of these 19, 6 were identified as Pala Indians, and 13 as San Pasqual Indians on the 1933 Census Roll.[34]

The available documentation regarding the solicitation of comments in response to the Wheeler-Howard Indian Bill and the lack of participation in the process by the leaders of the SJC MIF chapter further suggests that the chapter focused primarily on claims activities associated with the 1928 claims legislation. The leaders of the SJC MIF chapter did not engage in an ongoing dialogue with Indian Affairs officials in southern California and other parts of California on behalf of a SJC Indian entity. The Indian Affairs officials and the anthropologists/ethnologists that they consulted did not include evidence of an Indian entity in SJC or Orange County, California, among the Indians that the Wheeler-Howard Indian Bill might affect or the BIA should consult regarding the legislation. People claiming descent from the historical Indian tribe of SJC Mission appeared in Federal Government records only as individuals applying for claims under the 1928 claims legislation, and not as members of an Indian tribal entity at SJC or Orange County, California.

Congress subsequently amended the 1928 Claims Act in 1940, 1948, and 1950 to add the names of eligible Indians and removed the names of those individuals who had died since 1928. Those listed on the 1933 Census Roll received a $150 payment in 1950. The amendments to the 1928 Claims Act led to the preparation of new claims rolls finalized in 1955 and 1972. These rolls incorporated still more claimed descendants of California Indians alive in 1852 (see below in 83.7(e)).

Congress also created the Indian Claims Commission (ICC) on August 13, 1946, to hear Indian claims, and the ICC ended its work on September 30, 1978. A 1977 bill provided for the automatic transfer of pending cases in 1977 to the U.S. Court of Claims (Indian Claims Commission Final Report, 5, 18). During the course of 30 years the ICC ruled on a number of different California Indian claims dockets. On April 28, 1949, the ICC dismissed Docket 12, which was the claim that the "Federated Indians of California" submitted. On July 20, 1964, the ICC arrived at a compromise ruling that allocated $29,100,000 to settle land claims combined from Dockets 31, 37 (that also included Dockets 176, 215, and 333), 80, 80-D, and 347. SJC claimants participated under Docket 80 (Indian Claims Commission Final Report, 29).

In the 1950's and 1960's, Clarence Lobo participated in several pan-Indian groups including the MIF and the LCI, and also claimed leadership of a group that asserted descent from the historical Indian tribe of SJC Mission. The evidence in the record demonstrates that his activities, on behalf of a group that he claimed to lead, focused primarily on claims in association with consolidated claims Dockets 31-37 and Docket 80 (see discussion below under 83.7(c)).

[34] The number of people who appeared on this list but did not claim to descend from SJC Mission Indians may actually be larger, as some of the names listed match those of enrollees from other Indian tribes and descent groups; however, because some signatures showed only a relatively common last name and first initial, their identities are difficult to establish from the available record.

Docket 80 specifically pertained to the "Mission Bands of California Indians," and on April 4, 1960, the ICC divided the original claims petition into Dockets 80-A, 80-B, 80-C, and 80-D. The July 20, 1964, compromise settlement included Docket 80 and Docket 80-D (Indian Claims Commission Final Report, 30).

The evidence indicates a lack of activity by SJC claimants from 1965-1975. In 1975, residents of SJC organized the Capistrano Indian Council (CIC). Three years later Raymond Belardes spearheaded the organization of the Juaneño Band of Mission Indians (JBM). The JBM submitted a petition for Federal acknowledgment as an Indian tribe in 1982, and focused on Federal acknowledgment efforts.

UNAMBIGUOUS PREVIOUS FEDERAL ACKNOWLEDGMENT

The JBB petitioner presented a claim of previous Federal acknowledgment. It stated this claim in a letter of November 21, 2005, after the Department had placed the JBB and JBA petitioners on "active" consideration but during a 60-day period allowed for additional submissions. The JBMI-IP interested party also presented a claim of previous Federal acknowledgment that is equally applicable to the JBB petitioner. Therefore, the evaluation of that argument is presented here as well. This PF concludes that the JBB petitioner is not eligible to be evaluated under the previous Federal acknowledgment provisions of section 83.8 and therefore will be evaluated under the criteria in section 83.7.

The definition of previous Federal acknowledgment in section 83.1 has two essential elements: (1) an action by the Federal Government was clearly premised on identification of an Indian tribal political entity, and (2) that action indicated clearly the recognition of a relationship between that entity and the United States. When a petitioner makes a claim of previous Federal acknowledgment, the acknowledgment regulations (section 83.10(b)(3)) provide that the Department review the petitioner's evidence to determine whether or not it is sufficient to meet the requirements of unambiguous previous Federal acknowledgment as defined in the regulations (section 83.1). For section 83.8 to apply, the petitioner must also establish that it is the same entity as the previously acknowledged Indian tribe or is a portion that has evolved from the Indian tribe as it existed at the last date of Federal acknowledgment (section 83.8(d)(1)).

According to the regulations, unambiguous previous Federal acknowledgment

> is acceptable evidence of the tribal character of a petitioner to the date of such previous acknowledgment. If a petitioner provides substantial evidence of unambiguous Federal acknowledgment, the petitioner will then only be required to demonstrate that it meets the requirements of 83.7 to the extent required by this section. (Section 83.8(a))

The first aspect of the test of unambiguous previous Federal acknowledgment is to determine whether the Government acknowledged, by its actions, a government-to-government relationship between the United States and an Indian tribe. The explanatory comments in the preamble to the

regulations state that "the regulations require that previous acknowledgment be unambiguous and clearly premised on acknowledgment of a government-to-government relationship with the United States" (59 FR 9283). The second aspect of the test of unambiguous previous Federal acknowledgment is to determine whether the petitioner is the same entity as the previously recognized Indian tribe or a portion of that tribe that has evolved from it, which requires a threshold determination of whether the petitioner's members descend from the Indian tribe that the Federal Government recognized.

The JBB petitioner submitted a letter that asserted a claim of "[s]ignificant evidence of previous acknowledgment" (Johnston 11/21/2005). The JBB petitioner argues that:

> The legal precedent, data and materials present evidence that demonstrates and reasonably establishes that the Juaneño Band of Mission Indians once held a relationship with the United States government, that relationship has never been abandoned." (Supplemental Materials 11/29/2005, 1)

The JBB petitioner bases this claim of unambiguous previous Federal acknowledgment on the unratified Treaty of Temecula signed on January 5, 1852. In regard to this treaty, the JBB noted:

> Juaneño chiefs, like all other headmen, whether present or not, were held liable to the strictures of that document and on the other hand would share in the lands, services, and goods promised therein. (Supplemental Materials 11/29/2005, 13)

The JBB petitioner further asserts:

> However, the Treaty of Temecula was intended, ultimately, to include the Juaneño and Mission Indians and constitutes, as Castillo argues in this submission, the first point of unambiguous federal acknowledgment of the Juaneño Band. (Supplemental Materials 11/29/2005, 30)

The JBB petitioner did not provide evidence to demonstrate that Indian agent O. M. Wozencraft included or "intended" to include any Indian leader or leaders from SJC in the negotiations leading up to the signing of the treaty. Nor has the JBB petitioner shown that an Indian leader or leaders that descended from the historical Indian population from SJC Mission signed the treaty. In his report to the Commissioner of Indian Affairs, Wozencraft described the procedure he used to organize the negotiation of the Treaty of Temecula. Wozencraft noted that:

> Temecula was named by me as the place of meeting for all the tribes of the Cahuijas [*sic*] nation; couriers were dispatched to the various tribes with directions to meet me at the above named place as soon as they could assemble[.] (Wozencraft 1/9/1852)

In the same report, Wozencraft enumerated the Indians "of the South" with whom he had negotiated treaties. They included the "Kahweas, San Luis Rey Indians, Co-con-cah-was, Dieguinos, and the Indians of the Colorado…" (Wozencraft 1/9/1852). Wozencraft did not list

or mention an Indian group at San Juan Capistrano. There is no evidence that he identified an Indian group composed of the petitioner's ancestors.

The JBMI-IP submitted an argument regarding unambiguous previous Federal acknowledgment which was that the Franciscan missionaries stationed at SJC claimed the use of grazing lands near Las Flores after the establishment of San Luis Rey Mission in 1798. The JBMI-IP further argued that since some Indians from the Las Flores area lived at SJC Mission, and since a leader from Las Flores signed the Treaty of Temecula, the treaty also applied to the historical Indian tribe of SJC Mission and thus provides evidence of unambiguous previous Federal acknowledgment (JBMI-IP Narrative 2005, 25-26). However, there is no evidence that Wozencraft considered the Luiseño leader from Las Flores who signed the treaty or other Luiseño leaders with whom he also negotiated to represent Indians from SJC. There is no evidence in the record that a land use dispute between the Franciscans stationed at SJC and San Luis Rey Missions that occurred some 50 years before the drafting of the treaty led him to include an Indian entity at SJC in the negotiations with other groups.

The JBB petitioner and the JBMI-IP interested party submitted evidence that does not meet the threshold determination that the petitioner's members descend from an Indian tribe that the Federal Government recognized in 1852. The Treaty of Temecula did not mention a SJC Indian group, and there is no evidence to support the claim that the petitioner's ancestors were the same groups with which O. M. Wozencraft negotiated the treaty. Therefore, this PF will evaluate the JBB documented petition according to the requirements of the seven mandatory criteria of section 83.7.

CONCLUSIONS UNDER THE CRITERIA (25 CFR 83.7)

The JBB, JBA, and JBMI-IP submitted evidence for this PF, and OFA staff conducted limited research to verify and evaluate the evidence, arguments, and interpretation that the petitioners and interested party submitted. OFA staff conducted interviews and collected documentation during an 11-day field trip in March 2006. Additionally, OFA conducted verification research in the sacramental registers (baptisms, confirmations, marriages, burials) of SJC Mission, San Diego Mission/San Diego Presidio, San Gabriel Mission, and the Los Angeles Parish (Old Plaza) Church to verify genealogical claims. However, the burden of providing sufficient evidence under the criteria in the regulations rests with the petitioner. It is not the responsibility of OFA to obtain copies of documents cited that the petitioners did not provide.

This PF evaluates the evidence in the record. The petitioner may submit other evidence during the 180-day comment period following the publication of the notice of the PF. Such new evidence may result in a modification or reversal of the PF's conclusions. The Department will make a FD and publish notice of it after the receipt of any comments and responses. The Department will base the FD on both the evidence used in formulating the PF and any new evidence the petitioners and interested parties submit during the 180-day comment and 60-day response periods.

The evidence submitted by the JBB and JBA petitioners and the interested party, and evidence the OFA staff obtained through its verification research, demonstrates that the JBB petitioner does not meet four of the seven mandatory criteria for Federal acknowledgment: criteria 83.7(a), 83.7(b), 83.7(c), and 83.7(e). The petitioner meets criteria 83.7(d), 83.7(f), and 83.7(g). In accordance with the regulations set forth in 25 CFR 83.7, the failure to meet all seven criteria requires a determination that the petitioning group is not an Indian tribe within the meaning of Federal law. Therefore, the Department proposes to decline to acknowledge the JBB petitioner.

The proposed finding reaches the following conclusions forr each of the mandatory criteria in 25 CFR Part 83.7:

This PF treats the Indian population at the SJC Mission in 1834 as the "historical Indian tribe." The regulations provide for acknowledgment of historical Indian "tribes or groups that have historically combined" (§ 83.6(f)). The evidence in the record establishes by a reasonable likelihood that as a result of Spanish policy, the Indian population of the SJC mission became an entity consisting of Indian tribes or groups that had combined. This Indian tribal entity existed at the SJC Mission when the Mexican government ordered the secularization of the mission in 1834. Therefore, the petitioner may meet the acknowledgment criteria by demonstrating that it is a continuation of the Indian tribes that historically combined at the mission by 1834.

The JBB petitioner does not meet the requirements of criterion 83.7(a). The evidence does not demonstrate that external observers identified the petitioning group or a group antecedent to the

JBB petitioner as an Indian entity on a substantially continuous basis from 1900 to 1997. An identification of a group in the 1930's and identifications at least from 1959 to 1965 of groups Clarence Lobo headed have not been demonstrated to be identifications of the same entity as the JBB petitioner and do not constitute substantially continuous identification of an Indian entity. There were identifications of the similarly named JBM organization between 1979 and 1994. However, the JBB petitioner has a membership substantially different from JBM and one that has been much larger than JBM. Because the JBB petitioner is nearly contemporaneous with the JBM and has a substantially different membership, and other evidence does not show continuity in community or political influence between the JBM and the JBB petitioner, identifications of the JBM between 1979 and 1994 cannot be considered identifications of the JBB petitioner. For the period since 1997, external observers have identified the JBB petitioner as an Indian entity. Therefore, the JBB petitioner has not demonstrated that it has been identified on a substantially continuous basis since 1900.

The JBB petitioner does not meet the requirements of criterion 83.7(b). The evidence in the record is insufficient to demonstrate that the JBB petitioner evolved as a distinct community from the historical Indian tribe that existed at SJC Mission in 1834. The petitioner's ancestors derive from an ethnically mixed population of non-Indians, some individual SJC Indian descendants, and other Indians who lived in the town of SJC in the mid-19th century. The evidence is insufficient to establish that a predominant portion of the petitioner's members or their ancestors comprised a community distinct from non-members at any time since 1834. The majority of the JBB petitioner's members descend from individuals who left the town of SJC several generations ago and do not appear to have maintained significant social contact with either claimed SJC descendants who remained in town or others who left. A difference between the two petitioning groups is that SJC town residents who are members of a petitioner mostly belong to the JBA petitioner while few belong to the JBB petitioner. Since the emergence of the petitioner's organization in 1996, there is insufficient evidence the petitioner's members comprise a distinct community. The historical SJC Indian tribe would meet this criterion until 1834. The JBB petitioning group has not demonstrated that it meets the requirements of this criterion since 1834. Therefore, the JBB petitioner has not demonstrated that it is a continuation of the historical SJC Indian tribe.

The JBB petitioner does not meet the requirements of criterion 83.7(c). The evidence in the record is insufficient to establish that the JBB petitioner or any group antecedent to the JBB petitioner maintained political influence or authority over its members from 1834 until the present. The evidence in the record prior to 1975 largely concerns claims activities of the MIF and Clarence Lobo and does not demonstrate the exercise of formal or informal political influence of any group over most of its members. After 1975, CIC provided some leadership for claimed SJC descendants living in the town of SJC, but the evidence indicates participation by non-Indians and very little participation in the organization by claimed Indian descendants who lived outside the immediate area. From 1978 through 1993, the JBM organization demonstrated some political influence, but rates of participation in its activities and decision-making were exceedingly low. The evidence in the record about the MIF, CIC, and JBM organizations does not show that they were a single organization descending through time as entities antecedent to the JBB petitioner. From 1996 until the present, the JBB petitioner has not demonstrated it maintains political influence or authority over most of its members. The historical SJC Indian

tribe would meet this criterion until 1834. The JBB petitioning group has not demonstrated that it meets the requirements of this criterion since 1834. Therefore, the JBB petitioner has not demonstrated that it is a continuation of the historical SJC Indian tribe.

The JBB petitioner meets the requirements of criterion 83.7(d). The petitioner submitted a copy of its governing document which includes its membership criteria.

The JBB petitioner does not meet the requirements of criterion 83.7(e). The petitioner submitted a membership list on November 28, 2005, that includes 908 living members. The JBB petitioner indicated that nearly 600 of its members do not appear on the membership list submitted for this PF. The evidence in the record demonstrates that most of the JBB petitioner's 908 members claim descent only from individuals who were not part of the historical Indian tribe at SJC Mission as it existed between 1776 and 1834. This PF finds that only 4 percent (36 of 908) of JBB members have actually demonstrated descent from one of the Indians of the historical SJC Indian tribe. This evaluation estimates that another 14 percent (127 of 908) of JBB members should be able to demonstrate descent from at least one of the Indians of the historical SJC Indian tribe. Therefore, the JBB petitioner has not demonstrated that its members descend from an historical Indian tribe.

The JBB petitioner meets the requirements of criterion 83.7(f). The petitioner's membership is composed principally of persons who are not members of any federally acknowledged North American Indian tribe.

The JBB petitioner meets the requirements of criterion 83.7(g). Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

Failure to meet any one of the mandatory criteria results in a determination that the petitioning group is not an Indian tribe within the meaning of Federal law. The JBB petitioner has met criteria 83.7(d), (f), and (g), but has not met criteria 83.7(a), (b), (c), and (e). Therefore, this PF concludes that the JBB petitioner does not meet all the mandatory criteria to be acknowledged as an Indian tribe.

Criterion 83.7(a) requires that

> **the petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900. Evidence that the group's character as an Indian entity has from time to time been denied shall not be considered to be conclusive evidence that this criterion has not been met. Evidence to be relied upon in determining a group's Indian identity may include one or a combination of the following, as well as other evidence of identification by other than the petitioner itself or its members.**

Introduction

Criterion 83.7(a) evaluates the evidence that external sources have identified the petitioner as an American Indian entity on a substantially continuous basis. To satisfy this criterion the petitioner is required to show the identification of the petitioning group as an American Indian entity by an external source or sources since 1900. This PF finds insufficient evidence of substantially continuous identifications of the JBB petitioner from 1900 to the present. Therefore, the JBB petitioner does not meet the requirements of criterion 83.7(a).

The JBB and JBA petitioners and the JBMI-IP interested party submitted a variety of sources as evidence intended to meet criterion 83.7(a). The evidence in the record relevant to this criterion can be arranged in several categories: documents created by Federal, state, or local governments; scholarly studies; newspaper and magazine articles; and records of organizations and Indian entities. Evidence in the record identifies the petitioning group since 1997. However, not all documents in the record provide identifications that satisfy criterion 83.7(a), as outlined below.

Many scholarly studies in the record, although published during the 20th century, identified historical Indian entities in the 18th and 19th century and therefore do not constitute identifications of a contemporaneous 20th century entity. Many newspaper and magazine articles named individuals who may be the petitioner's claimed ancestors, but these same documents did not identify an Indian entity associated with those individuals. Other articles identified groups, but these identifications, many including references to SJC Mission, did not identify or were too vague to identify an entity that has been shown to be antecedent to the JBB petitioning group. Some documents from public officials named individual group members, such as Clarence Lobo. However, many of these documents constitute little more than acknowledgments of receipt of a letter. Since public officials often respond to a communication from individuals about whom they have little if any knowledge, such pro forma letters of response are not considered identifications of the petitioning group or any group antecedent to the JBB petitioner.

Analysis of the Evidence 1900-1949

A 1930's newspaper article was the only external identification, in the evidence in the record, of a group that claimed to be SJC Indians for the period 1900 to 1949.
Government:

Federal censuses in the record, including the 1900 census, do not provide evidence the Federal Government identified an Indian entity. The censuses enumerated individuals but did not identify a group antecedent to the JBB petitioner (1900 Federal census, Orange County, San Juan Township). The 1900 Federal census did not show the JBB petitioner's ancestors in any location that the enumerator identified, in the margins or elsewhere, as an Indian settlement or entity.

The record includes the 1910 Federal census for San Juan Township and Santa Ana Township in Orange County, California. The San Juan Township enumeration contained a separate section entitled "Special Inquiries Relating to Indians." This section of the 1910 census listed 19 individuals, 13 enumerated as "San Juan Capistrano" Indians. The census enumerators for Santa Ana Township did not prepare the "Special Inquiries Relating to Indians" return. The San Juan and Santa Ana Township enumerations identified individuals, but did not identify those individuals as constituting a group or settlement (1910 Federal Census, Orange Country, San Juan Township). OFA reviewed the 1910 Federal census return that listed students at the Sherman Institute, an Indian school established in 1901 in Riverside, California. The 1910 census returns regarding the "Special Inquiries Relating To Indians" listed a number of tribal descriptions including Cahuilla, San Luiseño, Diegueño, but no Juaneño, SJC Mission, or another related term (1910 Federal Census, Riverside County, Special Inquiries Relating to Indians). The census listed a tribal heritage for many students from many southern California tribes, but not one for a student from SJC or "Juaneño."

The record also includes the 1920 Federal census for San Juan Township, Santa Ana Township, and El Toro Precinct where many of the petitioner's ancestors lived. There was no separate Special Indian Schedule as in 1900 and 1910. The enumerators listed most of the JBB petitioner's ancestors as "White" or "Mexican" in the field for race or color; however, that alone would not preclude identification of an Indian entity under the regulations at section 83.7(a). As was the case with the previous censuses, the enumerators identified individuals and not a group of Indians in SJC or elsewhere (1920 Federal Census, Orange County).

The JBB petitioner claims: "In 1928, 1933, and 1960 Federal officials collected names of JBMI (Juaneño Band of Mission Indians) members with the assistance of tribal elders and leaders" (JBB Summary of Petition for Recognition, 1). This claim refers to the DOI's preparation of the 1933 Census Roll under the direction of Fred Baker pursuant to the 1928 Claims Act that authorized the Attorney General of the State of California to file suit against the Federal Government on behalf of California Indians. However, the characterization of the process as having entailed Federal officials collecting names of "JBMI members" is not accurate. In his instructions to Baker dated August 21, 1928, the Commissioner of Indian Affairs E. B. Meritt noted that: "application for enrollment may be made in writing to [the Secretary of the Interior] 'within two years from the approval of this act'- May 18, 1928." Meritt further noted: "No limit on the quantum of Indian blood has been fixed by law or otherwise as the requisite for

enrollment of these Indians; nor will the usual requirements as to tribal recognition and maintenance of tribal relations under the various decisions with which you are familiar be applicable in this enrollment work" (Correspondence Regarding California Claims Enrollment 1928-1933, Meritt to Baker 8/21/1928). Claimants were to apply for enrollment as individuals. Acknowledgment precedent has held that enrollment as individual descendants under the 1928 Claims Act did not constitute Federal identification of an American Indian entity pursuant to criteria 83.7(a) (See Muwekma PF, 12; Muwekma FD, 15-24).[35]

The JBB petitioner asserts that the listing of claimed ancestors in documents produced by officials of the Sherman Institute constitutes Federal identification of an Indian entity in SJC or Orange County. The JBB petitioner also argues that at the Sherman Institute: "those Indians designated as Mission Indians were also thought of as pertaining to specific Bands and Indians from northern towns and cities such as Salinas and San Francisco were also identified as belonging to the Mission Indian 'tribe' or 'nation' but having a specific band identity" (Supplemental Materials-Narrative Extracts 11/29/2005, 27). The JBB did not submit evidence that corroborates this claim. Sherman Institute officials listing students by a tribal name or origin in their records provided information about individuals, but did not identify an Indian entity. An identification of "Mission" Indians did not constitute an identification of a group that descends from the historical Indian tribe of SJC Mission or is a precursor to this petitioner since there were many missions with Indian populations to which the term "Mission" Indians could apply.

There is no evidence that Sherman Institute officials admitted students on the basis of "tribal" membership. A previous acknowledgment determination found that attendance of a student at the Sherman Institute most likely was approved on the basis of "individual characteristics [blood degree] rather than any recognition or identification of an Indian entity to which he may have belonged" (See Muwekma FD 2002, 25). The finding further noted: "Acknowledgment precedent has established the principle that the identification of individuals as Indians is not evidence sufficient to meet the requirements of criterion (a)" (see Muwekma FD 2002, 25). The Chinook PF (1997) also found that Indian children attended government schools similar to the Sherman Institute, but "did so because of their degree of Indian ancestry, not because the Indian Office recognized a Chinook tribe" (see Chinook PF 1997, 6; Chinook HTR 1997, 50-51).

In 1930, out of 1,150 students Sherman Institute officials reported a total of 156 students they classified as "Mission Indians," but the same Institute officials did not define the "Mission Indian" category (*The Sherman Bulletin* 9/12/1930). The evidence in the record does not indicate that Sherman Institute officials classified "Mission Indian" differently than did the BIA, nor that admittance to the Institute was based on tribal membership rather than Indian ancestry. The descriptive term "Mission Indian" did not apply exclusively or predominately to descendants of the historical Indian tribe of SJC Mission or any other Indian entity associated with a specific mission, and therefore it does not constitute evidence of an identification of a SJC Indian entity.

[35] The Muwekma FD concluded that "…the available evidence of the application forms that were approved after the Act of 1928, and the 1933 census roll and later judgment rolls that included individual ancestors, is not sufficient to meet the requirements of criterion (a)" (Muwekma FD, 24).

OFA staff reviewed the 1930 Federal census return for Sherman Institute students associated with SJC. The census listed the "tribe" of two such students, Bernice and Petra Doram, as "Mission," and their blood quantum as "full."[36] The census did not list them as SJC Mission Indians. The "Mission Indian" census category was much larger than a group that descended from or claimed descent from the historical Indian tribe of SJC Mission. The census return also included other information regarding the students that further suggests that this constituted an identification of individuals instead of a group. The other categories included place of birth and information regarding the blood quantum of parents of Indian ancestry (1930 Federal Census, Riverside County, Sherman Institute, 2). The determination of eligibility for admission to Sherman Institute was based on blood degree, and not affiliation with a "tribe." There is no evidence that the census enumerator based his identification on anything other than a self-identification on applications to the school.[37] The identification of individual students in a boarding school as "Mission Indians" is not the identification of a SJC Indian entity in 1930.

Scholars:

Scholarly publications in the record include two studies anthropologist Alfred Kroeber wrote entitled "The Religion of the Indians of California" (Kroeber 1907) and "Shoshonean Dialects of Southern California" (Kroeber 1909). In the 1909 study Kroeber described the language of the Luiseño and Juaneño in general terms. Kroeber employed Jose de Gracia Cruz ("Acu" b.abt.1845-d.aft.1910), who descended from the historical Indian tribe of SJC Mission, as an informant for more than 150 words from the language SJC Mission Indians had spoken. However, Kroeber did not identify a contemporaneous group. The record also includes Constance Goddard DuBois' 1908 study "The Religion of the Luiseño Indians of Southern California" that documented the spread of the Chingichinich religion to the Luiseño in historical times, but not after 1900 (Dubois 1908). Philip Sparkman's "The Culture of the Luiseño Indians" (Sparkman 1908) elaborated on the similarity between the Luiseño and Juaneño dialect. None of these scholarly studies described or identified the JBB petitioner or an antecedent Indian group existing at the time of the publications.

In 1918, Edward Gifford published a study entitled "Clans and Moieties in Southern California" that identified clans and moieties among the Luiseño, Diegueño, and related groups including the Cahuilla and Cupeño in historical times and the early 20th century (Gifford 1918). However, Gifford did not identify an Indian group from SJC. His discussion of the Luiseño focused on the residents of the federally maintained reservations such as Pala and Pauma that were a part of the Mission Indian Agency.

In 1925, Kroeber published a general survey entitled "Handbook of the Indians of California" that summarized several decades of ethnohistorical and ethnographic research on California Indians. In this study Kroeber discussed the historical Indian population of SJC Mission prior to

[36] Other evidence demonstrates that Bernice and Petra Doram were born at SJC, and descend from the historical Indian population of SJC Mission. Petra Doram has descendants in the JBB petitioner. Other Doram descendants are JBA members.

[37] In 1918, Ernest Parra submitted two applications to Sherman Institute for his daughters Eva and Benedicta. Parra reported "Mission Indian" as the "Tribe" on the application (Parra 1931).

1900, but did not identify a group antecedent to the petitioner or a group existing between 1900 and 1925.

Several other books published between 1900 and 1949 related to historical periods prior to 1900. They included H. E. Bolton's 1927 translated edition of Juan Crespi's journal of exploration in California between 1769 and 1774 entitled *Fray Juan Crespi, Missionary Explorer on the Pacific Coast 1769-1774* (Bolton 1927). The translated diary contained descriptions of the Indians of what would later become Orange County at the time of the initial Spanish colonization of California. However, it did not identify a group antecedent to the petitioner and did not identify a group after 1900. An important source appeared in print in the 1930's, the compiled ethnographic notes of SJC missionary Geronimo Boscana, O.F.M., who was stationed at SJC Mission from 1814 to 1826. Although published in the 1930's (in 1933 by the Fine Arts Press in Santa Ana, California, and in 1934 by the Smithsonian Institution, Washington, D.C.), Boscana's notes described the historical Indian population of SJC Mission in the 1820's, and not in the 20th century (Boscana *in* Harrington 6/27/1934).

Sherburne Cook published a series of monographs in 1943 that appeared in print again in 1976 in a single volume entitled *The Conflict between the California Indian and White Civilization* (Cook 1976). Cook's monographs described many aspects of Indian and non-Indian interactions in California, as well as demographic patterns that included drastic declines in the size of the Indian populations between 1769 and 1900. However, his studies focused on the 18th and 19th centuries, and not the 20th century, and did not describe or identify a contemporary Indian entity in SJC or Orange County, California.

Newspapers and Magazines:

The record contains a 1909 article in *Outing Magazine* Clifton Johnson wrote, entitled "An Old Village on the Pacific Coast," which was a profile of the town of SJC. The article included a photograph of two men and a woman outside of what appears to have been a private residence that the author captioned "An Indian family at home." Johnson also described the village school. According to Johnson: "[t]he seventy-five pupils are an odd mixture of whites and Mexicans and Indians and various combinations of the races" (Johnson 1909, 274). A general reference to an unspecified number of Indian children attending a local school along with non-Indians does not constitute identification of an Indian entity at SJC.

There is a newspaper article in the record dated to 1929 regarding J. Tibbet's donation of his collection of western artifacts to Claremont College. The article noted:

> Seventy-five Indians, representing the various tribes of Mission Indians in the Southwest, will participate in the first private showing of the notable Tibbet collection of western historical objects at the Claremont Colleges Museum in Mason Hall tomorrow from 1 to 5 pm. (Newspaper Article n.p. [c. 1929])

The article also reported that among those to be present was Adam Castillo, the president of the Mission Indian Federation (MIF). The article made a general reference to the presence of "Mission Indians in the Southwest," but was too vague to constitute an identification of a SJC

Indian group. "Mission" Indian generally refers to an ethnic grouping much larger than any entity that could have been a precursor to the petitioner, or specifically associated with SJC Indians.

Several newspaper articles published in the 1930's did not identify a SJC Indian entity. A 1931 article from a local newspaper named the *Coastline Dispatch* mentioned individuals the JBB petitioner claims were some of their Indian ancestors or relatives, including Ramon Yorba and Edward Lobo. The article discussed the cleaning of the grounds of the SJC cemetery, and the title was "Local Spanish Folk Clean Cemetery Grounds" (*Coastline Dispatch* 10/30/1931). It did not identify an Indian group at SJC in 1931.

A second 1931 article from the *Coastline Dispatch* reported a statement the non-Indian Marcos H. Forster, identified in his capacity as MIF secretary, made regarding the ongoing enrollment for the 1933 Census Roll. According to the article, Forster claimed that some 20,000 "Mission Indians" the Federal Government registered lived in southern California. The article reported on claims enrollment that was to take place at Pala, and later at SJC (*Coastline Dispatch* 11/13/1931). However, the article made only a general reference to the "Mission Indians" in southern California, and did not identify an Indian group at SJC or mention group activities in connection to claims. A 1932 article also referenced the claims process, and noted that a "number of these claimants reside in San Juan Capistrano" (*Coastline Dispatch* 2/12/1932). This mention of individual claimants did not constitute an identification of an Indian group. Several other articles in the same newspaper reported on the status of the claims process, but did not identify an Indian group at SJC or in Orange County, California (*Coastline Dispatch* 2/1/1935; 3/1/1935).

A 1932 article based on information Fr. St. John O'Sullivan, the pastor at the mission, supplied that reported details of the culture at contact of Indians living in what later became SJC (*Coastline Dispatch* 8/4/1932). However, an ethnohistorical discussion of elements of Indian culture in the late 18th century did not constitute an identification of an Indian group in SJC in the 1930's. A second 1932 article outlined the history of SJC Mission prior to 1900, but did not identify a contemporary Indian group that existed between 1900 and 1930 or at the time of the publication of the article (*Coastline Dispatch* 11/4/1932).

A 1936 article in the *Coastline Dispatch* made general references to the history of the region, and the existence in the Bowers Museum in Santa Ana of a stone bowl a construction crew uncovered (*Coastline Dispatch* 5/28/1936). Other articles from the same period reported the deaths of several individuals, including several identified as Indians or Mission Indians. One discussed an "Indian" from Jalisco, Mexico (*Coastline Dispatch* 6/20/1933, 11/3/1933, 4/13/1934, 4/20/1934, 1/11/1935, 2/15/1935). These articles, however, did not explicitly identify an Indian entity at SJC or in Orange County, California.

One of several articles written by the non-Indian Alfonso Yorba (abt. 1910-1992) was the only document in the record that identified an Indian entity in Orange County, California, related to SJC Mission prior to the 1950's. These articles focused primarily on the non-Indian families that settled in the SJC area in the 1830's and 1840's and their descendants, and historic adobes in the town that dated from the same period. One Yorba article from 1936 published in an unidentified

newspaper made reference to a "Forgotten Race" of surviving "Original Mission Indians." The article identified an Indian entity; it noted:

> While much attention has been given to the preservation of ex-mission San Juan Capistrano, little indeed has been directed toward the San Juaneño Mission Indians–a tribe that today numbers more than 300 strong and is still resident in this county. (Newspaper Article [SJC?] n.p. [c.1936])

A second article dated August 10, 1936, and entitled "County Men at Indian Rites," noted that Alfonso Yorba and several other individuals went to Rincon reservation in San Diego County, California, to observe a religious celebration (*Coastline Dispatch* 8/10/1936). This article did not identify an Indian entity at SJC.

Other newspaper articles from the 1930's described public events some of the JBB petitioner's ancestors attended, but none of the articles identified them as members of an Indian entity that existed in the 1930's. The events included a 1932 Armistice Parade held in Fullerton (*Coastline Dispatch* 11/18/1932), "Fiesta Day" held at Santa Ana Junior College (*Coastline Dispatch* 5/12/1933), and plans for the "Fiesta del Oro," also to be held in Santa Ana (*Coastline Dispatch* 7/14/1933). The newspapers did not describe these as events an American Indian entity in SJC or Santa Ana organized, and the events outlined in the newspaper did not describe an Indian group at SJC.

In 1940, one of the JBB petitioner's ancestors and one-time member of the MIF, Jose Doram, died in Santa Ana. Two articles, one from an unidentified newspaper, reported Doram's death and provided details of his life including his ability to speak several different Indian dialects including Acjachemen, San Luiseño, San Diegueño, and Cahuilla. While the articles identified Doram as a "Mission Indian," they did not identify or mention a specific group to which Doram belonged. An article noted that he worked to "establish the rights of his tribe" but did not name that "tribe," so it is not clear whether that entity relates to the petitioner. A vague reference to the "race of Mission Indians" was not an identification of a SJC Indian entity (*Coastline Dispatch* 5/31/1940).

Organizations:

The Mission Indian Federation (MIF), established in Riverside, California, in 1921, was an active organization during the 1920's and 1930's. The MIF published a magazine called *The Indian,* first issued in April 1921 (*The Indian* 4/1921, 3, 10). While individuals who claimed descent from Indians from SJC Mission (and who are claimed as ancestors by the JBB petitioner) were members of the Federation, it was a pan-Indian organization with members from different Mission Indian groups, primarily the federally recognized Indian tribes on reservations in southern California. As such, the evidence in the record does not support an assertion that the MIF was synonymous with or was a "surrogate" for a SJC Indian entity.[38]

[38] One document in the record is entitled "Forster Ledger Book, 1922-1926," which apparently recorded collections for the MIF from members of SJC. One entry dated August 15, 1926, had a caption that read "SJC Mission Indian Federation." Earlier entries generally noted "SJC, Cal." However, an August 1922 accounting noted that $13.60 collected in SJC had been sent to Mr. [Jonathon] Tibbet, and another $1.40 retained for local expenses.

The MIF included some members who claimed descent from the historical Indian tribe of SJC Mission, but also residents of the federally recognized and maintained "Mission Indian" reservations for Luiseños, Diegueños, and Cahuillas in San Diego County such as Pala and Pauma. An external identification of the MIF, which included several groups from different localities and individuals who are not among the petitioner's ancestors, did not constitute an identification of a SJC Indian entity. Identifications of the MIF SJC chapter in MIF documents by individuals from SJC who were also members of the chapter, such as Marcos H. Forster, constitute self-identifications.

The record contains a number of petitions and letters MIF representatives wrote in the 1930's, and responses from Federal Government officials. These documents do not provide evidence of external identifications of a SJC Indian entity, even when the MIF official who drafted, or is mentioned in the document, might be the petitioner's claimed ancestor. For example, in April 1933, the MIF sent a petition to the Secretary of the Interior asking for the removal of C. L. Ellis, who was in charge of the Mission Indian Agency in Riverside (Castillo et al. 4/15/1933). This letter did not mention SJC and does not constitute an identification of the JBB petitioner or an antecedent Indian entity.

Similarly, an October 1933 letter from Mission Indian Agency Superintendent John W. Dady to Marcos H. Forster does not provide evidence of Federal Government identification of a group antecedent to the petitioner. The letter informed Forster of programs available to Mission Indians under the National Recovery Act, administered by Ray Mathewson who was stationed in San Diego. The letter addressed to Forster did not identify him as anything other than a private citizen, and Dady's reference to "Our Mission Indian people" was to an Indian population larger than any SJC group and most likely to Indians living on the federally maintained reservations administered through the Mission Indian Agency in Riverside (Dady 10/23/1933). A group antecedent to the petitioner claiming descent from Indians from SJC Mission was not an Indian group the Mission Indian Agency identified. Therefore, the letter does not provide evidence for the identification of a group antecedent to the JBB petitioner.

Analysis of the Evidence 1950-1977

The period 1950 to 1977, which encompassed the years of greatest activity of Clarence Lobo (b.1912-d.1985), is considered here as a single chronological period. During this period Lobo emerged as a leader of the MIF and as a self-described "chief" of a group that claimed descent from the historical Indian tribe of SJC Mission. Many of the available identifications in the record in this period are of Lobo either in his role with the MIF or the pan-Indian League of California Indians (LCI), which were not SJC groups, or as an individual. The record contains identifications, at least during the years from 1959 to 1965, of a Juaneño "tribe" or "group," usually associated with Lobo. Some of the petitioner's ancestors may have comprised a portion of such an Indian entity, but these references are too general to determine that they referred to those ancestors as that group or a distinguishable subgroup. These historical identifications

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Tibbet was one of the founders of the MIF. It appears that the register recorded the collection of funds for the local MIF chapter, as well as funds forwarded to the larger organization.

appear to refer to a group larger than either the JBB or JBA petitioner. They do not distinguish the JBB petitioner from the JBA petitioner, and thus do not actually identify either petitioning group. These identifications of a historical group are too generic and not specific enough to identify the JBB petitioning group or a group antecedent to the JBB petitioner.

Government:

The record contains a 1950 letter from Milton Stewart, a legislative assistant to Congressman D. Roosevelt, a member of the House of Representatives from New York, addressed to Clarence Lobo and Richard Lobo (Stewart 3/3/1950). The letter itself does not provide evidence of identification. It did not identify either Lobo other than by their names, and did not associate them with a group. Moreover, it appears to have been a form letter of the type sent to any visitor to Roosevelt's office, thanking the recipient of the letter for visiting. There is no evidence in the record of a member of Congress or any other Federal official identifying the petitioner or a group antecedent to the petitioner.

A 1953 report of the House of Representatives regarding the Bureau of Indian Affairs mentioned the "Juaneño" in a section of the report on "historical" data about tribes as: "[a] subdivision of the Shoshonean Stock located at Mission of San Juan Capistrano in Orange County, Calif." That section of the report included a "Special Supplementary Data" table showing the "Distribution of Indian Tribes By States And Counties" based on information from the 1930 Federal census that indicated some "Juaneño" were living in Orange County, California (Report … An Investigation of the Bureau of Indian Affairs 1953, 215, 403, 671). Information from census records was based on self-identification by individuals. The report stated the Indian population of California in 1950, but provided no figure for any "Juaneño" population. The parts of this report that listed Indian organizations did not list any "Juaneño" or SJC entity (Report … An Investigation of the Bureau of Indian Affairs 1953, 1040-41, 1363-65, 1366-70). The report identified a historical tribal "subdivision," but did not identify an Indian entity in Orange County in 1930 or 1953.

The claim is made that: "[t]he Federal Government recognized the leadership of Clarence Lobo of the Juaneño Band of Mission Indians during the proceedings of the California Indian Claims Commission, Docket 80" (Summary of Petition for Recognition n.d. [2004], 1). This assertion is relevant to criterion 83.7(a) since it relates to a claim of the recognition of Lobo's leadership of a group, and is based on an exchange of correspondence between Lobo and the Commission in 1961. Lobo wrote to the Commission in a letter dated July 14, 1961, and in his letter he identified himself as "Chief Clarence H. Lobo" (Lobo 7/14/1961). His reference to a San Juan Capistrano Band constitutes self-identification. The letter addressed details regarding a claim before the Commission and the status of legal representation for the claim. Although not clearly explained in the correspondence, Lobo's letter and an earlier communication in 1958 (Littell 4/25/1958) apparently concerned the resignation of Norman M. Littell as attorney of record for claims of "Mission Indians" and not specifically of a group from SJC Mission.

Lobo received a response from the Commission to his letter of July 14, 1961, from Jean Hanna, the Clerk of the Commission. The letter used the same title and address that Lobo had used on his letter of July 14 and Hanna apparently copied it for the letter. The content of the letter, however, does not provide evidence that the Commission in any way identified Lobo's

leadership of a group. In the letter Hanna wrote: "Reference is made to your letter of July 14, 1961, requesting information regarding the Mission Band of Indians, Docket No. 80." The rest of the text of the letter addressed legal representation for the claimants and provided the explanation, "The California Indian Case, Dockets 31-37 is not on appeal to the Court of Claims" (Hanna 7/27/1961). Hanna's pro forma duplication in the July 27, 1961, letter of Lobo's address and title as it appeared on the letter Lobo sent to the Commission on July 14, 1961, does not provide evidence of the Commission's identification of a group from SJC or a group antecedent to the petitioner. Additionally, the JBB petitioner has presented insufficient evidence to demonstrate that the claims process under Docket 80 constituted an identification of a specific group antecedent to the petitioner. All "Mission Indians" or "California Indians" were a group larger than a specific Indian entity that was a precursor to the JBB petitioner.

In 1964, Lobo sent a copy of a petition to the Bureau of Indian Affairs in Washington, D.C., which included signatures from 75 individuals whom he identified as "Juaneño Indians." Carl J. Cornelius, Chief Tribal Operations Officer, responded to Lobo in a letter dated July 24, 1964. The letter acknowledged "your letter of July 15, regarding a resolution signed by 75 of the Juaneño Indians" in support of Lobo's attempt to remove Charles E. Burch, Jr., as attorney of record for the claims group (Cornelius 7/24/1964). Burch had earlier responded directly to Lobo and discussed the compromise settlement in the claims cases. He further noted that he preferred to discuss the situation with Lobo, but that "your personal letter does not comply with the legal requirements for terminating the attorney agreement and that we will therefore continue to represent the Juaneño Band of Mission Indians in the Docket 80 cases" (Burch 3/23/1964). Burch's letter mentioned a "Juaneño Band of Mission Indians" only in repeating the identification Lobo himself made in his letter of July 15. Moreover, since Burch was an attorney representing any "Juaneño" claimants, his mention of a group does not constitute an external identification of it. The claimant group in that docket was called the "Mission Indians."

Leonard Hill, the Bureau of Indian Affairs Area Director based in Sacramento, also responded to Lobo's letter of July 14, 1964. Hill wrote: "This is in reply to your letter of July 14, 1964, regarding the claims attorney contract of the San Juan Capistrano Band of Mission Indians." Since Hill merely identified the subject of Lobo's letter of July 14, the letter does not provide evidence of Federal Government identification of an Indian group.[39] Hill responded regarding the status of the relevant dockets. In this letter Hill informed Lobo that the Indians Claims Commission had approved a compromise offer to settle claims arising from Dockets 80 and 80D, 347, and 31 and 37. None of the dockets represented a claim of a SJC band. Moreover, Hill noted:

> Since the settlement is a final judgment from which there is no appeal, it would appear that the claims attorneys involved have fulfilled their functions and that there is no point in further efforts to remove any of them. (Hill 7/21/1964)

[39] It is possible that thecontract with attorneys approved by the Bureau did identify a specific band as a component part of the claims organization.

Scholars:

Scholarly studies published during the period 1950 to 1977 did not identify a contemporary SJC Indian entity. One is the 1952 study Edith Webb wrote entitled *Indian Life at the Old Missions.* The book described the development of the California missions, and contained specific reference to SJC Mission in the late 18th century and early 19th century (Webb 1952, 46-47). However, Webb did not identify a contemporary group in the early 1950's, or at any time during the 20th century. A new edition of *The Indians of Los Angeles County*, which was a republication of a series of newspaper articles Hugo Reid first published in the 1850's in a Los Angeles newspaper, appeared in 1968 (Reid 1968). Reid's letters described Indians from former San Gabriel Mission, and not SJC Mission.

Alan Hutchinson's 1969 monograph, *Frontier Settlement in Mexican California: The Hijar-Padres Colony and its Origins, 1769-1835,* documented a colonization scheme in Mexican California in the 1830's (Hutchinson 1969). The study focused on the early 19th and not the 20th century, and did not describe or identify the petitioner or a contemporary Indian group in SJC.

The record includes two academic studies written prior to 1970: Nona Willoughby, "Division of Labor Among the Indians of California;" and Herbert Harvey, "Cahuilla Settlement Patterns and the Time Perspective" (Willoughby 1963; Harvey 1968). The Willoughby study examined labor patterns among different California Indian groups in the 1930's and 1940's, but did not discuss or identify an Indian group in SJC or Orange County, California. Harvey's study focused on groups living in San Diego County on the federally maintained reservations administered as a part of the Mission Indian Agency, and did not identify an Indian group from SJC or Orange County, California. Moreover, much of the study relates to the 19th century, and not the 20th century as required under criterion 83.7(a).

Newspapers and Magazines:

An article in *The San Diego Union* on May 9, 1950, reported that a "group of San Diego County and Capistrano Indians" went to Washington, D.C. with Purl Willis, regarding concerns of "Mission Indians." This mention of a group much larger than SJC was not an identification of the JBB petitioner (*The San Diego Union* 5/9/1950).

An article from about 1951 identified a pan-Indian organization and not a separate SJC group. The article noted that:

> More than 100 Indians from the Capistrano-Santa Ana band met with their captain, Clarence Lobo, in Santa Ana Community clubhouse Sunday to elect officers for their group.… Elected to office were Clarence Lobo, president; Sal Bleeker, vice president; David Higuera, secretary-treasurer and Mrs. Acelia Macias, assistant secretary-treasurer. Board of directors are Frank Tasfoya [*sic*], Mrs. Beatrice Hieth, George Nieblas, Mrs. Mary Castillo, Earlyn Bleeker and Mrs. Marie Vasquez. Mrs.Yolanda Sandoval was recording-secretary for the day. (Newspaper Article n.p. [c.1951])

The inclusion of Frank Tafoya in the Board of directors of the group identified in this newspaper article suggests that the group mentioned was the pan-Indian LCI. A second newspaper article from about the same time described what appears to have been the same event, although the article did not mention any group members other than Clarence Lobo. It referred to "the Indian organization for this area" (Newspaper Article n.p. 7/20/1951). Because the members of the LCI claimed descent from several historical tribes, it was not a group of SJC Indians or a group antecedent to the JBB petitioner. Thus, identification of this Indian entity is not an identification of the petitioning group.

A 1959 article reported:

> Not long ago, at the corner of Mission Street and Highway 101 in San Juan Capistrano, the Juaneño Indians held a colorful ceremony unique to the eyes of the white men. So much so, that had any white man witnessed the ritual in California's early days, he would have immediately been put to death by the Indians. But on Feb. 28, for the first time in history, white men were invited to watch the ancient ceremony bestowing rank. Chief Clarence Lobo arranged the spectacular event, and said this week that two such ceremonies will be held in San Juan Capistrano during the summer. The rank of "Aid to the Chief" was bestowed upon Joe Placentia, while Juan Majel of San Juan Capistrano, was made warrior chief, or body guard to Chief Lobo. (*Coastline Dispatch* 3/19/1959)

The article indicated the existence of an organization with officers and thus identified an Indian entity of "the Juaneño Indians" in 1959.

Newspaper articles written in the 1960's and 1970's identified Clarence Lobo as the "chief" of the "Juaneño Indians." An undated 1964 article entitled "I'm No Chief, Indian Admits," identified a "Juaneño Indian Tribe" (*Register* [c.1964]). A 1964 *Los Angeles Times* article does not appear to constitute an external identification since it reports a self-identification that Lobo made (*Los Angeles Times* 7/3/1964). An article from July 1964 noted the organizing activities in Orange County, California, of Amos Hopkins-Dukes, a Kiowa Indian from Oklahoma. This vague reference to Indians in Orange County, California, does not constitute an identification of an Indian group (*The Register* 7/6/1964). Other 1964 articles regarding Clarence Lobo's protest in the Cleveland National Forest appear to have identified an Indian group. One article from August 1964 reported that: "A group of Juaneño Indians" near SJC had "started their own cold war against the Federal Government" and that "[a]bout 100 of the Indians will hold a pow wow" at a ranch near SJC to map their strategy (*The Evening Tribune* 8/1964). Several other articles dated to 1964 and 1965 identified Lobo as the "leader" or "chief" of the "Juaneño Indian Tribe" or as "Chief Clarence Lobo and his people, the Juaneño Indians of San Juan Capistrano" (Newspaper Article n.p. [c.1964]; Newspaper Article n.p. [c.1965]). Some of these newspaper articles identified a Juaneño entity in 1964 and 1965.

A 1971 article reported Lobo's plans to move to Lake Elsinore. The article identified Lobo as "chief of the Juaneño band of Indians" who "were original residents of the area." Because the article quoted Lobo, however, it appears to be a self-identification (*The Daily Enterprise*

5/25/1971). The last newspaper article to mention Lobo appeared in 1973 and identified him as the "chief" of the "Juaneño Indians of South Orange County" (Newspaper Article n.p. 1/3/1973), which might imply the existence of an Indian organization. Lobo moved from SJC to Oroville in northern California in 1975 and was not mentioned again until his death in 1985 (*The Orange County Register* 7/6/1985). A 1976 article entitled "Juaneños: A 200-Year Fight To Survive" noted that "in San Juan Capistrano, there are little more than 300 residents who are Indians or their descendants" (*The Register* 8/15/1976). The principal informant for the article appears to have been Hoopa Indian Jasper Hostler, the president of the Capistrano Indian Council (CIC), organized in February 1975. The article mentioned a population of some 300 SJC residents who claimed Indian ancestry, but references to individual descendants do not identify an Indian entity. The article focused on the CIC which was a pan-Indian organization and is not an antecedent group of the JBB petitioner.

Organizations:

The record contains a document from the SJC Chamber of Commerce that dates to 1963. Members of the SJC Chamber of Commerce signed a document that identified Clarence Lobo "as the Chief and Spokesman for the local tribe of Indians known as the Juaneño Indians" (Valtan et al. [1963]). Although this letter may have merely repeated Lobo's self-identification, in the absence of a communication from Lobo to the Chamber this document appears to be an identification of an Indian entity at SJC in 1963.

Analysis of the Evidence 1978-1995

The record contains evidence of external identifications of the Juaneño Band of Mission Indians (JBM) organization, formed in 1978, for the period 1979 to 1994. There also were general references to Juaneños during these years that were not identifications of the JBM. The evidence in the record shows that the membership of the JBB petitioner differs significantly from the membership of the JBM organization, and did so when those groups had membership lists that were nearly contemporaneous with each other. The JBB petitioner does not appear to be a continuation of JBM, despite a portion of JBM members constituting a portion of the JBB membership. The numerous new members of the JBB petitioner did not move to it from another entity, separate from JBM, that had been identified since 1900. Dramatic fluctuations between JBB membership lists also make it difficult to find organizational continuity from a prior organization. The JBB petitioner has a membership substantially different from JBM and one that has been much larger than JBM. In view of this evidence of discontinuity, identifications of the JBM between 1978 and 1994 cannot be considered identifications of the JBB petitioner.

Government:

Representatives of the Federal Government communicated with JBM leaders regarding cultural resource management and the protection of archaeological and grave sites. A 1980 letter was a response to a communication from JBM member David Belardes, which agreed to place the "Juaneño Band" on the Cleveland National Forest's mailing list for advance notice of Forest Service projects. The National Park Service letter noted:

> As per your request, the Juaneño Band has been added to the Cleveland's mailing list and to the District's roster. In the future you will receive advance notice of projects the Forest Service is planning.… I might assure you and the Juaneño Band at this point, that the District Ranger has given me his full support in all areas during my efforts to locate, document, and secure the protection of cultural resources within the Trabuco Ranger District. (Digregorio 9/11/1980)

This response to a letter David Belardes sent does not constitute an identification of an Indian group. However, putting the JBM on the "roster" and inviting its response does constitute identification. A second similar letter directed to Raymond Belardes informed the JBM group of a proposed project in the Cleveland National Forest, and invited "the Juaneño Band" to submit "comments or information" regarding the project described (Eddy 5/17/1984).

The National Park Service contacted the JBM in the early 1990's in connection with cultural resources management, projects in the Cleveland National Forest, or planned archaeological excavations, and offered the group an opportunity to comment pursuant to Federal cultural resource legislation (Hall/Rogers 1/31/1990; Moody 6/5/1990; Pieper/Martinsen 5/23/1994). These letters, however, were pro forma responses to contacts JBM initiated or JBM requests to be included on a mailing list, and do not constitute identifications.

The Department of the Navy and officers from Camp Pendleton Marine Base contacted the JBM regarding the protection of historic and cultural resources on the base. The communications specifically regarded a burial site near San Mateo Creek on the base, and planned archaeological excavations related to the San Mateo Point National Register District, a site included on the National Register of Historic Places. The letters requested comments from a group, and thus are identifications of that group (Mahady 6/8/1990, Rogers 4/12/1993, Rannals 9/27/1993, Muslin 2/8/1994, Dotson 10/31/1994).

Several State agencies contacted the JBM. The State of California Department of Parks and Recreation contacted and identified the JBM in the context of archaeological excavations or development of lands that might affect historic Indian sites. One such example was a 1983 letter regarding the development of trails in the Crystal Cove State Park, addressed to the "Juaneño Band of Mission Indians" (Barter 10/5/1983). In a 1982 letter the State of California Native American Heritage Commission commended "the Juaneño Band for their efforts in reestablishing and protecting their cultural heritage and the integrity of their tribal identity," and offered the JBM the continuing assistance of the Native American Heritage Commission (Pink 2/24/1982).

In 1993, the California legislature passed a resolution that identified the JBM. The resolution asked the President and Congress of the United States to declare the "Juaneño Band of Mission Indians, Acjachemen Nation" to be the "aboriginal tribe of Orange County" (Assembly Joint Resolution 8/26/1993).

Newspapers and Magazines:

Several newspaper articles in 1979 documented the organization of the JBM and its efforts to obtain Federal recognition, referring to the group as the "Capistrano Juaneños" and the "Juaneños, a Saddleback Valley tribe" (*Capistrano Valley News* 8/1/1979; 8/8/1979; *The Register* 11/22/1979).

Several newspaper articles identified the JBM in the 1980's. In 1980, the *Los Angeles Times,* the largest newspaper in southern California, published a detailed article entitled "The Cry of the Juaneño Indians: We Exist." The article outlined the history of SJC Mission and the organization Raymond Belardes headed known as the "Juaneño Band." The article treated the JBM as an Indian group, noting that Belardes claimed the group had "1,600 persons who claim Juaneño ancestry" and continued the legacy of Clarence Lobo (*Los Angeles Times* 6/8/1980). It also reported that the Juaneños "have divided into bickering camps over how to achieve it [Federal recognition] and who should lead them" (*Los Angeles Times* 6/8/1980). The article identified a "Juaneño Band."

Several newspaper articles from the early 1980's addressed preservation of Weir Canyon near SJC, which contained cultural and archaeological resources associated with the historical Indian tribe of SJC Mission, and the preservation of cultural resources at other sites that construction projects endangered. One article reported that the "Juaneño tribe" claims "2,000 members" (*The Register* n.d.), although the article did not specifically link the "tribe" to the JBM. A related April 23, 1981, article referred to Ray Belardes as the "leader of the Juaneño Indians, a tribe that once [historically] lived in what is now called Weir Canyon" (*The Orange County Register* 4/23/1981). These articles constitute identifications of the JBM.

Disputes over group leadership following the death of Clarence Lobo also received attention in local newspapers. One article reported that "Juaneños disagree over who is their new chief," and further noted that "there is still some dispute among local Juaneños over who is their new chief" (*Coastline Dispatch* 7/3/1986). A leadership dispute in 1989 that led to David Belardes replacing Raymond Belardes as head of the JBM resulted in another identification of the JBM in a local newspaper. An article noted:

> Members of the Mission Band of Juaneño Indians, striving for increased recognition of their heritage, have elected community activist David Belardes as tribal chairman. Belardes, a San Juan Capistrano resident, said Monday that he replaces Ray Belardes, his cousin, as leader of the governing tribal council and spokesman for more than 2,000 Juaneño Indians in Orange, San Diego, and Riverside counties. The final vote, which was taken Saturday, was not made available. (*The Orange County Register* 2/21/1989)

Newspapers also identified the JBM in relation to the ongoing campaign to gain Federal recognition, as well as continued disagreements that resulted in the formation of new Juaneño groups. In 1994, for example, *The Los Angeles Times* updated the status of the JBM group's bid for recognition and efforts to preserve its claimed culture and identity, and reported the claim that the JBM now had a membership of about 4,500 people. The article further wrote:

> The Juaneños formally applied for tribal status in 1982…. In recent months they have emerged from among hundreds of bands, rising to No. 1 on a long list trying to gain active consideration by the Bureau of Indian Affairs. (*Los Angeles Times* 3/13/1994)

Analysis of the Evidence 1996-present

There is evidence in the record of the identification of the JBB petitioner as an Indian entity since 1997. At the same time there are descriptions in newspaper articles of a Juaneño Indian entity consisting of "factions." To the extent these articles described the petitioning group as a "faction" they characterized it as a portion of a larger Indian entity. It is not necessary for the purposes of this finding to decide whether or not a description of a "faction" that may be the petitioning group is an identification of the petitioner or only the identification of an entity larger than and different from the petitioner. Identifications of the JBB petitioner as an Indian entity which do not describe it as a "faction" are sufficient to meet the regulatory requirement of "substantially continuous" identification of the JBB petitioner since 1997.

There are several documents in the record referring to Juaneño "factions." For example, a newspaper article in 2000 noted:

> The Juaneños, the original residents of San Juan, are split among three factions. One is headed by Jean Frietze, another by David Belardes and the third by Sonja Johnson [*sic*]. The City Council's agreement on Tuesday was with the group led by Frietze, which also includes Wick and Chris Lobo and Damien Shilo. It was opposed by David Belardes and his supporters. (*Capistrano Valley News* 7/20/2000)

A 2003 newspaper article reported: "Division within the tribe has complicated the dispute, with three self-proclaimed tribal leaders, including [Sonia] Johnston, claiming to represent the true Juaneño people" (*Las Vegas Sun* 2/9/2003). Another 2003 newspaper article described JBA leader Damien Shilo as "chairman of one faction of the Juaneño tribe" (*Los Angeles Times* 5/21/12003). A 2005 article referenced JBA leader Anthony Rivera's effort to "bring together feuding members of the Juaneño Band of Mission Indians." The article also referred to a "Split tribe" (*The Orange County Register* 7/8/2005).

The record also contains examples of the identification of the JBB petitioner as a "group" or "tribe." Some of these identifications ambiguously referred to disputes within a larger Juaneño population, but described the petitioning group as now being separate from a previous entity.

A series of newspaper articles in 1997 identified the JBB petitioner as a group. An article regarding the reburial of historical Indian remains in Newport Beach to make way for a construction project noted: "Some members of a local American Indian tribe are angered by the reburial to make way for a housing development." The article also quoted Sonia Johnston as "a Juaneño leader who lives in Huntington Beach" (*The Orange County Register* 3/9/1997). The article identified a Juaneño "tribe" and appeared to identify the JBB petitioner as that "tribe."

Another article identified Sonia Johnston as "Chair of a group of Juaneño Indians" (*Los Angeles Times* 3/30/1997). This article identified a JBB Indian entity.

A newspaper article that summarized the organization of the JBB petitioner following a disputed election identified the Johnston-lead group as a "band" and identified JBB as a part of a larger "Juaneño" population. It noted that: "Each side now represents itself as the tribal authority, and both groups are being considered for recognition" (*The Orange County Register* 4/23/1997). Another article reported: "The Juaneño Band is fractured, with two sides petitioning for federal recognition." The article identified Sonia Johnston as the leader of "one group" (*The Orange County Register* 7/7/1997).

An article written in 2005 noted:

> As for the tribal leadership, two groups have splintered from the tribe. Sonja Johnston claims leadership of one group but has few, if any, members. David Belardes has a smaller membership than Rivera's group, but contends the federal government will recognize his group. (Newspaper Article [*Capistrano Dispatch*] 6/23/2005-7/14/2005)

This article appeared to identify the JBB petitioner under the leadership of Sonia Johnston as a separate "group."

These identifications in at least 1997 and 2005 provide evidence of substantially continuous identification of the JBB petitioner as an Indian entity since 1997.

Conclusions

With respect to criterion 83.7(a), the evidence does not demonstrate that external observers identified the petitioning group or a group antecedent to the JBB petitioner as an Indian entity on a substantially continuous basis from 1900 to 1997. An identification of a group in the 1930's and identifications at least from 1959 to 1965 of groups Clarence Lobo headed have not been demonstrated to be identifications of the same entity as the JBB petitioner and do not constitute substantially continuous identification of an Indian entity. There were identifications of the similarly named JBM organization between 1979 and 1994. However, the JBB petitioner has a membership substantially different from JBM and one that has been much larger than JBM. Because the JBB petitioner is nearly contemporaneous with the JBM and has a substantially different membership, and other evidence does not show continuity in community or political influence between the JBM and the JBB petitioner, identifications of the JBM between 1979 and 1994 cannot be considered identifications of the JBB petitioner. For the period since 1997, external observers have identified the JBB petitioner as an Indian entity.

The evidence in the record demonstrates that external observers have not identified the JBB petitioner as an Indian entity on a substantially continuous basis from 1900 to 1997. There are identifications of the JBB petitioner between 1997 and 2005. Because the petitioning group has not been identified on a substantially continuous basis since 1900, the JBB petitioner does not meet the requirements of criterion 83.7(a).

Criterion 83.7(b) requires that

> **a predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.**

Introduction

Criterion 83.7(b) requires that a "predominant portion of the petitioning group comprises a distinct community." The term "predominant" establishes the requirement that at least half of the membership maintains significant social contact (59 FR 9287). This means at least half of the membership of the petitioner must participate in the social relationships, interaction, or institutions used to demonstrate community, and the remainder of the membership should be connected to those who participate.

The Federal acknowledgment regulations provide a specific definition of community.

> Definition (83.1): Community means any group of people which can demonstrate that consistent interactions and significant social relationships exist within its membership and that its members are differentiated from and identified as distinct from nonmembers. Community must be understood in the context of the history, geography, culture, and social organization of the group.

To meet the requirements of 83.7(b), the petitioner must be more than a group of Indian descendants with common tribal ancestry who have little or no social or historical connection with each other. Sustained interaction and significant social relationships must exist among the members of the group. Petitioners must show interactions have occurred continuously since first sustained contact with non-Indians. Interaction should be broadly distributed among the membership, not just small parts of it.

The regulations also require the petitioner be a community distinct from other populations in the area. Members must maintain at least a minimal social distinction from the wider society. This requires that the group's members are differentiated from and identified as distinct in some way from non-members. The existence of only nominal differences provides no supporting evidence for the existence of community among the membership.

As the following analysis shows, the available evidence in the record does not demonstrate that a predominant portion of the JBB petitioner's members or claimed ancestors have maintained constant interaction and significant social relationships throughout history. The evidence is also insufficient to establish that the petitioner's claimed ancestors and current members have maintained significant distinction from non-members in and around the town of SJC and in other

towns and cities in Orange County or other parts of California from historical times until the present.

The Historical Indian Tribe of SJC Mission, 1776-1834

This finding treats the historical Indian population of the SJC Mission in 1834 as a historic tribe that combined from a specific population of California Indians and functioned as a single autonomous political entity. Evidence in the record indicates that these Indians were originally part of a system of culturally similar, politically autonomous, Uto-Aztecan-speaking villages located within the specific territory from which the SJC Franciscan missionaries drew their converts. The mission was first established in 1776 and relocated to its present site in 1778. The Franciscan missionaries recruited Indians from these autonomous villages. Spanish policy at the mission created a political structure for its Indian population which made the combined groups a single political entity. There is also some evidence in the record which indicates that pre-existing social and political relationships persisted within the mission population. This Indian tribal entity existed at SJC Mission when the Mexican government ordered the secularization of the mission in 1834.

The JBB petitioner's evidence includes, but is not limited to, the petition narrative and scholarly and researcher monographs. The JBB petitioner submitted several analyses of historical documents, including an analysis of the 1846 Mexican *padrón*, or census, as well as an analysis of the applications submitted by some of the petitioner's ancestors for the 1928 Claims Act.

The JBA petitioner and the JBMI-IP interested party submitted information including, but not limited to, separate petition narratives, Mexican records, ecclesiastical records, and scholarly and researcher monographs. The JBA petitioner also submitted an eight-volume document entitled the *Consolidated Index of Names, Mission SJC Database*. The volumes are divided by date (1776-1790, 1791-1799, 1800-1808, 1809-1819, 1820-1849, 1850-1864, 1865-1879, 1880-1910), and cross-references all information about individuals in the birth, death and marriage records available in the SJC Mission registers. The index also cross references the person's spouse or spouses, their parents, and their children.[40] The JBA petitioner also submitted a related document entitled *Index of Baptismal Names, Registers, Mission SJC #1-2346* (Baptismal Names 12/1776-12/1910), which lists all of the baptismal names, along with any native names, in the registers in alphabetical order. This is very useful when searching for a particular person with a common baptismal name. Entries in the *Consolidated Index* were also double-checked against copies of the original entries.The JBMI-IP also included the transcript of a 1797 murder trial (*San Diego v. Jujuvit*), which provided considerable detail about the lives of the historical Indian tribe.[41]

[40] For example, a woman named Temisivam was baptized "Celedonia." The index lists her under "Temisivam, Celedonia." According to baptismal record #1757, she was baptized on January 25, 1797. According to marriage record 450, she married a man named Guacatis, whose baptismal name was "Guillermo," and whose baptism was #1749 (Index of Names 1/ 1791-12/1799, 107).

[41] The JBA, JBB, and JBMI-IP all claim the materials submitted by the JBM before 1996.

The Historical Mission Indian Tribe

Although the records for SJC Mission may not be as extensive as they are for some of the other California missions, there are a number of documents available to modern scholars detailing the life of the historic Indian tribe at Mission SJC. In addition to the mission baptismal, marriage, and burial registers described above, OFA used some of the information from Zephryn Engelhardt's transcription of answers to an 1812 questionnaire which had been sent to all of the Franciscan Missions. OFA also used the responses to this questionnaire (which the priests at SJC submitted in 1814) to provide insights into the lives of the Indians at SJC. In 1934, John P. Harrington republished the translation of Fr. Geronimo Boscana's *Chingichinich (*Boscana in Harrington 6/27/1934), in which the Franciscan detailed his ethnographic observations of the lives of the neophytes and *gentiles* in and around the mission during the years he served at SJC (1812-1826).

According to the available documentation, the Franciscans brought the Indians (or the Indians came) into the mission from a number of villages in an approximately 25-mile radius of the mission complex to the south and east, encompassing most of the modern Camp Pendleton Marine Base near San Clemente, California, as well as some additional territory. These villages formed part of a network of villages, as there were numerous examples of pre-existing marriages recorded in the mission registers where the wife came from one village and the husband another.[42]

Boscana identified 15 villages which he believed were the original villages settled in the area (Boscana in Harrington 6/27/1934, 60-62), while other villages and *rancherias* were identified in the mission registers.[43] The residents reportedly spoke a common language, different from the "Diguino" spoken to the south and that of the "Caneleños" to the north (Boscana in Harrington 6/27/1934, 8).

Initial Conversion and Baptisms at SJC Mission

OFA analyzed the earliest baptisms at SJC Mission in order to identify patterns as to how the Indians came (or were brought) into the mission to determine if the villages moved to the mission in groups and with their leaders. OFA also sought to identify (and, if possible, locate) the villages whose former residents made up the initial population of the mission. The records indicate that the neophytes[44] came from a number of villages throughout the area, and also

[42] The priests routinely solemnized the existing marriages of newly-baptized Indians and remarried them in Catholic ceremonies.

[43] O'Neil identified 24 "Juaneño" villages from mission registers from 1778-1801, omitting villages he identified as more closely identified with "Luiseño" or "Gabrieleno" communities. The territory did eventually overlap with that of Mission San Luis Rey, when it was established in 1798 (O'Neil 11/30/2004, Appendices A-X).

[44] Although the term "neophyte" generally referred to converts, the Spanish and Mexican records often referred to any Indian resident of the missions as a "neophyte," even if they were born to Christian parents and baptized as infants. The term "neophyte" was also used to refer to Mission Indians even after the secularization of the Missions and the legal emancipation of their residents.

indicate that the priests baptized a number of children, without their parents, even when their parents were still alive.

The baptismal registers recorded 103 people baptized between December 19, 1776 and July 27, 1778, the period when the mission occupied a site in modern Mission Viejo. Of the individuals the Franciscans baptized before July 27, 1778, and based on their age estimates, 85 were under the age of 24, and most were listed as under the age of 11. The first clearly legible baptism of a girl occurred on January 15, 1777, when the Franciscans baptized four girls under age 6.

Table 2: Ages of Neophytes Baptized Between 12/19/1776-7/27/1778

Age	Number of Neophytes
0-5	26
6-11	30
12-17	20
18-23	13
24+	11
Unknown or not SJC	3

Source: SJC Baptismal Register I, 1776-1780

The first 10 baptisms were of children (either all boys, or possibly nine boys and one girl) under the age of 15; eight of the 10 were under the age of 11. It is not clear whether the children's parents were present at the mission, or if they acquiesced to their baptisms. For example, Juan Baptiste Nangibar (SJC Baptisms #1, 12/19/1776)[45] was the first person baptized at the mission when he was 6 or 7. However, the Franciscans did not baptize his parents, Wenceslas Sulat and Teresa Francisca Suralbel, until seven years later (SJC Baptisms #433 and #434, 8/4/1783). The first baptism of a group of adults took place on July 27, 1778, when 17 adults over 18 (and one 14-year-old and one 16-year-old) were baptized (several individual adults had been baptized earlier).

It is impossible to positively identify all of the villages the neophytes came from during this period (1776-1778) due to the variations in spellings and the illegibility of certain register entries, but the single largest number of neophytes (23) were recorded as either themselves being from, or their fathers being from, Sagavit/Zagabit/Sagabit (another 6 were recorded as being from Guillercome, another name for the village of Sagavit, for a total of 29). Sixteen were from the village of Hunga (spelled variously as "Hugunga," "Henga," and "Hunuga"). In all, OFA was able to identify nine villages by name that had two or more neophytes baptized between 1776 and 1778. Table 3 shows that 87 of the 103 neophytes could be associated with these identified villages. The remaining 16 of the first 103 baptisms did not have a legible village name or had only one neophyte listed as belonging to that village.

[45] This PF will list the baptismal name, and then the native name.

Table 3: Number of SJC Neophytes from Select Villages

Village Name	Number of neophytes
Sagavit/Guillercome	29
Hunga/Henga/Hugunga/Hegna	16
Tumome	9
Acaptivit	9
Tobe/Tobna	6
Puituide	5
Pagne	7
Aluna	4
Aquellme	2

Source: SJC Baptismal Register I, 1776-1780.

Sagavit village appears to have been located a short distance (possibly 2-5 miles) from the site of the mission along the San Juan Creek. Whether Sagavit was the largest village at this particular time is unknown, but it provided almost twice the number of neophytes as Hunga, the village with the next highest number. Boscana identified the village of Acaptivit" or "Acjachme" (O'Neil 1980 ca Ajachme, 1) as the site of the second mission, but it accounted for a relatively modest number of neophytes. Three neophytes were listed whose parent's villages of origin (Suachemga, Amaugenga, and Paplenga) may indicate that they were from a region near the Santa Ana River, close to a village named "Genga" (not to be confused with "Hunga"), approximately 20 miles north of Mission SJC. Most other neophytes appear to have been from villages within a few miles of the second mission site. The record includes no additional analysis or research demonstrating any more precise locations for the villages named in the mission registers.

According to SJC mission records, the population in 1779 consisted of 231 neophytes, and the population gradually increased (as a result of the influx and recruitment of converts rather than through natural increase) to a high of 1,361 in 1812.[46] However, the death rates at the mission were very high, and a number of epidemics, chronic diseases, and an earthquake in 1812, killed many people. The Franciscans also recruited Mexican Indians from older missions to assist in the establishment of new missions. For example, a child named Sebastian was baptized on January 20, 1778; his parents, Saturnino and Brigida, were both recorded as being from Baja California. These non-local Indians often served as godparents to the early converts. Saturnino, Brigida, and another Indian named Clara were godparents to four Indian females baptized on the same day (SJC Baptisms #65, #66, #67, #68, #69; 7/7/1778); the records identify all three of these Indians as "California," rather than as part of the local Indian population. Later, Indian spouses from other missions also resided at SJC.

The Indians who entered the SJC mission may have done so for a number of reasons, which may have changed over the course of time. In the very beginning, the neophytes may have entered

[46] This was also the year of the earthquake which destroyed the Great Stone Church at SJC; 40 Indians died during the quake.

the mission in order to have access to new material goods, as well as to the new spiritual power the Franciscans offered. The environmental damage the mission cattle and sheep caused reduced the native food supply, and more Indians relocated to the mission to have access to the food the Franciscans supplied.[47] However, villages of *gentile*s existed throughout the entire mission period and throughout the mission range. The last year in which there was a large number of baptisms of converts was 1812 (201 baptisms), but there were still *gentiles* present among the neophytes when the Indians were legally emancipated in 1834. Newly-baptized adult *gentiles* brought to live at the missions maintained and re-enforced (to an extent) some aspects of the traditional social structure, although under constant stress from the requirements of mission life. For example, there is some evidence that a system of intermarriage among the local hereditary elites known as *nus, corrones, eyaques* and *tepis* continued throughout the mission period (these elites will be discussed in more detail under criterion 83.7(c)). The missionaries also had to confront the problem of fugitive Indians who ran away from the strictures of life inside the mission and joined those living outside the system. The SJC mission registers make reference to fugitives, but do not describe whether mission authorities pursued these fugitives and forcibly returned them to the mission.

Marriage and Residential Patterns, 1776-1834

Marriage investigations generally included the couple's names, approximate ages, town or towns of residence, parent's names, and names of witnesses. If either spouse was a widow or widower, the record included the name of the previous spouse. The earliest records of neophyte baptisms included the individual's Native name in addition to the name the Franciscans assigned, as well as the village of the individual and the name and village of the individual's father (sometimes they also included the name of the individual's mother). As more and more people were born or raised in the mission, the missionaries recorded fewer village names and referred to the Indians as "Indians of this mission." The records also included the names of the godparents. Burial records generally identified the person being buried, an approximate age, whether the person was the widow of a previously deceased spouse, and the name, if any, of a surviving spouse. The information in the documents the Franciscans drafted during this period would be very useful in examining marriage patterns and relationships between the early village sites and the Indians who lived at the mission, but the record includes no such analysis

According to 83.7(b)(2)(ii), community for a specific period in time may be met if the petitioner can demonstrate that at least 50 percent of the marriages in the group are between members of the group. While a high rate of intermarriage for all members of the early mission population appears to be true, the petitioner has not identified the marriage patterns of its own specific documented ancestors (lineal and collateral) among the many hundreds of neophytes who were baptized and married at the mission. Further, the majority of the petitioner's members do not appear to descend from the historical Indian tribe. The record indicates that a number of the

[47] It must be noted, however, that the Indians did not particularly like the *atole* and *posole* (corn and meat porridge) the Franciscans supplied to them. Although it was filling, they preferred the variety of the wild foods they were accustomed to. Anastacia Davis Majel, one of J.P. Harrington's informants, said that her aunt/godmother Matilda, who had been a neophyte at the mission and had lived in the *monjera*, or women's dormitory, had remarked that "they had only *atole*, *posole* . . ." (Harrington 1836-1927, 23).

petitioner's ancestors did not arrive in SJC until the time of secularization and emancipation (1826-1834) or later, and did not marry SJC Mission Indian descendants. This later influx of non-California Indian ancestors provides evidence of a significant change in the SJC population that involved the pettioner's ancestors. However, the record does not contain an analysis of lineal and collateral ancestors identifying marriage patterns among the ancestors of that portion of the petitioner's members who descend from the historical SJC Indian tribe The JBB petitioner's members who do descend from SJC Indians descend from Indian individuals, not from a tribe of SJC Mission Indians.

Life Inside the Mission 1776-1834

The Indians living at the mission received religious instruction in their own language. In order to shorten the time between the adults entering a mission and being prepared to accept baptism, a simplified catechism had been developed for the Indians living in missions in Sonora, Mexico, in 1644. The Franciscans in California appear to have used some version of this catechism in their missionary efforts; however, there is no indication of which version the Franciscans used at SJC (Hackel 2005, 144). The 1812 questionnaire that the SJC priests returned to their superiors in 1814 stated that the Indians spoke their native language amongst themselves, and that the catechism and additional prayers were translated into their language (Boscana and Barona in Engelhardt 1922; 59).[48] The Indians were supposed to receive a fair amount of religious instruction before receiving baptism, but realistically, it is questionable how much doctrine the neophytes actually understood. Other Indians, probably those who had been at the mission the longest, spoke more Spanish.

In addition to speaking their own language, the Indians at the mission also maintained a number of cultural practices, some of which Boscana was able to observe and describe. His text specifically described the girls' puberty ceremony (Boscana in Harrington 6/27/1934, 21), rituals accompanying a new moon or a lunar eclipse (Boscana in Harrington 6/27/ 1934, 47), and the maintenance of specific dietary taboos to guarantee the health of a newborn child (Boscana in Harrington 6/27/1934, 26). Boscana did not explain why some of these practices were still occurring at the mission, but the size of the Indian population (more than 1,000 Indians in the years Boscana was in residence), and the small number of priests and soldiers (two missionaries and six soldiers, according to the 1814 questionnaire), appear to have limited the control they may have had over the Indians. It is also possible that these events were witnessed when the priest left the actual mission complex and traveled to some of the more remote areas of the mission properties.[49]

[48] In 1795, in order to facilitate the assimilation of the Indians, the Crown ordered that the Indians be instructed in Spanish as well as their native languages (Hackel 2005, 144).

[49] The SJC Mission complex is only a small part of the entire mission as it existed during Boscana's time. Those neophytes (married couples and extended families) who worked within walking distance of the mission proper lived in the small homes close to the mission, while single women and girls lived in the women's dormitory. Other people lived at more distant locations from the mission proper, including at two ranchos belonging to the mission (Mission Viejo and Rancho San Mateo). Each had a permanent staff, including a non-Indian *mayordomo*, or overseer, to manage the affairs there, as well as places for *vaqueros* to live when herding the mission's cattle and sheep.

While the ultimate goal of the missions may have been to convert the Indians and to train them to assume their place within Spanish society, the neophytes at SJC also worked to make the mission as close to self-supporting as possible. The Franciscans employed Indian labor at the mission in orchards, fields, soap-making facilities, weaving looms, and tannery, and the Indians learned to make soap, weave and dye textiles, work in the fields and orchards, and tan hides (Engelhardt 1922, 33-40). Indian *vaqueros* (cowboys) also rode horses over wide ranges of territory tending to the mission herds. For example, in 1783, the annual report enumerated 1,648 head of livestock, including cattle, sheep, goats, pigs, horses, and mules; ten years later, in 1793, the livestock had increased more than tenfold to 13,195 head, including 8,820 sheep (Engelhardt 1922, 182). A master stonemason from Mexico was also hired to instruct the Indians in masonry, and to construct the various buildings on the mission property, including the Great Stone Church (Engelhardt 1922, 37-38). In addition to teaching the Indians practical skills, the mission industries produced goods which were distributed to other missions in the system, as well as to the San Diego Presidio. There is also one example of the Catholic church contracting the labor of 100 Indians from SJC to work in the hemp fields of Los Angeles (Engelhardt 1922, 50-52).

There is some evidence from the baptismal and marriage registers that the neophytes who were baptized during the first years of the mission's establishment were more likely to attain high status within the mission system in later years. Juan Bautista Nanagibar (SJC Baptisms #1, 12/19/1776), the first Indian baptized at the mission, was later recorded as a godfather and sacristan (a church official in charge of sacred vessels and garments), as well as the witness at several weddings. In two instances, he was also recorded in the baptismal register as performing emergency baptisms of young children who were believed to be in danger of dying (SJC Baptisms #1878 and #1879, 4/25/1799). It is unclear whether or not his status existed prior to the establishment of the mission, or because of his role within the mission establishment. Guillermo Paat, the first adult male baptized at the mission (SJC Baptisms #62, 7/7/1778) in addition to his status as the son of the "capitan" of Sagavit, also became the mission's first *alcalde* (elected official) in 1784. Mateo Sasabet, one of the first 103 Indian children baptized at the mission (SJC Baptisms #56, 5/22/1778), also served as an *alcalde*.

The Franciscans controlled many other aspects of the neophytes' lives. The ringing of bells regulated when the Indians woke, ate, prayed, and slept.[50] While families lived in small individual homes, single girls and women were required to live in the *monjera*, or women's dormitory. In addition to segregating unmarried women (literally placing them under lock and key after dark), the priests also tried to control the actions of married couples living "in concubinage" with people other than their lawful spouses.

[50] In other California Missions, priests used "confessionarios," to obtain information from neophytes, particularly in regards to sexual immorality. These were checklists of sorts utilized during the sacrament of Confession to question neophytes about their behavior and about the behavior of other neophytes (see Kelsey, *The Doctrina and Confesionario of Juan Cortez*, Altadena CA, Howling Coyote Press 1979; and Madison, *The Ventureño Confesionario of José Señan, O.F.M.* University of California Publications in Linguistics, #47 (1967). There is no information as to whether or not Boscana or other Franciscans stationed at San Juan Capistrano utilized Confession books to obtain information from the neophytes at SJC.

The Aurelio Jujuvit Murder Trial

The testimonies of the five Indians at the trial of Aurelio Jujuvit, an Indian who murdered his wife in 1797, are the only accounts of SJC Indians recorded during the mission period available in the record. The Jujuvit trial record provides several examples of how the new social norms introduced by the Franciscans conflicted with traditional systems of marriage, divorce, and sexuality, and how the punishments of the neophytes the Franciscans imposed through surrogates proved limited in their effectiveness.

On March 5, 1797, Aurelio Jujuvit (SJC Baptisms #777, 8/16/1787), an Indian man approximately 28 years old, living at the Indian village of San Mateo,[51] attended Mass and confessed to the *alcalde* Bruno Maria Torsainornimovit that he had murdered Tomasa Coroni (SJC Baptisms #280, 2/2/1775; SJC Burials #618, 3/5/1797), his wife of six years. Bruno notified the priests, who, in turn, notified the soldiers of the *escolta*, or mission guard. A contingent of soldiers and Indians from the mission found Tomasa's body, approximately "three gunshots" from the mission, while Aurelio remained in the church. The soldiers examined the body in the field for injuries, and brought it back to the mission for burial. The soldiers shackled Aurelio and placed him in the stocks, but not before the Franciscans gave him a document to give to the court at San Diego.[52] The court provided a translator for the trial, but of the five Indians who offered testimony, only one (the only woman) needed to use the translator's services.[53]

According to the trial transcripts, Aurelio confessed to having killed Tomasa, but stated that he never meant to kill her, only "beat her up some, because she was a bad woman" (*San Diego v. Jujuvit* 6/1797 ca Confession, 1). He went on to explain that he was angry and wanted to punish her for her relationship with another Indian named Juan Josef. When asked why he did not let the priests punish her, he said it was because the Franciscans previously punished them, but notwithstanding continued their relationship (*San Diego v. Jujuvit* 6/1797 ca Confession, 1-2). Aurelio was asked if he had given his wife any reason to enter into a relationship with Juan Joséf, which he denied, but was also confronted about his own affair with a woman named Benedicta, a relationship for which he and Benedicta had been publicly punished. Aurelio admitted to his relationship with Benedicta, but stated that Tomasa did not know about his relationship with Benedicta, an assertion that seemed to have been met with disbelief.

[51] San Mateo was one of the two *ranchos* that belonged to the mission (Mission Viejo, or La Paz, was the other). It is another name for the village of Pange, located approximately eight miles south of the mission complex.

[52] The record does not state what the document read, but indicated that Aurelio had sought sanctuary inside the church, or that he had freely confessed his crime. The Indians also had an indigenous concept of sanctuary, as any Indian who committed a crime in his village could run to the shelter of a temple called a "Vanquex" (dedicated to their god Chinigchinix), and avoid being killed (Boscana in Harrington 6/27/1934, 37).

[53] Four of five Indians spoke and understood Spanish well enough to testify in court in 1797, but in the 1812 questionnaire, Boscana and Barona stated that: "Many of them understand a little Spanish, but not perfectly." This may be a reflection of the demographics of the Mission at the time, considering that the last large group of neophytes entered the mission in 1812, while several of those who testified at the trial had been part of the mission system for many years.

Tomasa's paramour, Juan Josef (no baptismal date or native name could be determined), a 28-year-old married farm hand, testified that he was in the process of ending his relationship with Tomasa because he was fearful of more punishments at the hands of the priests. He also stated that Aurelio had known about their relationship, and that he had even given Aurelio gifts in order to be with Tomasa. According to Juan Josef, Aurelio had encouraged him to continue his relationship with Tomasa, in which case Aurelio would still be free to carry on his own relationship with Benedicta and he would still be receiving Juan Josef's gifts. He also testified that Tomasa had told him that her husband had seemed angry a few days before, as if he wanted to beat her, but she did not know why (*San Diego v. Jujuvit* 6/20/1797, 1). Aurelio denied accepting any gifts from Juan Josef in order to allow Tomasa to see him (*San Diego v. Jujuvit* 6/1797 ca Confession, 2). Juan Josef's unnamed wife did not testify.

Benedicta Hinohol (SJC Baptisms #135, 10/24/1778)[54] was the only person who needed the services of the appointed translator. The record identified her as a married 24-year-old woman (no occupation was listed), and testified that she had ended her relationship with Aurelio after their last public punishment, even though Aurelio had continued to pursue her (*San Diego v. Jujuvit* 6/1797 ca, Sixth Statement, 1). She testified that she feared further punishment from the priests for her relationship with Aurelio, but that she had never heard Aurelio threaten to kill or harm Tomasa. Benedicta's husband Jacobo Pio Cutquel (SJC Baptisms #4, 12/26/1776) did not testify.

The testimony of Tomasa's brother-in-law Camillo (no baptismal date or native name could be determined) is incomplete, but states that he was married to Tomasa's sister, and was employed at the mission carding wool. According to his testimony, both couples shared the same house. Camillo's wife and Tomasa were standing together outside of the house on a Friday night, when Aurelio rode up on his horse, picked up Tomasa, and said that he was taking his wife to sleep on the mountain. When she did not appear the next day to go to work and when the other women asked Aurelio where she was, he told them that he did not know, and that she may have run away. The next day Aurelio confessed to her murder. Camillo looked for Tomasa along a different path close to the Santa Ana River than the one the soldiers who eventually found her followed. By the time Camillo returned the Franciscans had already had the body buried, and the soldiers arrested Aurelio (*San Diego v. Jujuvit*, 6/1797 ca, Third Statement, 1).

The testimony of Bruno Maria Torsainornimovit is the only available *alcalde'*s description regarding an *alcalde'*s role at SJC Mission. According to the transcript, Bruno stated that he was married, and that the Franciscans had told him that he was about 40 years old. He described his position as "First *Alcalde*," (*San Diego v. Jujuvit* 6/1797 ca Fifth Statement, 1) which may indicate that there were others at the mission during this time whose names are not available in

[54] The priests baptized Benedicta and Aurelio as young adults, and estimated their ages as nine and 13 respectively. However, Benedicta was baptized in 1778, nine years before Aurelio's 1787 baptism, and if the age estimates from the registers are correct, Benedicta was seven years older than Aurelio. Also, the two may have had family connections prior to their baptisms, as they were both from the village of Tobe (spelled "Tobna" in Benedicta's baptismal record).

the current record.[55] Bruno also had the authority to discipline other Indians, and testified that the couple Tomasa and Juan Joseph had been punished twice by the fathers for their indiscretions. He had personally punished them twice for speaking alone together, which they had been forbidden to do (*San Diego v. Jujuvit* 6/1797 ca Fifth Statement, 2).[56] He did not describe specifically how he had punished them.

According to the testimony, Bruno described how he had heard Aurelio's confession. Bruno also stated that he believed that Aurelio knew about Tomasa's relationship with Juan Josef, and had never seemed particularly angry about it. The court also asked Bruno if he knew what sort of marriage Tomasa and Aurelio had had, to which he replied that the two were rarely together because Aurelio was in a relationship with Benedicta, but that he never heard or saw the couple fight (*San Diego v. Jujuvit* 6/1797 ca Fifth Statement, 1-2).

The verdict in the case of Tomasa Corona's death also provides insight into the Spanish justice system, particularly as it applied to Indians. Tomasa's death was determined to have been unintentional. The court determined ". . . that there was no premeditation, treachery or instrument at hand for killing, nor even intention, and yes, there was a lack of talent in beating his wife, which he did to excess consistent with his barbarian nature" (*San Diego v Jujuvit* 12/12/1797 Brief, 1). That Aurelio had taken sanctuary in the church was taken into consideration, as was the more important factor that, as an Indian, he was legally considered to be a minor, and thus not fully responsible for his actions. Initially sentenced to two years work with shackles on his feet (*San Diego v. Jujuvit 8/13/1797* Verdict, 1), the sentence was later amended to four years of public service work (*San Diego v. Jujuvit* 4/16/1789 Brief, 1), the equivalent of four years of probation.[57]

Aurelio remarried twice after serving his sentence, once in 1803 to Maria Luisa Cutquel (SJC Baptisms #753, 4/2/1787; SJC Marriages #574, 12/14/1803),[58] and again in 1814 to Huila Etene (SJC Baptisms #1472, 11/17/1794; SJC Marriages # 833, 1/16/1814). There is evidence of status within the traditional system for at least one of these women (Maria Luisa was identified as a *tepi*), and Hunila was the widow of Juan Bautista Nanagibar, the first baptized convert and sacristan at the mission. Benedicta was widowed in 1813 (SJC Burials #1906, 2/6/1813) at the same time Aurelio was single, and the two did not take the opportunity to marry each other; she married a man named Silverio Pugeme in 1823 (SJC Marriages #1035, 9/5/1823). There is no indication in the record that Aurelio's murder of Tomasa, who was also a *coronne,* resulted in any lasting negative consequences for him, as he continued to marry women of high rank within

[55] Under the formal system organized as the "Law of the Indies," there was an "*alcalde primero*" and an "*alcalde secundo*" (Parejas Moreno and Suarez Salas, 1992, 78). There is no mention in the *Jujuvit* trial record of an "*alcalde segundo*."

[56] It is unclear whether or not this statement implies that the priests had actually administered the other punishments themselves, or had ordered another *alcalde* or one of the soldiers to administer them. None of the accounts describes how long the relationships between the couples lasted, so the relationships may have occurred over the course of more than one *alcalde's* term of service.

[57] Technically, Aurelio was prohibited from serving in the Mission's municipal government, which meant he could not serve as an *alcalde* or *regidor* for four years.

[58] She was also the niece of Jacobo Pio Cutquel, the husband of Aurelio's former paramour, Benedicta.

the traditional status system. There is no death record available for Aurelio in the Mission registers. As far as can be determined, there are no known descendants of any of the witnesses or any of their subsequent spouses in the JBA, JBB, or JBMI-IP.

Emancipation and Secularization, 1826-1834

Although the Mission Period formally ended in 1834 when the Mexican government secularized the missions, the events that brought about the end of the mission system began in 1821, when Mexico gained its independence from Spain (formal, blanket emancipation of all of California's Mission Indinas would not occur until 1840). In 1825, Mexican Governor Jose Figueroa advanced a plan to emancipate some of the Indians of the California missions. Under his plan, the Indians would no longer be legally considered wards of the state, and would legally become full citizens. The plan to emancipate the Indians developed in a context of anti-clerical (and specifically anti-Spanish, anti-clerical) sentiment, new colonization policies designed to populate the sparse northern frontier against the rapidly advancing United States, and the desire to "liberate" the Indians from the paternalism of the Franciscans. Others coveted church land and property, which the Franciscans had, in theory, held in trust for the Indians.

On July 25, 1826, the first emancipation decree became official, and some neophytes in the jurisdiction of San Diego, Santa Barbara, and Monterey presidios (including SJC) became eligible for emancipation. However, plans for emancipation did not go smoothly, as many Indians appear to have left the mission or to have ceased working for the mission once new laws prohibited the priests from physically punishing them. Year-end summaries of agricultural yields document the steep drop-off in the production of most crops, and vital records also indicate that a number of Indians left the mission (with or without official permission) to seek their fortunes elsewhere.

In 1833, Mexican officials chose SJC as the site of an experiment. They attempted to convert the mission into a *pueblo de indios*, or politically autonomous town of emancipated Indians, with the idea that if the transition went well, the experiment could be repeated at other missions (see discussion under 83.7(c)). Although the Mexican governor José Figueroa announced his intention to grant emancipation to the Indians of SJC in October of that year, the emancipation was not absolute. The government still expected Indians to obey its representatives and did not consider them full citizens, although they were entitled to vote (Engelhardt 112, 114). In Mexico, a number of *pueblos de indios* had become successful independent towns, but the situation was different in California, and particularly at SJC. A significant number of Indians appear to have left the area to work for wages elsewhere rather than remain and work the lands around the mission.

The Mexican government formally secularized SJC mission on August 9, 1834, removed the Franciscans from the administrative duties over the missions, and placed the missions under civil administration. Civil administrators distributed some assets to the Indians, including land and tools, but most assets appear to have ended up in the hands of non-Indians through quasi-legal maneuvering. According to the 1834 annual report, 861 Indians remained at SJC Mission, but the number would soon decrease rapidly as the remaining Indians became dissatisfied with the conditions at the mission and left for other opportunities.

Summary of the Historic Indian Tribe of SJC Mission, 1776-1834

The evidence in the record indicates that the historic Indian tribe of SJC Mission consisted of California Indians from a defined geographic region who had been part of a pre-contact system of culturally and linguistically similar, politically autonomous villages. The Spanish mission system brought together the former residents of these villages, who married and entered into other social relationships (such as witnessing each other's weddings) with each other. After Mexico gained its independence from Mexico, the government instituted policies of emancipation and secularization, which resulted in considerable amounts of former mission property ending up in non-Indian hands, as well as many Indians leaving the SJC Mission for work elsewhere.

Evidence Relevant to Demonstrating Community, 1835-1862: Late Mexican-Early Statehood Periods

Information in the record to demonstrate community includes, but is not limited to, U.S. and Mexican records, U.S. State census records, ecclesiastical records, and scholarly and researcher monographs.

The Immediate Post-Mission Period 1835-1845

The former SJC Mission experienced a rapid depopulation in the years following 1834. The 1834 annual report enumerated a population of 861 Indians at the mission. The California territorial government appointed William Hartnell, to report on conditions in the ex-missions. Hartnell reported only 76 at the *pueblo de indios* when he visited SJC in 1839. Other sources indicate that there were approximately 400 Indians still living in the vicinity of the former mission at that time (probably less than 500, with less than 100 at the mission proper), but provide no information as to where they were living (Engelhardt 1922, 114). During those five years following the implementation of the secularization decree, a series of civil administrators administered the former mission, but encountered many problems with the remaining Indians who disliked the conditions under which they worked, and from non-Indians who were agitating for the distribution of remaining mission lands to the settlers. Political turmoil in both the central Mexican and California territorial government also contributed to the difficulties at SJC. Many of the Indians left the ex-mission for paid employment in Los Angeles and on area ranches. Hartnell's report further indicated the dissatisfaction of the remaining Indians with the conditions under which the civil administrators required them to work. The Indians complained that Santiago Arguello, the civil administrator in 1839, abused their labor to provide for his family of 22 children. The Indians also complained about the transfer of former mission lands and assets to well-connected settlers. When Hartnell declined to remove Arguello from office, the Indians still refused to work for the administrator (Hartnell 1839, Entry 169).

At the end of December 1840, Augustin Janssen assumed duties as the civil administrator of the former mission. Although Janssen's term as administrator was probably brief (approximately six months), he attempted to reverse the decline of the ex-mission. According to his own oral history account that one of Bancroft's researchers recorded in the 1870's, Janssen sent two *alcaldes* to Los Angeles to compel a number of the Indians to return to SJC. He also claimed

that he settled 200 unnamed Indians "in the ravine leading to the mission" in 1841 (Ellison and Price, 1953: 76-77).

Additional attempts to administer SJC as a *pueblo de indios* met with little success, and the California territorial government abandoned the experiment in 1841. On June 7, 1841, the California territorial government approved the petition a group of settlers from San Diego submitted, for the dissolution of the *pueblo* and the distribution of the mission lands. The approval of the petition opened lands, which (in theory) belonged to the Indians, to settlement by non-Indians. Documents included in the record indicate that four former neophytes also received house lots from former mission land, but non-Indian settlers received most of the land granted. Governor Pio Pico, the last Mexican governor of California, eventually sold the mission complex itself to his brother-in-law John Forster (1814-1882) for $710.[59] The *pueblo de indios* became a regular *pueblo* (municipality with autonomous government), and retained that status until Mexico ceded California to the United States in 1848.

Zephryn Engelhardt, O.F.M., reproduced a list of individuals who received land at the former SJC Mission on July 12, 1841 (Engelhardt 1922, 141-142). This list contained the names of 29 non-Indian settlers from San Diego, who successfully petitioned for the dissolution of the *pueblo de indios*. Engelhardt also stated that special commissioner Manuel Castanares appointed an Indian named Julian *capítan* and *alcalde,* but no Indian named Julian is named in any subsequent documentation (Engelhardt 1922, 142). The list included the names of only four individuals ("Zeferino," "Maria de Jesús," "Rosario de Jesus," and "Magdalena") described as "freed neophytes." Of these four, only Magdalena (also known as "Magdalena Castengura," "Magdalena Affanador," and "Magdalena Rios") is known to have descendants in the JBB, JBA, and the JBMI-IP.

The other 29 claimants were all male with Spanish surnames.[60] One of these claimants, Severiano Rios, married a SJC Indian woman named Primitiva. This couple has descendants in the JBA and JBMI-IP, but not in the JBB petitioner.[61] Ramon Silvas married SJC Indian Jacoba Chenene, the daughter of Magdalena Castengura from her first marriage to the SJC Indian Urbano Chenene. This couple has no known descendants in the JBB, JBA, or JBMI-IP. Jose Maria Cañedo was either the son or grandson (depending on whether he was Jose Maria Jr. or Sr.) of a San Carlos Mission Indian woman (San Carlos Mission was located in Monterey, approximately 400 miles north of SJC). Juan M. Marron was either the husband of María Gorgonia's daughter (Maria de la Luz Ruiz), or the grandson of Maria Gorgonia (if he was Juan

[59] The Church maintained ownership of the Serra chapel, as well as living space in the mission complex for the resident priest.

[60] Engelhardt's "complete list of beneficiaries" named only 33 recipients. It did not include five settlers named earlier as recipients, but included the names of four neophytes and one settler who were not included on the earlier lists (Engelhardt 1922; 141).

[61] Two other Rios siblings were also married to Indian descendants. In 1822, Santiago Rios married Maria Isabel Uribes, the granddaughter of SJC Indian Maria Bernarda Chigila. In 1829, María Rosaria Rios married José Maria Gorgonia Cañedo, the son of San Carlos Indian Maria Gorgonia. Another sibling, Silverio Rios (who was not named on the 1841 list of land claimants), was involved in a long-term relationship with SJC Indian Magdalena Castengura, who inherited land in her own right.

M. Marron, Jr., the son of this marriage). There is no indication that any of the remaining claimants were then married to or descended from California Indians, although Tomas Guitterez' daughter and son married California Indian descendants in 1850's, establishing kin relationships between their families and Indians during that decade.[62] In total, eight of the individuals named on the 1841 list have descendants in at least one of the petitioning groups: Tomas Gutierrez, Jose Antonio Yorba, Juan M. Marron, Madgalena Castengura, Severiano Rios, Jose M. Cañedo, Teodisio Yorba, and Jose Antonio Serrano. However, only two (Severiano Rios and Magdalena) can be documented as being a SJC Indian or marrying one. Appendix lV discusses the genealogies of certain settlers in more detail.

Engelhardt also referenced a second list, which he described as listing "neophytes of whom each family received one hundred *varas* [a unit of measure equal to 33 inches] and each individual fifty *varas*" (Engelhardt 1922, 141). Engelhardt did not reproduce or summarize the list of other Indians who reportedly received lands, but cited H.H. Bancroft's *History of California* as his source. Bancroft's text described a population of Indians near SJC who were probably not ancestors of the current petitioner, even though they were likely part of the historical Indian population of SJC Mission. He stated that these Indians received land in the "eastern valley" (Bancroft 1884-1890, 4: 625-626), but provided no other information about the location of this "valley." Both Bancroft and Engelhardt (citing Bancroft) alluded to Indians receiving land in the area, and included a count of "26 married men, 7 widowers, 5 single men, and 4 *gentiles*" still attached to the mission in 1841 (Bancroft 1884-1890, 4: 625-626).[63] It is not known whether these Indians were part of the 200 Indians belonging to SJC Mission Augustin Janssen claimed to have settled "in the ravine leading to the mission" in 1840 during his term as administrator.

A list of Indians who received ex-mission lands apparently existed during the Mexican period (1821-1848). The archive housing these records was destroyed by the fires that followed the 1906 San Francisco earthquake. However, Bancroft's researchers transcribed or abstracted most of the documents in the collection prior to the fire, and the list of Indian recipients of land may have been one of those transcribed. The record does not contain either a copy of this transcription, or an indication as to whether the JBB petitioner's researchers searched for this document and were unable to locate it.

[62] Tomas Gutierrez' wife María Antonia Cleofas Cota was the grandniece of SJC Indian María Bernarda Chigila's non-Indian husband.

[63] The adult Indian population probably numbered about 70 people; there is no way to estimate how many children there may have been. Bancroft cited a report that put the number of Indians closer to 100 adults, also mentioning 30 women and old men (Bandini in Bancroft, 1884-1890; 626).

The 1846 *Padrón*

In 1846, representatives of the Mexican territorial government prepared a *padrón*, or census, of the population of the former SJC Mission. Zephyrn Engelhardt's 1922 book on SJC Mission described the census in the following terms:

> In March, 1846, the Padron or roll of the ex-Mission population contained the names of 59 males and 54 females, in all 113 persons, including the Forster family. (Engelhardt 1922, 159)

Engelhardt's description of the census did not specifically identify it as a count of Indians, nor did the author describe the purpose for its preparation.

Bancroft's researchers transcribed or abstracted many of the Mexican documents related to the administration of California. In addition to the abstract and transcription of the documents, Bancroft had his researchers prepare tables that summarized information from the archive on population, vital rates, grain production, and numbers of livestock. The collection of tables also contains notes on each mission, presidio, and town, summarizing the numerical data. The population table for SJC Mission includes a summary of the 1846 census, and reported the same number of males and females as was listed at the end of the census, or 59 and 54 respectively. The census summary in the Bancroft table does not appear in the column for the Indian population, but rather the column for the people classified as *gente de razon* (non-Indians). The notes on the population of SJC state that "in 1844, the Indian population was entirely dispersed" (SJC, Mission Statistics, C-C 64, The Bancroft Library, University of California, Berkeley). While the use of the term "entirely" may have been inaccurate (as some of the Indians were still living close to the former mission), the historical Indian population of SJC Mission had, by-and-large, dispersed. Many left the area to work in Los Angeles, or on area ranches. [64]

The *transcribed padrón* does not contain additional language that may have been part of the original document that would clarify the purpose for preparing the population count. Additional evidence from the baptismal and burial registers, however, indicates that this list was not a count either of all individuals or of all Indians living at the mission after secularization. For example, three Indian couples (Eustaquio and Feliciana, Bernardino and Anastacia, and Francisco Calacido and Salvadora) baptized children in 1846 (SJC Baptisms #4615, 9/17/1846; #4619, 11/25/1846; #4620, 12/21/1846). The children were not born until after the March date of the census, but were identified as "of this Mission." None of the six Indian couples appeared on the *padrón*. While it is possible that these parents only brought their children to the mission to be baptized, it is also possible that they were living at or very near the mission and simply not enumerated. The "free neophytes" enumerated in 1841 as land grant recipients were also not included in the *padrón*, even though at least two (Zefarino and Magdalena [Castengura]) were

[64] The number of Indians in Los Angeles did increase after secularization, but the Indians came from a number of locations and missions.

likely living in the area.[65] None of the three Indian couples are known to have descendants in the JBA, JBB or JBMI-IP.

The JBB petitioner identified 13 individuals on the *padrón,* which they describe incorrectly as a "roll." They maintain these 13 are a "definite match" when compared with the petitioner's own genealogical records (Wood 2/1/2004, 70). Further, the petitioner maintains that these individuals are direct descendants of the historical SJC Indian tribe:

> Several members of the 1846 roll can be identified as ancestors of current tribal members. Moreover, the lineages descended from these enrollees have associated and intermarried with one another and with most of the various Juaneño family lines throughout the history of the community since the mission era. The 1846 Roll preserves a record of at least some part of the population of ex-mission Juaneños who settled at SJC after the decline of the mission. There were undoubtedly other Juaneño settlements in other places, but what makes this list so valuable is the central role that SJC played in the maintenance of the broader Juaneño community in the ensuing years. If we can identify the 1846 enrollees as historical figures, we ought to be able to show that they formed a core group of tightly interrelated families that evolved as a single cohesive community directly out of the mission community. If, in addition, we can show that subsequent Juaneño communities grew out of, or intermeshed with, the post-mission SJC community, then we will have shown that these later groups also developed continuously out of the tribal society at the mission. (Wood 2/1/2004, 69)

OFA's analysis of records from San Diego Presidio, Los Angeles, and San Juan Capistrano Missions does not support the claims regarding the 13 listed on the census. The 13 individuals identified by the petitioner were Jose Maria Cañedo, Fernanda Cañedo, Clara Silvas, Maria de los Angeles Silvas, Concepcion Silvas, Guadalupe Silvas, Lugarda Silvas, Tomas Gutierrez, María Antonia Cota, Maria Ygnacia Gutierrez, Francisco (listed by the petitioner as Franco Gutierrez), Blas Aguilar, and Antonia Gutierrez (Wood 2/1/2004, 70). The list does not include Primitiva Rios, who was a documented San Juan Capistrano neophyte.

The Cañedo and Silvas families originated from the garrison of San Diego Presidio and other presidios in California, and records at San Diego, Los Angeles, and San Juan Capistrano document several generations of the families. Other than the marriage of Jose Cañedo and Maria Gorgonia (an Indian from San Carlos Mission), there is no evidence in the records reviewed by

[65] "Zefarino," one of the free neophytes listed as receiving a land grant, was also known as "Zepharino Tarojes" a musician at the mission (Harrington 1836-1927, 2). He also appeared on the 1860 Federal census as "Sefarino Tanequi," along with his wife Aguida and several children (1860 Federal census, Los Angeles County, San Juan Township, page 182, dwellling #1638). His son Jorge was baptized at SJC in 1849 (SJC Baptisms #4674, 11/21/1849), and his daughter Maria Tranquilidad Jesus was baptized there in 1852 (SJC Baptisms #4740, 1/12/1852); therefore, it is reasonable to believe the family was living in the town at the time of the 1846 *padrón*. The Tarojes family was not recorded on the 1846 *padrón*. "Magdalena," or Magdalena Castengura," was also recorded as having baptized at least one child (Maria Valeriana Rios) in 1845, and another (Jose Maria Rios) in 1848. It is reasonable to believe that the Castengura/Rios family was living in SJC at the time of the *padrón*, even though Magdalena and her children were not enumerated on the document.

OFA of a marriage or relationship between a member of the Silvas or Cañedo families and historical SJC Indian tribe or Indians from other areas in California.

Jose Maria Cañedo received a house lot in San Juan Capistrano in 1841 (Bancroft in Engelhardt 1922, 140-141). He and his wife María Rosa Rios, the sister of Silverio and Santiago Rios, baptized several children at San Juan Capistrano in the early 1830's, but he was there as a member of the mission *escolta* (SJC Baptisms #4205, 1/5/1830; #4268, 5/30/1831; #4406,, 2/2/1835). He was a native of San Diego Presidio, and she was baptized at San Gabriel Mission in 1810 (San Gabriel Baptisms #4558, 7/9/1810). Fernanda Cañedo, who was included in the petitioner's list, was baptized at San Juan Capistrano, where her parents (Jose Maria Cañedo and Rosa Rios) were identified as "natives of San Diego Presidio and of Los Angeles," (SJC Baptisms #4268, 5/30/1831), not as natives of San Juan Capistrano.

Tomas Gutierrez also received a house lot in San Juan Capistrano in 1841 (Bancroft in Englehardt 1922, 1940-14). He, his wife Maria Antonia Cota, and their children Maria Ygnacia, Antonia, and Francisco were all listed on the 1846 *padrón*. The transcribed census lists five apparent children for the couple, but the petitioner identified only three as ancestors. OFA reviewed other records that connect Tomas Gutierrez and his wife to Los Angeles as early as the 1820s, and there is no evidence of their being in San Juan Capistrano before 1841. The couple baptized children in Los Angeles in 1821, 1823, and 1829 (San Gabriel Baptisms #6750, 8/21/1821; #7110,12/24/1823; Los Angeles Baptisms #173, 8/26/1829). The "María Ygnacia Gutierrez" identified here is likely the same woman who later married Gregorio Rios, although there is no marriage record in the available evidence that might identify her parents. There is no indication that this family had any connection to the historical SJC Indian tribe.

Blas Aguilar also received a house lot as part of the land grants awarded in 1841(Bancroft in Englehardt 1922, 140-141). The baptismal record of Blas Aguilar identified him as the son of the non-Indians Rosario Aguilar and María Morillo. His father was a soldier in the San Diego Presidio garrison, where the child Blas was baptized on February 3, 1812 (San Diego Baptisms #3873, 2/3/1812). Blas Aguilar later moved to San Juan Capistrano around 1841, and he and his wife Antonia Gutierrez baptized several of their children there. One was Benjamin Macario, baptized at San Juan Capistrano on January 3, 1857 (SJC Baptisms #147, 1/3/1857). Antonia Gutierrez, the wife of Blas Aguilar, may be the same individual listed on the 1846 *padrón*. She is also likely the daughter of Tomas Gutierrez and María Antonia Cota identified in the earlier paragraph. There is no indication that this family had any connection to the historical SJC Indian tribe.

According to the available documentation from the San Juan Capistrano registers, the people identified by the petitioner on the *padrón* rarely served as godparents for each other's children. José María Cañedo and his wife Maria Rosa baptized three children at the mission: Fernando, Fernanda, and Jesús. The godparents of Fernando were Francisco Serrano and Soledad Rios (wife of Juan Rodriguez) (SJC Baptisms #4205, 1/5/1830). Francisco Serrano and his wife Soledad Feliz served as Fernando's godparents (SJC Baptisms #4268, 5/30/1831). The godparents of Jesús are difficult to read, but the godfather's first name appears to be Jose, husband of María Clara Cañedo and the godmother was named Paula Peralta, daughter of Juan Peralta and Gertrude's Arce (SJC Baptisms #4406, 2/2/1835). Blas Aguilar's son Benjamin's

godparents were Juan Forster and his wife Isadora Pico Forster (SJC Baptisms #147, 1/3/1857).[66] The people identified by the petitioner were also not godparents of Maria de Jesus Rios, the child of Severiano and Primitiva Rios (SJC Baptisms #4457, 2/20/1837). Primitiva is the only documented San Juan Capistrano Indian on the *padrón*. Her child's godparents were identified as two single people (rather than a married couple), Antonio Yorba and Margarita Lopez.

The 1846 *padrón* appears to be a count of the growing non-Indian settler population, including the recipients of large land grants from ex-mission lands. The document listed one SJC Mission Indian woman named Primitiva, as well as two of her children (1846 Padrón, #23-#25). Primitiva is an ancestor of some members of the JBA petitioner and the JBMI-IP, but does not have descendants in the JBB petitioner.[67] The *padrón* also included María Gorgonia Cañedo, a San Carlos Indian woman, her non-Indian husband, and their three children still living in the home (1846 Padrón, #74-#77). Their adult son Jose Maria Cañedo and his family were also enumerated (1846 Padrón, #66-#70). Maria Gorgonia Cañedo and Jose Maria Cañedo also have descendants in the JBB, JBA, and JBMI-IP. However, it appears that the census listed both women because of their relationship to their non-Indian husbands, and not because they were Indians. The census did not include other Indians who appear to have been living at the former mission at this time. Further, the format of the transcribed census is consistent with other contemporary Mexican-era *padrones* that recorded the surname of non-Indians but did not record surnames for Indians. The *padrón* also listed a number of the JBA petitioner's ancestors, including Jose Maria and Maria Gorgonia Cañedo, Silverio Rios and some of his children by his non-Indian wife, Brigido and Maria Morillo, Tomas and Maria Antonia (Cota) Gutierrez, and Blas and Maria Antonia (Gutierrez) Aguilar, but none of these individuals were a part of the historical SJC Indian tribe . An evaluation of the document leads to the conclusion that the census was not a count or roll of Indians living at ex-Mission SJC, and that descent from people listed on the document does not constitute descent from the historical SJC Indian tribe.

The Early Statehood Period, 1848-1862

The Treaty of Guadalupe Hidalgo signed in February 1848 to conclude the Mexican-American War (1846-1848), ceded California, New Mexico, and Arizona to the United States. Under the terms of this treaty, the United States agreed to honor Mexican land grants in California, but many claimants eventually lost their lands due to mortgages, taxes, debts, or failure to receive proper title (Pitt 1970, 107). The United States government also negotiated 18 treaties between 1851 and 1852 with Indian groups in California, which would have extinguished Indian claims to most of California, leaving the Indians approximately seven million acres of reservation land. Congress failed to ratify the treaties.

The U.S. conducted its first Federal census of California in 1850. John R. Evertsen enumerated the population of SJC between February 18, 1850, and March 8, 1850. He counted dwellings

[66] The mission registers were renumbered several times, and there are actually two entries in 1857 numbered 147.

[67] Primitiva was also the sister of Lazaro, the father of Jose de Gracia Cruz (also known as "Acu"), a well known informant of Fr. St. John Sullivan.

467-472 on February 18, 1850, and then resumed the enumeration on March 7, 1850, when he recorded dwellings 473-491. This suggests that he was in the town itself and was thus able to enumerate several dwellings in one day. He enumerated the ranchos between San Juan and Tustin (dwellings 492-495) on the same day. On March 8, 1850, he enumerated dwellings 496-506, and then traveled north towards Los Angeles (OCCGS Quarterly 1976).[68]

Certain families of the JBB, JBA and JBMI-IP have ancestors in dwellings enumerated on the 1850 census (all 3 groups have families with ancestors in dwellings 474, 475, 478, 481, 488, 490, 497, 498, and 502; another 10 dwellings contain ancestors of families with members in 2 of the 3 organizations; dwelling 483 contains ancestors of families belonging to the current JBA petitioner only). Not all of these ancestors were from California. For example, the census enumerated the family of "Joaquim Arci" (dwelling #469). Arci (later spelled "Arce"), his wife, and three oldest children (ages 8, 6, and 5) were all born in Mexico, while his twin sons, Jose Vidal and "Jose" (which should read "Jose Cosme") were born in California and baptized at SJC (SJC Baptisms #4660, #4660A, 4/30/1850). Everston recorded all nine members of the Miguel Parra family (dwelling #486) as born in Mexico. Additional information in the record indicates that the Parras were originally from Sonora. The family enumerated in dwelling 480 with the surname "Velasques" appears to be the same family whose actual surname, recorded in other contemporary records, was "Belardes." The father and mother, (as well as a 3-year-old daughter) are recorded as being from Sonora, while the 1-year-old Teodisio was born and baptized in SJC (SJC Baptisms #4642, 2/20/1850).

These families appear to have moved to SJC at the time of the Gold Rush (1849). All three families established relationships with the families who already lived in SJC. Joaquim Arci's son Ramon fathered a child of SJC Indian Maria de Gomez (SJC Baptisms #1301, 3/19/1869), and his son Laureno fathered another child with this same woman two years later (SJC Baptisms # 1400, 10/27/1871). Miguel Parra served as a confirmation sponsor for SJC Indian descendant José Manuel Apolonio Rios (SJC Confirmations 8/2/1850, 2), and his children married or had relationships with other members of the early settler community. Teodisio Belardes also married a descendant of Silverio Rios, a former member of the *escolta, and his non-Indian wife Juana Barreras.*

The 1850 Federal census specifically enumerated 13 individuals as "Indian," but none of the petitioners claimed any of these individuals as their ancestors.[69] However, mission records indicate that some of the residents in the enumerated dwellings were descendants of the historical Indian population of SJC Mission and were still living in the town during this time. For example, SJC Indian Magdalena Castengura and her children (surnamed Rios) lived amongst the general population since the 1830's. The 1850 census did not enumerate Magdalena Castengura herself, but six of her children appeared in dwelling #488 with their non-Indian father, Silverio

[68] The record included a copy of the transcription of the 1850 census that was published in the Orange County Genealogical Society Quarterly. OFA compared the transcript with images of the actual census to verify spellings, ages, etc., and found the transcription to be very accurate.

[69] The instructions to the enumerators of the 1850 and 1860 Federal censuses did not include "Indian" as an official category. The only options available under the category of "color" were "White," "Black," and "Mulatto" (US Department of Commerce 1979, 14). The enumerators in SJC did not strictly observe this instruction.

Rios. Maria Isabel Uribes (spelled "Uribez" on the census) and her brother Jose Maria Uribes were the children of SJC Indian descendant Maria Marcela Cota (wife of Santiago Rios), who was the daughter of Maria Bernarda Chigila. Both lived with their spouses in the same dwelling in 1850 (dwelling #491). Jose's wife Clara was also a SJC Indian, the daughter of neophytes Diego and Clara Junjunuvit.

OFA examined the mission register of 117 children confirmed in the Catholic faith on August 2,1850 (SJC Confirmations, 1-5).[70] Of the 117 children confirmed, the register identified 56 (approximately 48 percent) as the children of parents (or single mothers) with no surnames. The lack of surnames suggests that these children and their parents were Indians, although there is no indication whether they were SJC Indians or Indians from other populations.[71] The percentage of confirmation candidates identified in this manner supports the notion that a substantial number of Indians was still living in and around SJC. Both Indians and non-Indians are identified as serving as confirmation sponsors for Indian children, although there are no examples of a non-surnamed Indian serving as the confirmation sponsor for surnamed, non-Indian children.[72]

Two years later, the State of California conducted a census in order to correct deficiencies in the 1850 Federal census. OFA examined the 1852 State census for Los Angeles, San Diego, and other California counties. The 1852 State census of Los Angeles County did not list individual towns or townships, but a number of families resident in SJC on the 1850 Federal census are identifiable on the 1852 State census. OFA used the information on the 1850 Census to estimate the boundaries of the 1852 town, and estimated the population to have been 696 individuals (1852 Los Angeles, CA, 116-128).

The 1852 State census for San Diego County differs in one important respect from the 1852 Los Angeles County census in that it identified a number of named Indian communities, with identified leaders (*capitánes* and "*alcaldes*"). The San Diego County enumeration identified "Ponto" as the "Capt of San Pasqual" and "Pedro Paladas" as the "Capitan [*sic*] of San Jose" (1852 San Diego and Sacramento, CA, 8, 11). The census enumerator in Los Angeles county listed 173 Indians just before the enumeration of a number of SJC residents and the JBB petitioner's ancestors (1852 Los Angeles, CA, 113-116), but included no identification of any *capitán* or *alcalde* on this list of Indians.[73] If this group of Indians had a leader, the census enumerator did not acknowledge his or her presence.

[70] The large number of children confirmed on one day may have been the result of SJC's relatively remote location in 1850. The bishop, who conducted confirmations, did not visit the town regularly. The bishop confirmed an additional group of children in SJC in 1851, but does not appear to have returned to confirm another group of 13 children until 1878 (SJC Confirmations, 7)

[71] This list does not include the children with an identifiable non-Indian parent, even if the other parent has been identified as an Indian or a SJC Indian.

[72] For example, non-Indian Emidio Vejar (also spelled "Bejar") was the sponsor for five consecutive children: non-Indians Teodisio Velardes and Aldolfo Manriquez, and Indians Sefarino, Augustin, and Francisco (SJC Confirmations, 3).

[73] The figure of 696 residents of SJC does not include the 173 Indians.

The current record does not identify any of these 173 Indians as the JBB petitioner's ancestors, and contains no information about this population. It is possible that these Indians may have been related to the 200 Indians Augustin Janssen claimed to have settled in a ravine near the mission in 1840. Whether the two groups were related to each other or not, the record indicates there was a distinct population of Indians near the mission that persisted for at least 12 years after the final emancipation of all California Mission Indians in 1840. No evidence in the record indicates that this group was a settlement of the JBB petitioner's ancestors, although individual members of this population may have later become part of the town's general population.

The JBB petitioner's SJC Mission Indian ancestors enumerated on the 1852 State census (most with surnames) lived among the general non-Indian population of the town of SJC. These ancestors appear to have joined the general population during the Mexican period through marriages or relationships with non-Indians, and did not reside in a separate Indian enclave. SJC Indian Magdalena Castengura was not enumerated in 1850, although some of her children were enumerated in their father's dwelling in 1850. However,she and her children appeared in the same dwelling on the 1852 State census (1852 Los Angeles, CA, 119). SJC Indian Primitiva Rios, who had been enumerated along with her children on the 1846 *padrón*, was not enumerated on the 1850 census, though her son was confirmed in SJC on August 2, 1850. She and her son may have been enumerated on the 1852 census under alternate names living in the dwelling of the wealthy Forster family (1852 Los Angeles, CA, 127).[74] SJC Indian Maria Isabel/Isabel Rios and her children Venancio (spelled "Benancio" on the 1852 state census) and Refugio were enumerated in 1852 census, as were Maria Isabel/Isabel's brother and sister in law Jose Maria Uribez and Clara (also a SJC Indian), along with four of their children (1852 Los Angeles, CA, 96). There is no evidence of a separate village or distinct social grouping of the JBB petitioner's ancestors (either Indian or non-Indian), or of their individual ancestors living in an Indian settlement.

At some point during the early 1850's a non-Indian family that had previously lived at San Gabriel Mission and in Los Angeles moved to SJC. The parents, Antonio Maria Oliveras and Maria Juana Dolores (Bermudez) Oliveras, were both descendants of old Spanish military families from San Diego and Santa Barbara Presidio respectively. The couple lived in the Los Angeles area for several years, and had several children at the time they moved to SJC and were enumerated on the 1852 State census (1852 Los Angeles, CA, 118). They baptized several subsequent children in SJC. Over the years, the spelling of the family surname shifted from "Olivas" (as it had been spelled on records at San Gabriel) to "Olivares" on records at SJC (it was also recorded as "Oliveras" on the 1852 State census). This family married into the population of the town of SJC, and has numerous descendants in the JBB petitioner. Some Oliveras/Oliveras descendants have no Indian ancestry, some have Indian ancestry from the historical Indian population of SJC Mission, and others have Indian ancestry from other California Indian populations. Their Indian ancestry appears to derive from subsequent

[74] A 31- year-old "Asencion Rios" was listed in the household of the Forster family. No other records refer to Primitiva by the name "Asencion," but she is the correct age to be the mother of the 13-year-old "Manuel Rios" listed directly after her (1852 Los Angeles, CA, 127). Severiano Rios, Primitiva's husband, could not be located on the census although he was still alive; he died in January of 1853.

marriages made after they moved to SJC around 1850. There is no evidence in the record to demonstrate that the Oliveras/Olivares family was of Indian descent.

The 1860 Federal census differed dramatically from the 1850 Federal census in the number of Indians recorded in SJC. While the 1860 Federal census did not record a separate Indian settlement near SJC, it did identify 213 people (approximately 32 percent of the 661 people in the township) as "Indian."[75] The population of 173 Indians that had been enumerated outside of SJC in 1852 was no longer in evidence, and there is no documentary evidence that those same Indians later moved into town (where they actually went also remains unknown). Further, on the 1850 Federal census, most of the Indians had been enumerated as individuals attached to a non-Indian household; on the 1860 Federal census, a number of family units appear to have been in place, with many of the Indian families living in contiguous dwellings (for example, dwellings 1561-1567, 1571-1573, and 1586-1590 contained all-Indian families as well as some individuals). Other individual Indians were living with non-Indian families as servants or laborers. Two Indian women and one Indian man were listed as having real property valued in excess of $100. Using a sample genealogical database from extant mission records, OFA identified 21 former neophytes and children of former neophytes still living at SJC and recorded on the 1860 census (see Appendix II). Nine of these individuals from four of the families recorded on the census have descendants in the JBA, JBB, or JBMI-IP (the families of Eustaquio Ricardes, Diego Yujunivit, Gregorio Rios, and Primativa Serrano/Rios).

The record does not indicate that all of the Indians living in the town of SJC in 1860 were descendants of the historical Indian population of SJC Mission. Many of the Indians from the historical mission Indian population had apparently left in the 1830's and 1840's, and the Indians who came to work on the ranches in 1860 may have been from a number of Indian populations (such as Luiseños, Diegueños, or Cahuillas). Other SJC Indians with descendants in the petitioner were, for unknown reasons, not enumerated on this census (for example, SJC Indian Maria Materna (Ayoubenet) Chavez, mother of Jose Doram, was not recorded on this census). There is no information as to how many of these Indians may have been part of the group enumerated eight years earlier in 1852. The Indians who had been living outside of SJC may have taken up residence on Pala or in some other Indian community, or moved to Los Angeles and joined the general population there. It is also possible that some of the Indians recorded among the population of the town of SJC in 1860 were also enumerated on the 1852 State census under different names. The record did not include any analysis of local land records (such as tax records, title deeds, and land sale transactions) from 1841-1860, which would indicate whether any of these Indians were from a group of former SJC Mission Indians who had received land after the secularization of the mission.

The census also enumerated many of the JBB petitioner's non-Indian ancestors. As on earlier censuses, they appear to have lived throughout the town of SJC, near other individuals (both Indian and non-Indian) who have no descendants in the petitioner. The census does not contain evidence of the existence of a distinct settlement of the petitioner's ancestors.

[75] The children of Indian women and non-Indian men do not appear to have been identified as "Indian," so there are several children who are also of Indian ancestry who are not identified as such on the census.

During the last months of 1862 and early months of 1863, a smallpox epidemic swept through the town. The mission burial register recorded 130 burials during the outbreak, of which 16 individuals were specifically enumerated as "*Indio*" or "*India*," and a total of 88 (including the aforementioned 16) were listed without surnames, a convention which implies that they were Indians. Of the 42 with surnames, three (Maria Rosa Aguilar, Jose Maria Cañedo, and Salvador Cañedo) appear to be the JBB petitioner's ancestors. Further analysis may identify other ancestors of the petitioner who died during the epidemic.

The smallpox epidemic decimated the substantial, unsurnamed, Indian population recorded on the 1860 Federal census living in and around SJC, and evidence in the record does not indicate that it ever recovered. Further, a drought, which began in 1862 and persisted through 1864, killed vast numbers of cattle. Many of the wealthy Mexican Mexican ranch owners lost their money and much of their land as their cattle died, and they were unable to pay the newly-introduced state property tax. While some major landholders, such as John Forster, maintained most of their property, most lost their land and their lifestyle.

Summary of Evidence Relevant to Community, 1835-1862

The evidence in the record indicates between the 1834 institution of the *pueblo de indios* and its dissolution in 1841, the predominant portion of the population of the town of SJC shifted from Indian neophytes and *gentiles* to non-Indian settlers and their families. The 1841 group of non-Indian settlers from San Diego, along with some of the SJC *escolta* families, a few descendants of the historical SJC Indian tribe, and some Indians from other former mission populations,comprised the founding population of the post-mission town. Some of the JBB petitioner's non-Indian ancestors are included in this population, though evidence indicates that only a few of them interacted with each other prior to the 1834 secularization of the mission. Over the next 20 years, the 1841 population incorporated subsequent arrivals from Sinaloa and Sonora after the 1849 Gold Rush, as well as old Spanish and Mexican military families from other parts of California, and families from other California Indian populations who moved to the area for employment.

Confirmation records indicate that some Indians and non-Indians shared the same confirmation sponsors, but that Indians were not named as confirmation sponsors for non-Indian children. This appears to be an indication of the lower status of Indians as compared to non-Indians or people of mixed-Indian/non-Indian ancestry. Further analysis of available records demonstrates that some other Indians from the historical SJC Indian tribe remained in the area (possibly living among the larger, distinctly Indian population recorded on the 1852 State census) until that population dispersed, moved, or died during the 1862-1863 smallpox epidemic. Some SJC Indian descendants became part of the general population during this later period and also formed social relationships and eventual kin ties with a number of non-Indian settlers who arrived during the Mission Period or during the era of secularization and emancipation.

The evidence available in the record demonstrates that a portion of the JBB petitioner's ancestors lived in the town of SJC between 1835 and 1862. The mission registers provide some evidence that these ancestors interacted with each other, particularly in assuming religious obligations as godparents. However, there is little other evidence in the record demonstrating interaction

among the JBB petitioner's ancestors. The Mexican, U.S. Federal, and California censuses do not demonstrate the existence of a separate community composed predominantly of the JBB petitioner's ancestors (either Indian or non-Indian), but show a town with a number of residents from various portions of old Mexican society. The evidence in the record does not demonstrate that the petitioner's ancestors derived from a single, post-Mission Period Indian tribe that evolved into a discrete entity. There is little to no evidence that these ancestors formed a community distinct from the rest of the population of the town of SJC between 1835 and 1862.

Evidence Relevant to Demonstrating Community, 1863-1879

The evidence in the record to demonstrate community between 1863 and 1879 includes, but is not limited to, Federal census records, mission records of marriages, baptisms, and burials, newspaper articles, photographs, and scholarly and researcher monographs (including interviews John P. Harrington conducted). OFA staff located additional photographs, scholarly monographs, confirmation records, and unpublished research notes.

In the aftermath of the smallpox epidemic and prolonged drought, a number of Americans took advantage of the Homestead Act and settled on the land in and around SJC after the Civil War (1861-1865). SJC received new American settlers (particularly English-speaking Protestants), but the Spanish language, Catholicism, and other customs from the Mexican period persisted, especially among the population descended from families in California before 1849. On March 3, 1865, President Abraham Lincoln issued a proclamation that returned the mission complex (previously sold to John Forster in 1841) to the diocese of the Roman Catholic Church. The Bishop of California claimed title to the sites of all 21 mission sites before the Land Commission, a body established in 1851 to review Mexican land titles. The Land Commission invalidated the sale of all 21 mission sites and returned title to the Catholic Church. Lincoln signed the order before his April 15, 1865, assassination, but the decree did not actually reach SJC until November of that year (Engelhardt 1922, 164-169). The Forster family moved from the mission complex to another home on their Santa Margarita Ranch, located in northern San Diego County (modern Camp Pendelton).

The Research of John P. Harrington

The most important sources of scholarly data and information about this period are the notes and interviews ethnographer and linguist John P. Harrington collected (Juaneño *Field Notes 1836-1927*). Although Harrington and others collected the interviews between 1919 and 1947 (Mills and Brickfield 1986, 85), much of the information refers to events in SJC in the mid-to-late 19th and early 20th centuries. Harrington's notes also include information Father St. John O'Sullivan (1874-1933) gathered. O'Sullivan, the priest whose efforts revitalized SJC Mission, collected many stories from local residents,[76] particularly Jose de Gracia Cruz (1844-1924), more commonly known by his nickname "Acu." The petitioner submitted approximately 45 abstracted pages from Harrington's notes, and OFA located and copied additional notes.

[76] According to several sources, Fr. O'Sullivan's original notebooks have not been located since the early 20th century.

Harrington's notes included information about the interaction between the various ethnic and class groups living in SJC during the 1860's. Father Jose Mut, the Roman Catholic priest at SJC from 1866 until 1886, was described as an advocate for the poor people in the town, including Indian and Mexicans.[77] The wealthier "*Californios*" (including John Forster's son Marcus Forster) attempted to gain control over much of the land and resources (particularly water) in town. According to one account, Forster submitted a petition for title to a ranch from land behind the mission, but Father Mut rallied the townspeople (including recent Russian immigrant Henry Charles) in objecting to this proposal. In 1869, Mut went to Los Angeles, hired a lawyer, and successfully opposed the petition. His efforts earned him the enmity of the "committee," a group of wealthy town residents including *Californio* ranchers Forster and Pablo Pryor, storekeeper Augustine Davis, and residents Pedro Verdugo and Pedro and Juan Valenzuela. They threatened to kill the priest. So serious was this threat that the priest carried a gun and a group of poorer SJC residents guarded him, including Indian José de Gracia Cruz ("Acu") and Mexican immigrant Mateo Romero (Harrington Notes 1836-1927, 3; 33). The notes also include one example of 10 men of the "committee" delivering vigilante justice to a Mexican named Pedro Cirildo, whom the "committee" lynched after he seriously injured an Indian during a knife fight (Harrington Notes 1836-1927, 39).

In addition to traveling to Los Angeles to file the lawsuit against Marcos Forster, Mut went to San Francisco and secured documents that allowed the poor people in town to obtain title to their land (Harrington Notes 1836-1927, 34). The 1873 report of Special Indian Agent John Ames corroborated Harrington's notes regarding Mut's efforts to protect the land titles of the poorer SJC residents. Ames reported that Mut showed him documents he had obtained from the archives in San Francisco which demonstrated that the pueblo of SJC had been divided amongst the Mexican and Indian inhabitants in 1841 (Ames 1873, 4).

Harrington's notes mention some of the JBB petitioner's Indian and non-Indian ancestors. One of Harrington's informants reported that María Antonia (Gutierrez) Aguilar, the wife of Blas Aguilar, spoke Acjachemen fluently (Harrington Notes 1836-1927, 22). Another informant described Venancio Rios as a singer during the Corpus Christi processions (Harrington Notes 1836-1927, 28). Cleotilda Rios (a.k.a. Matilda Valeriana Rios), daughter of Magdalena Castengura, described how her mother petitioned for title to her land when the territorial government distributed mission lands in 1841, and how Father Mut used her title in support of the 1869 lawsuit (Harrington Notes 1836-1927, 10). The notes also described a number of Indians (from SJC and elsewhere) who lived in the area, and who the JBB JBA, and JBMI-IP did not claim as ancestors (OFA did not identify these Indians as the petitioner's ancestors). Other town residents who were not the JBB petitioner's ancestors provided Harrington with information.

OFA analyzed the 1870 Federal census of San Juan Township. The census enumerated 5 of a total of 445 San Juan township residents as "Indian," none of whom are known to have

[77] Lisbeth Haas referenced the account book of Fr. Mut, in her book 1995 book *Conquest and Historical Identities in California 1769-1936 (*pages 93-4). The petitioner may wish to submit at submit a of Fr. Mut's account book if they feel it would be relevant to the case.

descendants in either of the petitioning groups or interested party.[78] The enumerator identified the rest of the population as "White," and classified as "White" several individuals previously identified as Indians (such as Victoria Romero, the wife of Mateo Romero in dwelling 56). Some enumerated families descended from the historical SJC Indian tribe of SJC Mission, such as "Jose Dolores Garcia," the great-grandson of the SJC neophyte Maria Bernarda Chigila enumerated in dwelling 22, as "White" (Jose Dolores Garcia has descendants in the JBA and JBMI-IP). However, few of the Indians enumerated in San Juan Township in 1860 appeared on the 1870 census, including individuals later enumerated again in SJC on the 1880 census. OFA examined the enumerated list of Indians in Los Angeles on the 1870 census to identify Indians enumerated on the 1860 and 1880 census, but could not locate any of them or to explain why the enumerator did not list them.[79]

The 1870 Federal census does not provide evidence for the existence of a community comprised solely or mostly of the JBB petitioner's ancestors. The JBB petitioner's ancestors did not occupy one distinct area of the town, and lived next door to other town residents the petitioner does not claim as ancestors. Several non-Spanish speaking Anglo settler families also resided in SJC, and these families lived throughout the town's general population.

In 1875, certain heirs of the original Mexican land grant recipients (but not any of the Forster heirs) filed a lawsuit regarding the status of the town's plaza and whether the heirs had any rights to this land. A "Memorandum of Agreement" dated October 11, 1875, named some of the individuals identified as the JBB petitioner's claimed ancestors, as well as Father Jose Mut (SJC Township c. 1875 Attorney's Opinion). The court documents contained a map dated December 10, 1875, which shows parcels of land in SJC 37 individuals owned (SJC Map 12/10/1875, 1-3). The map identifies some individuals by their full name and surname, and others by their surname and first initial. OFA identified six or seven[80] of the JBB petitioner's ancestors listed on the map located in different parts of town and not in a single area. Four individuals with descendants in JBA, JBB, and JBMI-IP (Blas Aguilar, Henry Charles, Juan Avila, and Rosa Rios) owned small parcels of land located next to each other, though Aguilar, Charles, and Avila also owned larger pieces of property elsewhere in the town. The map documents the three properties as being adjacent to each other, but the 1870 census did not enumerate the three owners in contiguous dwellings (Avila, spelled "Abila," was in dwelling 6, Aguilar in dwelling 12, Rios in dwelling 18, and Charles in dwelling 28).

Summary of Evidence Relevant to Demonstrating Community 1863-1879

[78] These five included the family of "Basilio Jurado" in dwelling 41 with four imembers, and a single male surnamed "Rios" in household 112.

[79] B.C. Whiting, the Superintendent of Indian Affairs for California, compiled a census of Indians from information he obtained from various agents and U.S. Marshalls. He estimated that there were a total of 30,103 Indians in the state, but added "too much reliance had been placed upon the Assistant U.S. Marshalls, who were engaged in taking the census. . . But few of them seemed to deem it a duty to enumerate the Indians except when they found them living in white families" (Whiting to Walker 12/15/1870; 1).

[80] The map names two individuals who may or may not be the same person: "Juan Avila," and "J. Avila."

The evidence in the record describes some of the economic and social forces which affected the town of SJC. The fortunes of the wealthy landholders and ranchers of the "committee" were shaped by the drought, the implementation of the state tax, and, in the case of the Forsters, the revocation of the Mexican land grant which had given them title to the SJC Mission. These men also found themselves in conflict with Father Jose Mut, who successfully litigated on behalf of the poor in the town. Support for Father Mut appears to have drawn some of the poor residents closer to each other and to the Catholic Church, even to the point of defending the priest against death threats. Some of the JBB petitioner's ancestors defended Father Mut and benefited from his advocacy, but other residents of the town also protected the priest. Some of the JBB petitioner's ancestors also opposed Father Mut's advocacy, and were among those who threatened to kill the priest. The evidence in the record does not sufficiently describe social interactions or the dynamics among the petitioner's ancestors and among groups living in the town.

The evidence in the record indicates that some of the ancestors of the petitioner were part of the same socio-economic group within the town of SJC, and may have established relationships due to their similar social status. However, the information in the available record is insufficient to demonstrate that the petitioner's ancestors formed a community distinct from the rest of the population of the town of SJC from 1863 to 1879.

Evidence Relevant to Demonstrating Community 1880-1919

The evidence in the record to demonstrate community between 1880 and 1919 includes, but is not limited to, Federal census records, mission records of marriages, baptisms, and burials, newspaper articles, photographs, scholarly and researcher monographs, including interviews John P. Harrington conducted, and county directories. OFA staff located additional photographs, scholarly monographs, confirmation records, and unpublished research notes.

OFA analyzed and cross-referenced information from the 1880 Federal census[81] with information from the SJC Mission sacramental registers. OFA'a analysis did not include any districts in Santa Ana, as the JBB petitioner did not specify which particular enumeration districts it used for its analysis.

The 1880 Federal census recorded 589 people in San Juan Township, and enumerated 41 individuals as "Indian." The enumerator listed 3 women identified in other records as "Indian" (Victoria Rios/ Romero, Salome Rios Perez, and Maria del Refugia Nimes/Almimia/Nunes Yorba) 16 children of Indian women as "White." Altogether, the census listed 60 people (approximately 10 percent of the town's population) either enumerated specifically as "Indian" or who OFA determined to be of documented Indian descent. The census enumerator, however, did not differentiate between the various ancestral communities of the various Indian descendants, such as Luiseños, Diegueños or SJC Indians. An indeterminate number of other

[81] The 1880 census enumerator, Richard Egan (1853-1923), lived in SJC since 1868. He served as school board trustee for 32 years, and held a number of other positions, including Los Angeles County supervisor, over the course of his life (Gibson 2001, 65-67).

residents enumerated as "White" also possessed varying degrees of Indian ancestry, although contemporary church and civil records did not identify these individuals as "Indians."

Information from various sources in the record (including ecclesiastical records and interviews) indicates that several (if not most) of the Indians in the town were not originally from SJC. For example, "Crysanta Serrano" (later recorded under her married name, Crisanta Mesa) came from Pala, although she arrived at SJC mission at a young age and lived there most of her life. Refugio Rios, although married to a man whose mother was a SJC Mission Indian (but who himself was not recorded on this or any other census), was likely also from Pala, as her 1861 marriage took place there (SJC Marriages #1571, 8/11/1861). Maria Cruz (wife of Jose de Gracia Cruz) appeared as a "San Luiseño" on the 1910 Indian Schedule, although it is not known whether she was born at Pala or at another Luiseño community. Erculana Martin/Martinez Olivares spent most of her life in SJC, but her first husband's death record identified her as an "*india de San Diego*" (SJC Burials #5243, 1/10/1868).

Enumerator Richard Egan also listed a number of Indians whose names are not typical for the area, (which may indicate that they were from other Indian populations), and for whom there is no further information. Examples included Carmen Cumaya, Ana Ustack, Maria Braule, and Leonoro Cohatches. The census listed several individuals identified as "Indian" who may have descended from the historical SJC Indian population tribe, but there is insufficient evidence in the record to identify them as descendants of this, or another, Indian settlement. Of the individuals Egan enumerated as "Indian" on the 1880 census, Maria Gomez, Vicenta Gomez (later enumerated with her father's surname, Arce), Nerio, Luci, Prena and Francisca Rios, and Jose de Gracia Cruz descended from SJC Mission neophytes.[82] The "Patricio Ricardo" enumerated as an Indian on the 1880 census is likely "Patricio Ricardes," the son of SJC Mission Indian Juana Bautista.[83] Egan failed to enumerate SJC Mission Indian descendants Jose Doram and Inez Ricardes, but both appear later on later civil and church records. Of the SJC Indian descendants Egan enumerated as "Indian" on the 1880 census, the Rios sisters and Patricio Ricardo/Ricardes have descendants in the JBA petitioner; none are known to have descendants in the JBB petitioner.

Information available from the census records indicates that some of the ancestral families lived near each other and near Indian families on Occidental Street (called "Los Rios Street" after 1936). There is insufficient evidence in the petition to determine (and OFA was unable to locate information about) how property was transferred during this time. Some of the individuals enumerated on the 1880 census owned real property. Although there are some references to Fr.

[82] It is worth noting that in 1880, all of these people were living next door to each other in dwellings 40 and 41. The Rios children lived with their mother and two other Indian women, while "José de G. Cruz" and his wife boarded María Gomez and her daughter Vicenta, as well as another Indian woman.

[83] OFA has not located a baptismal record for Eustaquio, the husband of Juana Bautista and father of Patricio and Inez Ricardes. However, available records support the identification of Eustaquio as a SJC Mission Indian, as he was identified without a surname, but as "neofito" of the mission, in the baptismal records of both his children. It appears that the family began to use the surname "Ricardes" after the 1851 baptism of Patricio, whose godfather was "Don Patricio Ricardes" (SJC Baptisms #4698, 2/3/1851). The family used the surname "Ricardes" on the 1860 Federal census.

Mut's assistance in helping the poor people in town obtain proper title to land they believed they had secured under Mexican rule (Harrington Notes 1836-1927, 5), the petitioner provided no title deeds or other land documents for analysis. The census indicates that the JBB petitioner's ancestors (Indian and non-Indian) and other people (including Indians with no descendants in the petitioner and non-Indian families) lived in the adobe houses originally built by and for the mission population prior to secularization in 1834. The record contains no information regarding the transfer of this property from one owner to another, particularly local tax records and plat maps, which might document the social dynamics of this particular neighborhood.

Catholicism in SJC

The mission itself remained the center of social and religious life for the town's Catholic residents, which included practically all *Californios*, recent Mexican immigrants, and Indian descendants. Church feast days, such as the Feast of Corpus Christi celebrated in the spring, remained important to the town's religious life. Harrington's informants described this particular feast at SJC as it was organized and celebrated during the late 19th century.[84] The feast occurred on the first Thursday or Sunday[85] after Trinity Sunday, commemorating the institution of the Holy Eucharist (*Catholic Encyclopedia*-newadvent.org/cathen/ 04390b.htm)) This particular feast has, as a central element, a public parade or procession. The entire Catholic population participated in the parade in the plaza. However, local organization of the Corpus Christi procession appears to have reflected the divisions of wealth, status, and ethnicity present among SJC Catholics.

According to Harrington's informants, "*Los Indios*" maintained their own altar in the southwestern corner of the mission plaza during the Corpus Christi celebration. The high-status (English/*Californio*) Forster family maintained the altar at the southeastern corner, the (*Californio*) Yorba family maintained the altar at the northeastern corner, and "*Los Sonorenos*" ("the Sonorans") tended the altar at the northwestern corner (Harrington Notes (Custodia Rios) 10/15/1927, 4).[86] A diagram describing the path of the fiesta specifically named sisters-in-law "Crisanta" (Crisanta [Serrano] Mesa) and "Matilda" (former SJC neophyte Matilda Sol/Aguilar) as tending to the Indian altar during these celebrations. There is no information in the record indicating which of the four altars the petitioner's Indian and non-Indian ancestors tended. Neither Crisanta nor Matilda is believed to have descendants in either of the petitioning groups or the interested party.

The SJC Mission sacramental registers contain evidence of a network of godparenting relationships that was particularly strong among the SJC Mission Indian descendants in the town

[84] The Feast of Corpus Christi is no longer celebrated at SJC, although it is celebrated on the Pala reservation at the Mission San Luis Rey (J. and R. Ramos, personal communication, 2006).

[85] In Europe, the feast is usually held on the Thursday after Trinity Sunday; in the United States and some other countries, the feast is celebrated on the Sunday after Trinity Sunday.

[86] John Forster, the progenitor of the Forster family, was a wealthy landowner born in England; his wife, Isadora Pico, was the sister of Pio Pico, the last Mexican governor of California. The Yorbas were another wealthy *Californio* family.

which sometimes incorporated non-Indians and Indians from other populations as well. OFA analyzed godparenting among some families identified as "Indian" in mission sacramental registers or on the Federal census, or for whom there is evidence of SJC Mission Indian ancestry. For example, Anastacia Davis Majel (who claimed at least part-SJC Indian descent on the 1928 Applications even though her mother originally came from Pala) served as godmother to three of the children of Francisco Sagura and his wife Ramona Ybarra Sagura (SJC #1832, 5/23/1883; #1875, 4/5/1885; #1918, 2/14/1887). The Saguras may have come from Pala.[87] Anastacia and her half-brother Ambrosio Valenzuela[88]were co-godparents not only to Maria Sagura (SJC Baptisms #1918, 2/5/1897), but also to another child named Magdalena Morales, the daughter of Emilia Gingochea (SJC Baptisms #2134, 1/26/1896). Jose de Gracia Olivares and Mariía Antonia (Gutierrez) Olivares served as godparents to three of Anastacia [Davis] Majel's children (SJC Baptisms #1969, 10/13/1889; #2080, 4/1/1893; #2125, 7/14/1895). Maria Antonia Olivares descended from Maria Gorgonia, a San Carlos Mission Indian. Chilean Jose Serey (also spelled "Serri" and "Serry") and his wife Cleotilda, a SJC Mission Indian descendant, were godparents to the Indian Feliz De Mata (SJC Baptisms #1622, 11/21/1877). The De Mata family was an Indian family who lived at SJC during the 1870's and 1880's, but is not clear whether they were SJC Mission Indians, of if they came from another California Indian population. Jose de Gracia Cruz and Maria Antonia Oliveras have descendants in the JBA, JBB, and JBMI-IP, as does Cleotilda (Rios) Serey. Emilia Gingochea also has descendents in the JBA petitioner.

SJC Mission Indian José de Gracia Cruz ("Acu") and his Luiseño wife María were godparents, separately and jointly, to several children, some of known SJC Mission Indian descent. SJC Indian descendant José Manuel Polonio Rios and "Acu" were first cousins. "Acu" was the godfather to José and Refugio Rios' son José Apolonio (SJC Baptisms #838; 4/11/1865). Acu and his wife were also the godparents of José Antonio Serey (SJC Baptisms #1853, 5/21/1884), son of José Serey and Cleotilda Rios, a descendant of Magdalena Castengura. María, "Acu's" wife, was the godmother of María Tomasa Robles (SJC Baptisms #1572, 1/2/1877) the daughter of Andrés Avelino Robles (an Indian from San Diego) and SJC Mission Indian María de los Angeles, with a "Francisco Yorba" serving as the godfather. A year later, "Acu" and Maria were godparents to Francisco Yorba's son, Jose LazaroYorba (SJC Baptisms #1649, 2/19/1878), whose mother was "Maria de Jesus." The baptismal register did not identify this woman as an Indian, but the lack of a surname indicates that she was probably an Indian; there is no information as to whether or not she was from SJC. Several of these individuals have descendants in JBA or JBMI-IP; none are believed to have descendants in the JBB petitioner.

[87] The Saguras (sometimes recorded as "Saguas") appear to have been related to Jose Dolores Mesa, Anastasia's stepfather. In 1910, "Frank Saguas" (properly, Frank Jr.) was identified as an Indian on the Federal Indian schedule living in the household of Crisanta and Jose Dolores Mesa. His mother Ramona was also living in the household, and was described as the niece of the head of the household, Jose Dolores Mesa. Several records identify Mesa as having originally come from Pala (as had Crisanta). On the 1910 Federal Indian schedule, however, the entire household was enumerated as "SJC" Indians.

[88] Ambrosio Valenzuela's was the son of Crisanta and non-Indian Juan Antonio Valenzuela (SJC Confirmations #5, 4/20/1884). However, his marriage record misidentified his mother as "Santos" and referred to her as a "neophyte" (SJC Marriages #1865, 6/7/1895), even though she came to SJC from Pala years after the mission had been secularized.

"Acu" and María were also godparents and guardians to Maria Victoria Romero (1890-1962), who used her middle name, Victoria. Her father, Mateo Romero, was an immigrant from Sonora.[89] The census enumerated his first wife, Victoria Robles, as an Indian on the 1860 Federal census, and her marriage record identified her as a Diegueño Indian. Victoria died and Mateo married another Diegueño Indian, Bernarda Cabachichi. Both of Victoria's parents died before she was 18 (Bernarda died in 1901 and Mateo in 1907), and the 1900 Federal census enumerated her in the household of "Acu" and Maria, before her mother's death.[90] The childless "Acu" and Maria raised their goddaughter as their child, and she lived next door to her godparents when enumerated on the 1920 census with her husband Jose Doram (the son of SJC Mission Indian María Materna Ayoubenet) and their children. According to interviews with her daughter Bernice (Doram) Jim, Maria Victoria Romero eventually inherited her godparents' property (Rios, Juanita et al. 1982, 6). The Dorams have descendants in the JBA and JBB.

The records of baptisms, marriages, confirmations, and burials from SJC (and, to a lesser extent, places such as Los Angeles) contain many details that indicate a level of community among the JBB petitioner's ancestors (both Indian and non-Indian, as well as other people who are not ancestors of the petitioner) who were, at the turn of the century, residing in the town of SJC, particularly in a neighborhood near the mission. The JBB petitioner has not analyzed this evidence to demonstrate significant social relationships among its ancestors.

Additional Records

The record included a few civil records which identify the residents of the town of SJC during the 1880's, including some of the Indian and non-Indian ancestors of the petitioner (mostly the property-holding male residents).[91] The "Los Angeles Directory 1881-1882" recorded a person's name, his or her residence in "San Juan," and the amount of land the person owned. The abstracted postal directory with the citation to "Capistrano CA Directory I, 1883-1884, 1-2" is a transcription of the *Los Angeles City and County Directory, 1883-84*, pp.340-344 that the Orange County California Genealogical Society (OCCGS) published in December 1987. The OCCGS transcription of "Capistrano [:] A Post and Express Office 60 Miles Southeast from Los Angeles" listed names and occupations. It appears to be a word-for-word transcription. Neither document identified any of the residents of SJC as "Juaneño" or "Indian," or used any other ethnic identifier. The JBB petitioner and JBMI-IP submitted copies of this abstract, but the copy submitted by the JBMI-IP differs in that some unknown person added figures (presumably indicating how much property each resident owned, although no source for these figures is cited

[89] "Acu" and Romero also served together guarding Fr. Mut from the men of the "committee" during the 1860's (Harrington Notes 1836-27, 3).

[90] The 1900 Federal census listed Victoria as a "niece."

[91] OFA was unable to locate a contemporary plat map which would indicate where each person's land was located. The historian Lisbeth Haas included a reproduction of a 1886 tax assessment map of SJC in her book *Conquests Historical Identities in California 1769-1936* (Haas, 1995, 96), which appears to show land some of the petitioner's claimed ancestors owned. The petitioning groups have not included any maps from this time period (from either the Los Angeles or Orange County Archives) that might demonstrate where their claimed ancestors lived in relation to each other.

on the documents) next to the names of the residents. None of the documents identified any of the residents as "Juaneño" or "Indian," or used any other ethnic identifier.

The JBB and JBMI-IP also submitted identical copies of a document entitled "Table: Juaneño Tribe Members Identified in 1883-84 Post Office Directory," which appears to include the names of 25 men they claim were "Juaneño Tribe Members." The columns labeled "Listed Name" and "Occupation" reflect the information found in the published post office directory. However, the columns labeled "Possible Identification" and "Reference" are the unknown compiler's annotations showing possible full names (such as "Augustino Manriquez" for the "A. Manriquez" listed in the directory), family relationships, and sources of information, such as "final roll #," "1846 Roll," or "tribal genealogical records." Thus, this table is a partial list of the original postal directory annotated in recent times.

The sources for these identifications of individuals as "Juaneño tribal members" are problematic. First, the reference given for two individuals is the "1846 Roll," presumably the 1846 *padrón*. As previously discussed, the 1846 *padrón* was a census of those people living at the mission, but most were non-Indians or the descendants of Indians from other mission communities. The only identifiable SJC Indians on the *padrón* were Primitiva Rios and her two children. It is not an Indian roll. Some men identified as "Indian" members of a "Juaneño" entity on this table were not of Indian ancestry. For example, the list included the Russian-born Henry Charles. Charles was a long-time resident of the town, but he was not an Indian. Henry Charles has descendants in theJBA petitioner through his first wife, and in the JBB petitioner through the marriage of one of his children to a Eustaquio Ricardes and Juana Bautista anddescendant. Lino de Romero married a SJC Mission Indian descendant (Branila Gomez, daughter of Maria de Gomez), but there is no evidence that he himself was of Indian descent. Lino and Branila de Romero have no known descendants in either of the petitioning groups. In addition to the inclusion of people with no verifiable Indian ancestry, the list inexplicably excludes the well-known Jose de Gracia Cruz ("Acu"). The abstract lists "Cruz, J.G." as a resident in the town, but he is not included on the JBB or JBMI-IP petitioner's list of "members" from this era even though he descended from the historical SJC Indian tribe. His goddaughter/foster daughter's children are also members of the JBA and JBB petitioner. In all, the table retroactively identifies the ancestors of current members of both petitioning groups and the interested party (and includes some people without living descendants in the current petitioning groups) as "Juaneño," and uses problematic or incorrect information to support these identifications.

The JBMI-IP submitted an abstract of the 1900 Federal census of SJC Township two of its researchers prepared (Evans and O'Neil, 2005). The abstract organized census information into six columns, "House Number," "Household Number," "Family Name," "Personal Name," Relationship to Head of House," "Employment," and then added a column entitled "Notes." The "Notes" column listed 281 residents (out of a total of 385) "Indian," while one person's Indian identity is qualified with a question mark. The abstract also noted eight "Indian" individuals also marked with the letter "M," while one individual is marked with a "W." There is no accompanying key explaining what the "M" and "W" signified. There is also no accompanying information explaining how the researchers determined that all of these people were actually "Indian," or if they included Indians who did not descend from the historical Indian population of SJC Mission in this category. The information they included in the "Notes" column did not

come from the 1900 Federal census, which identified 227 of the people as "White" and the remaining 54 as "Mexican." The JBMI-IP analysis also identified some individuals as "Indians"who were actually born in other countries. This makes it highly unlikely that they descended from the historical SJC Indian tribe. For example, the abstract listed Gregorio Ambrosio, in household #46, as "Indian, but the census actually enumerated him as a native of Spain, of Spanish parents, who immigrated to the United States in 1889 (1900 US Census, Orange County, San Juan Township, Sup. District #6, Enumeration District #145, Sheet 2B, dwelling #46). Mateo Romero (spelled here as "Romaro") in dwelling 21 was also identified as an Indian in the petitioner's document, although he and his parents were from Mexico (1900 US Census, Orange County, San Juan Township, Sup.District #6, Enumeration District #145, Sheet 1B, dwelling #21). Although Romero married two women of Diegueño descent, he was not of California Indian descendant. It appears that in its analysis the JBMI-IP identified all of its claimed ancestors as "Indian," regardless of whether the ancestors were a SJC Mission Indian, an Indian from another population, a non-Indian married to an Indian, or a non-Indian married to another non-Indian.

The 1910 Federal census included a special schedule recording Indians. The 1910 Special Indian Schedule for SJC enumerated 19 Indians in the town. Ten members of the Mesa and Majel families were enumerated in one household. All identified themselves as SJC Indians even though at least three (Crisanta and Jose Dolores Mesa, and Francisco Majel) were actually Luiseños (either Pala or Pauma Indians) who later moved to SJC (1910 Census, San Juan , CA, page 7A, dw. 111, fam.114).[92] None of the family members, including Anastacia Majel's children, have known descendants in the current JBB petitioner.[93] The enumerator identified five other individuals as SJC Indians (Ramona Saguas, Frank Saguas,[94] Jose de Gracia Cruz, Maria Gomez, and Esmila Arce), but they also do not have any known descendants in the petitioner. The remaining four Indians were from other mission Indian populations (one "San Luiseño" and three "Diegueños"). As far as can be determined, none of these people have descendants in JBA, JBB, or JBMI-IP, and therefore are not ancestors of the current JBB petitioner.

The record contained a newspaper article that claimed that the JBB petitioner's ancestors had to deny or hide their Indian identity in order to avoid persecution from non-Indians. According to this article, the ". . . number [of people identified as Indian on the special schedule] doesn't include Chief Jose Duram [*sic*] and others…because they were afraid to come forward" (*Orange County Register* 7/7/1997; 1). Jose Doram (an ancestor of some members of the JBA and JBB) was a well-known Indian, both inside and outside of SJC, but no documentation in the record

[92] The Majel family submitted application forms for the 1933 Census Roll, and cited their ancestry as being Pauma rather than Pala, which is where multiple other sources indicate their ancestry originated (Claims Application #9264 and #9265). Forty people of either Pauma or part-Pauma ancestry were enumerated on the Pala reservation on the 1900 Federal Indian Schedule (1900 Federal Indian Schedule, San Diego County, page 212-213), indicating that people of Pauma ancestry had probably been living there for decades.

[93] Francisco and Anastacia Majel's sons Abel and Juan both took part in a number of activities (such as claims activities and parades) at SJC during the 1950's and 1960's.

[94] Frank Saguas's mother and wife were both named "Ramona." The 58-year- old woman recorded on the 1910 Indian Schedule was 25-year- old Frank Saguas's mother.

identified him as a "Chief" during his lifetime. He married Jose de Gracia and Maria Cruz's goddaughter/foster-daughter: the 1910 Special Indian Schedule enumerated them as SJC and San Luiseño Indians, respectively. Some of the JBB petitioner's ancestors were also godparents to the children of people on the schedule, or to the people themselves, and all appear to have been well integrated into the SJC general population. There is no available evidence of any reluctance of either the petitioner's ancestors or other individuals to associate with the Indians enumerated on the Special Schedule. There is also no available evidence of overt hostility against Indians in SJC at this time.

Social and Community Events

In addition to the baptismal, confirmation, marriage, and burial records the Catholic Church maintained, other records provide insights into life at SJC. For a few years during the early 20th century (1917-1921), the mission kept a "chronicle" of town events. The document is entitled *Chronicles by and about Juaneño People, Mission SJC* (Mission Chronicles 1917-1921), but various individuals working at SJC Mission actually kept the notes. The document credits authorship to "Bill Sheehey," "James Killian," "Delphina Rios," and others. Of these individuals, only Delphina Rios (a descendant of Magdalena Castengura) is the JBA petitioner's claimed ancestor; she has no known descendants in the JBB petitioner or JBMI-IP.

Although the *Chronicles* covered only four years, it contained interesting details regarding life in SJC, as well as events at SJC Mission. For example, several entries documented reconstruction projects at the mission, from the preparation of adobe bricks to the tearing down of walls. It also mentioned a young man from the town leaving to serve in the armed forces, as well as assorted weddings and funerals. It even included a record of 10 girls who participated in a contest to name "The Most Popular Young Lady in SJC" on January 31, 1919. OFA identified three of the petitioner's ancestors among the participants in this contest (Adella Yorba, Louisa Manriquez, and Fay Stansfield). The document mentioned several of the petitioner's ancestors as well as ancestors of JBA, JBB, and JBMI-IP, including Doralisa Martinez, Buenaventura Garcia, Paul Arbiso, Damian Rios, Celso Lobo, and Jesus Aguilar. The *Chronicles* mentioned these people over the course of four years, but they were not necessarily mentioned in association with each other or with other people identified as the JBB petitioner's ancestors in a way that would show they formed a distinct subgroup of the town's population.

The record included a number of photographs to document community, including images of marriages, family celebrations, and some formal portraits. OFA also located additional photographs. One photograph is purported to be from 1896, as a photograph of a wedding at the home of non-Indian Ricardo Parra and his wife Dionisia (Rios) Parra (a descendant of SJC Mission Indian Maria Bernarda Chigila).[95] According to notes included in the record, the 85-year-old Vita Arce (a descendant of both SJC Indian Maria Bernarda Chigila and Diegueño Erculana Martin/Martinez Oliveras) identified the individuals in the photograph in 1982 (Johnston 5/20/1982, 1). A total of 15 people appear in the outdoor photograph (the copy of the

[95] The Mission register indicates that the Parras were themselves married on November 18, 1874, 22 years prior to the 1896 reference, the date the petitioner provided. There is no information identifying the people who were supposed to have been married in the photograph.

image the petitioner submitted is not particularly clear, and there appear to be people standing behind others in the photograph). Arce identified eight by name. One unnamed man standing in the background wears a Plains-style headdress and holds something that looks like a staff or pole. Three other men, including one Arce identified only as "the medicine man" and another she identified as "the bridegroom," wear indeterminate clothing, including breechcloths. There are also two other musicians playing a violin and guitar respectively. The "groom" sits on a rug. Of the eight individuals Arce named, four (Josefa Sanchez, Delfin Serey, Andres Garcia, and Tronsita Parra) were either Indian descendants (although not necessarily SJC Mission Indian descendants) or JBB, JBA, and JBMI-IP ancestors. Two ("Baby" Belardes and Filimina Aguilar) share surnames with other JBB, JBA, or JBMI-IP ancestors, but do not appear in the petitioners' genealogical databases under these names. One (Delfina Serey) appears to be the spouse of a SJC Indian descendant, but there is no additional information about her own ancestry, and the one child of the couple listed in the petitioner's database has no descendants in the JBA, JBB or JBMI-IP. OFA could not identify a "Juan Bayes." The record included no additional analysis of the photograph.

The record included another image, dated 1890, identified as a wedding at the Ricardo Parra family home. The list accompanying the photograph did not identify a "bride" or "groom," and the photograph appears to be a generic outdoor fiesta with music and dancing (the JBB petitioner did not identify Ricardo Parra in either photograph, although the "groom" in the first photograph bears a resemblance to a man in another photograph identified as Ricardo Parra). The record included a list with the photograph that identified 19 individuals, several of whom were members of an extended family with descendants in the JBB, JBA, and JBMI-IP. The list identified a number of people in the photograph, including Dionisia (Rios) Parra, and two of her children (Tronsita and Ernesto Parra). It also identified Dionisia's brother Francisco Rios, his wife Louisa (Martin/Martinez) Rios, their son Ben Rios, Louisa's Brother Celestino Martinez, and Celestino and Louisa's half-sister Josefa (Oliveras) Sanchez. In addition, the list identified a man as "Damian Rios." The JABpetitioner's genealogical database identified two men named Damian Rios, one the half-brother of Francisco and Dionisia, and another (Damian Cosmo Rios) who was their fourth cousin. The JBB petitioner did not specify which of those two men attended the gathering. The JBB petitioner also identified the Rios's second cousin Delfin Serey and his wife Delfina, in the photograph, as well as three others with surnames associated with the petitioner's ancestors them (Ben Belardes, Filimina Aguilar and Domecinda Lobo). OFA identified Victor Manriquez from a baptismal record as the father of a daughter of Vicenta Arce, a SJC Mission Indian. As already noted, OFA could not identify Juan Bayes.

The document accompanying the photograph identified individuals from several families as attending the event depicted in the photograph, but most were related to the Parras or the Rios's through descent or marriage. The petitioner identified other SJC families as ancestors, but the petitioner submitted a list of attendees that demonstrates that members of these other families did not participate in the event. The record did not include additional information to identify others in the photograph, or demonstrate that people from a broader number of families attended.

The record included a photograph of a school class, and a document accompanying the photograph captioned "Photograph, First and Second Grades, Miss Brown Teacher" (Photo, San Juan School 1916, 1). The submission identified many of the children in the photograph, and

included additional information regarding individuals who are the petitioner's ancestors (SJC School 4/1916). OFA located a second school photograph dated 1910 (Hallan-Gibson et al., 2005, 76), and an OFA researcher observed another undated photograph during the 2006 site visit.[96] All three are similar to each other, and appear to be from roughly the same time period. The photographs do not demonstrate any segregation or social separation among the claimed ancestors of the petitioner and other SJC school children. The children in the photographs appear to be of differing ethnicities, and the document accompanying the photograph identified Basque and other children sitting and standing alongside the petitioner's ancestors. The photographs provide no evidence that local school officials segregated SJC school children byethnicity.[97]

Summary of Evidence Relevant to Demonstrating Community, 1880-1920

Information in the record from Federal censuses, the mission registers, and other available sources, demonstrates that a portion of the JBB petitioner's ancestors (both Indian and non-Indian) lived in the town of SJC and interacted with each other socially. Some evidence in the mission registers indicates that the petitioner's ancestors served as godparents and confirmation sponsors for other ancestors, though those identified as "Indians" appear to have served as sponsors only for each other. Non-Indians (both those who have descendants in the petitioner and others who have no descendants in the petitioner) and some people of Indian ancestry appear to have godparented for both Indians and non-Indians. The JBB petitioner did not systematically analyze information from the ecclesiastical records to demonstrate the existence of a distinct community of the petitioner's ancestors. The record contained, and OFA located, other photographs that show some interactions among the petitioner's ancestors, but by themselves are inadequate to demonstrate that the JBB petitioner's ancestors were part of a separate Indian community within the town of SJC.

The record contained no analysis of other significant social relationships among the JBB petitioner's ancestors. The city directories provided little useful information other than the occupation of a few individuals in town and whether or not they were owned real property. The directories identified some of the petitioner's claimed ancestors, but they also identified many other residents in the town who are not ancestors of the petitioner. No evidence in the record demonstrates the presence of residential clusters or "Indian" neighborhoods. The information regarding Occidental Street (now "Los Rios Street") demonstrates that some of the petitioner's ancestors lived in that area, but also shows that other people unrelated to the petitioner's ancestors lived there as well. The JBB petitioner's analyses of the 1883-1884 Los Angeles

[96] OFA located the photograph in a box of photographs at the San Juan Historical Society. Personal communication via telephone with Don Tryon, president of the Society, indicates that the photograph dates to this same pre-1920 period, but no firmer date was established.

[97] Historian Lizbeth Haas, citing an oral interview with JBA member Dom Doram, stated that: "Anglo-American residents of the town requested that Indian children be removed from the public schools and sent to Sherman Indian School in Riverside" during the 1920's (Haas 1995, 130). While some children (including members of Dom Doram's family) did attend Sherman, there is no evidence in the record to suggest that the non-Indian population of the town sought to remove children of Indian descent from the public school. No other interview in the record made this claim.

county directory misidentified some of the petitioner's ancestors as descending from the historical SJC Indian tribe, even when other evidence shows otherwise. The record did not contain other civil records such as voter rolls and military records.

Some evidence in the ecclesiastical records demonstrates that the JBB petitioner's ancestors associated with each other, but as part of the general population of the town of SJC. However, this evidence is insufficient to demonstrate the existence of a distinct community composed predominantly of the petitioner's ancestors. The evidence seems to show the JBB petitioner's Indian and non-Indian ancestors interacting with the general SJC population. While the JBB petitioner claims that its ancestors suffered from anti-Indian discrimination, the contemporary evidence does not support the petitioner's assertion. The JBB petitioner submitted no evidence of residential discrimination or of segregated schooling, nor is there any other evidence which supports the petitioner's claim that non-Indians discriminated against its ancestors because of Indian descent.

Evidence Relevant to Demonstrating Community, 1920-1963

OFA reviewed evidence to evaluate community between 1920 and 1963 that includes, but is not limited to, Federal census records, mission records, newspaper articles, photographs, interviews, scholarly and researcher monographs, unpublished research notes (including interviews John P. Harrington conducted with a group member) and county directories. JBB and JBMI-IP submitted additional evidence that includes, but is not limited to, similar (and sometimes identical) documents. OFA staff located additional photographs, scholarly and researcher monographs, and documents related to the preparation of the 1933 Census Roll. OFA staff also conducted interviews with members of the JBA, JBB, and JBMI-IP groups during a 2006 site visit. The evidence is insufficient to demonstrate that the JBB petitioner's ancestors comprised a distinct community.

The Mission School

Fr. St. John O'Sullivan (b.1874-d.1933), the priest whose efforts helped to make the SJC Mission famous, arrived in the town in 1910. He popularized the return of the swallows to SJC every St. Joseph's Day (March 19), and in 1928 organized the "Mission School." According to at least one interview, SJC residents, including several of the petitioner's ancestors, took part in two summer outdoor pageants to raise money for the school (Juanita Rios et al. 1982, 14-15). Programs from those pageants list some of the petitioner's ancestors as participants, as well as many other residents (Dutton 1972, 1; Anonymous, 1975ca, 1-4). There is, however, no evidence to indicate that O'Sullivan started the school as a response to any discrimination or segregation in the public school. Catholic children of all ethnic backgrounds attended the school from its inception, although at least one member of the JBMI-IP described feeling that the nuns treated the "White" children better than the "non-White" children (R. Nieblas 2006 [JBMI-IP], 21).

Some of the JBB petitioner's ancestors who lived in SJC (Indian and non-Indian) as well as some of the petitioner's current members, attended Mission School for at least a portion of their elementary education. Many of the townspeople (both the petitioner's ancestors and other

Catholic residents of the town) appear to have genuinely cared for Fr. O'Sullivan, and sent their children to the school. After his passing, people continued to send their children to the Mission School. The record did not contain additional information concerning JBB members and their attendance at the Mission School, or evidence of participation in any other clubs or activities associated with the school involving the JBB petitioner's ancestors or members to demonstrate that the petitioner's ancestors or members formed a predominantly or exclusively distinct community.[98]

Language

One form of evidence listed under criterion 83.7(b)(1)(vii) is ". . .cultural patterns shared among a significant portion of the group that are different from those of the non-Indian populations with whom it interacts…They may include, but are not limited to, language . . . . " The JBB petitioner submitted a summary of an interview one of its members born in 1920. The summary included a discussion of "Capistrano Spanish," which the interview subject described as a dialect particular to SJC. According to the interview subject: "…the influence of the different languages (dialects of Spanish, French and Indian) created a form of Spanish, which was called "Capistrano Spanish." "French and Spanish Basque families moved into the area and the combination of languages brought about this type of communication amongst all of us" (Helen McMullen, 6/3/2000, 12). The interview did not describe for how many years SJC residents spoke "Capistrano Spanish," and also seems to indicate that many of the residents of the town, not just Indians and the petitioner's ancestors, spoke the dialect. No other information in the record refers to "Capistrano Spanish."

The JBA petitioner and the JBMI-IP submitted information regarding the use of the "Acjachemen" dialect in SJC. They included information about, and some examples from, the "Lobo lexicon," a list of words a group member recorded when she was a child (CIC 5/19/1988, 2; Lobo, Viola 1937ca Lexicon). The JBA, JBB and JBMI-IP also submitted interviews in which the interview subjects stated they remembered hearing certain individuals speak the language when the interview subjects were young, including Jose Doram and Anastacia Davis Majel (both born in 1864), who both spoke "Acjachemen." Doram also reportedly spoke several other Indian languages as well as French, Spanish, Basque and English (*Coastline Dispatch* 5/31/1940, 1). Several other Luiseño-speaking Indians also lived in SJC, and probably spoke their dialect, which reportedly was different from "Acjachemen," but still intelligible. It may also have been that non-Indians who grew up with Indian friends or who worked with Indians also learned the language,[99] and that it was still spoken in the town by a number of Indians and non-Indians, as was Spanish and English. However, the record does not indicate that a significant portion of the petitioner's ancestors (rather than only a few individuals) spoke

[98] During the 2006 site visit to SJC, OFA observed two books the mission and "Mission School" published celebrating the 1976 bicentennial. Both appeared to contain information about some of the JBB petitioner's claimed ancestors and current members, including the history of the attendance of the "Mission School." These books were not included in the petition submission, and the petitioner may wish to submit copies of these two books, as well as additional information gathered in the subsequent 30 years.

[99] During the Mexican period, many non-Indian settlers and military families (a minority compared to the local Indian populations) spoke Indian languages (Hackel 2005, 311).

the Acjachemen dialect, and thus does not provide evidence for the existence of a distinct community.

Alfonso Yorba (who claimed to be a relative of some of the JBA petitioner's ancestors) kept a journal during the mid-1930's in which he indicated that he intended to write an article about Indian languages. Yorba conducted at least one interview with Jose Doram in July 1934 regarding the differences among various Indian dialects (Yorba 1934-1938, 2). In another journal, Yorba wrote that on May 4, 1935, he spent the day in SJC with his godfather "Ramon Yorba," along with other friends and relatives at "La casa de Esperanza" (a local name for the Blas Aguilar adobe). He wrote that during his visit ". . .we talked in Indian and we discussed Indian things about forming at some time a group of young men/young people interested in speaking the San Juaneño language" (Yorba 1935a, 65). It is unclear whether the gathering he described was part of a Mission Indian Federation meeting or if it was just an informal gathering of SJC residents. There are no other entries in the Yorba journal referring to any other gatherings at "la casa de Esperanza," nor other references in any of the documentation to language classes or lessons offered to teach the "San Juaneño" language during the 1930's.

Interviews

The record contains 26 interviews or summaries of interviews (the JBB petitioner 8, the JBA petitioner submitted 15, and the JBMI-IP 3) conducted with members of all groups, and with other residents of the town of SJC. The JBA petitioner submitted a document entitled *The Juaneño Band of Mission Indians Are Alive and Well* (Merrifield 9/23/1999), which contained a summary of 28 interviews (as opposed to the 26 included in the petition documentation) conducted between September 1998 and July 1999. The document does not, however, contain copies or transcripts of the interviews themselves.[100] The JBA petitioner should submit these 1998-99 interviews for analysis. The JBB petitioner submitted summaries of interviews, but did not submit copies or transcripts of the interviews themselves for OFA to evaluate. The JBB and JBA petitioners must submit copies of the actual interviews for the FD if the information is to be included in the evaluation, as OFA must base its evaluation on what the interviews actually say, not just what the petitioners claim they say. Likewise, the JBMI-IP submitted two incomplete interviews conducted with non-member residents of SJC (Elizabeth Forster 6/26/1971, 26; C. Russell Cook 6/15/1971) and is strongly encouraged to submit complete copies of all interviews.

OFA staff conducted interviews with 48 members of the two petitioners and the JBMI-IP interested party during the March 2006 site visit (17 from JBB, 17 from JBA, and 14 from JBMI-IP). The individuals OFA interviewed ranged in age from 29 to 88. OFA staff also interviewed three researchers and two widowed spouses (one had been "adopted" by the JBA while her husband was still alive; the other had been involved since her marriage in the early 1970's, and was active in the JBMI-IP, where her children are enrolled). One JBB interview subject was a lifelong resident of SJC, but most lived in the nearby towns and cities (such as Laguna Niguel and Santa Ana). A few lived a considerable distance away in towns in other parts of California. One JBB member interviewed currently lived out-of-state.

[100] The document includes an index of "supportive documents," but a search of the files failed to locate any of those documents. The petitioner is encouraged to submit copies of these supporting documents.

The information gathered from the interviews appears to indicate a difference between the members of the JBB ,JBA, and JBMI-IP who grew up and/or still live in or very near the town of SJC, and those who lived farther away. Those who grew up in or near the town saw each other frequently, particularly at church and in school. They knew and associated with each other, as well as with other people and other families who lived in the town who are not the JBB petitioner's ancestors or members. The "Mission School" and the mission itself were also important symbols to these families, not to mention a source of employment for a number of people. Many people lived (at least part of their life) on Los Rios Street (the former Occidental Street, the location of many of the adobe homes the neophytes built for their own residences).[101] Those who did not live there spoke of visiting relatives and friends who did. This neighborhood became an important symbol of their distinctiveness from other residents of the town. Their connections to the town's past distinguished them from the more recent (i.e., 20th century) Mexican immigrants, as well as increasing their pride in being members of the "old families" (which also included other residents, such as Mexican and Basque families) of SJC.

Some families moved away from SJC during the late 19th and early 20th century in search of better economic opportunities. Many settled in the nearby city of Santa Ana. The level of interactions with people still living in SJC varied for the families who left the town. Some families, particularly those who still had siblings and close relatives living in SJC, returned frequently. They also hosted relatives when they came to visit them. Others returned less frequently, sometimes for MIF meetings. Some kept in contact with other families they had known in SJC after they moved away, but others did not.

The families who moved away had more difficulty than the people remaining in SJC in establishing or maintaining a separate identity even nominally distinct from either the Mexican-Americans descended from families resident in California prior to statehood or the Mexican families who immigrated to California during the late 19th and 20th centuries. These families also encountered certain difficulties, including segregated schools and institutions that divided English-speaking residents from Spanish-speaking residents

SJC Residents

The people OFA interviewed who had grown up in SJC before the rapid population growth of the late 1960's and 1970's described Los Rios Street as a placewhere ". . . you could stop at anybody's house and eat . . ." (M. Walkingstick 2006, JBA [17]). It was also the type of place where, because of the small size, adults reported any misbehavior they observed (J. and R. Ramos 2006, JBA [n.t.]). Those who grew up on Los Rios Street described playing with other children from the area, as well as having friends among the recently-arrived Mexican families living in the "Little Hollywood" neighborhood and among the children of differing ethnicities who lived elsewhere in town. All stressed the closeness of the families on Los Rios Street.

[101] During OFA's 2006 site visit, several members of the JBA and the JBMI-IP petitioner described having lived, at one time or another, in a number of the houses on Los Rios Street. Two members of the JBA petitioner (born 26 years apart) discovered that they had both had the same bedroom in the same house. Members were also able to state the names of other families who had lived in the houses over the years, as well as describe homes (and the families that lived in them) that had been demolished many years ago.

Some of the people who grew up in or near SJC (such as on one of the nearby ranches), but who did not live on Los Rios Street recalled visiting with friends from school or visiting relatives who lived there. Most members who grew up on or had a close connection to Los Rios Street are currently enrolled in JBA or JBMI-IP, but a few members of JBB also visited friends and relatives there.

Older residents (born between 1920 and 1940) remembered the area as poor. Several remembered their parents being concerned about money and employment (F. Lobo 2006, JBMI-IP, [33]), particularly during the depression in the 1930's when few people had work. Most worked as children and young adults, along with other members of their families, picking walnuts and oranges along with other members of their families. One woman born in 1923 remembered that families made arrangements with the owners of particular walnut groves to harvest the nuts, and that the mission school closed for two weeks during the harvest in order to accommodate the children whose parents needed them to work (H. McMullen, 2006, JBB [30]). A man born in 1932 described an informal network of people looking for work, so the news would spread whenever anyone heard that a position was available (F. Lobo, 2006 JBMI-IP, [33]). No one recalled anyone else serving as labor recruiters or any single person who arranged for a group of families to harvest at a particular grove, although several knew that, in the late 19th and early 20th century, Jose de Gracia Cruz ("Acu") had been this type of labor recruiter among sheep shearers.[102]

A few people born between 1920 and 1940 described traveling from their homes in SJC to federal reservations, particularly Pala. Some remembered going to different reservations, but few could name the particular people their families visited. One woman who grew up in another neighborhood in SJC described people from a number of different SJC families traveling to Pala in 1934 for the funeral of a Luiseño man named Eustaquio Lugo[103] who lived in SJC for years, but who had returned to Pala shortly before he died (H. McMullen 2006, JBB [14-15]). This same woman also said that her father (b. 1880) and aunt (she did not specify which aunt) traveled to Rincon to visit a *curandero* (an herbalist or traditional healer), but did not remember visiting anyone during these visits (H. McMullen 2006, JBB [15]). Another woman who did not grow up on Los Rios Street remembered that her father (who died in 1946) had gone to a *curandera* at Pala, possibly for medicine to treat his stomach troubles, but could not recall the name of the practitioner (R. Nieblas 2006, JBMI-IP [14-15]). A man born in 1923 who grew up on Los Rios Street remembered going to Pala for the celebration of Corpus Christi (J. and R. Ramos 2006, JBA [n.t.]), but did not identify any specific people his family visited there. Two sisters who also grew up on Los Rios Street (the elder born in 1914, the other born in 1924) both described visiting Pala as children. One remembered visiting the reservation for the Corpus Christi feast

[102] One woman who grew up outside of SJC identified a man named "Pete Encinas" as a person who would recruit other Indians to pick walnuts for the various growers in the Irvine area (Anita Espinosa 8/13/2000, 12). There is a "Peter Marrón Encinas" identified in the petitioner's database, but he appears to descend from non-Indian settler families from San Diego. The record did not contain any additional information about this man or his activities.

[103] A 1934 obituary identified "Mrs. Felipe [*sic]* Olivares, Mrs. Reyes Stoffel, Miss Margaret Lobo, Mrs. Victoria Duram [*sic*] and daughter and Mrs. F.L. Ricardis [*sic*]. . . " as SJC residents who attended the Lugo funeral (*Coastline Dispatch* 4/20/1934, 1).

(Lobo, Marguerite et al. 1/13/1999, 3); the other described spending part of one summer on the reservation living with some relatives of her grandmother, probably in the 1930's (Villegas, Evelyn 5/16/1982, 17). None of the interview subjects recalled people from Pala or any other reservation visiting SJC for Swallows Day or other community celebrations.

Catholics described the influence of the church on their lives. Those who grew up on Los Rios Street and in other parts of the town remembered the various priests and nuns who served in the parish and taught at the Mission School. One woman born in the late 1930's who did not grow up on Los Rios Street did not have pleasant memories of attending school there (probably during the mid-to-late 1940's), and felt that the nuns favored the "White" children (R. Nieblas 2006, JBMI-IP [21]).[104] The people who attended the Mission School and the local public school agreed that the discipline at the Mission School was much stricter than that at the local public school, which they cited as being one of the reasons they switched schools (M. Walkingstick 2006 [19], H. Lobo 2006 [10-11]). However, another interview subject, born in 1952, had positive memories, such as polishing the silver for the sisters or doing other work to help the priests (J. Nieblas 2006, JBMI-IP [35]). Other people also remembered priests helping the poorer members of the community, regardless of their ethnicity. Two men born 15 years apart (1932 and 1947) described how the priests had helped Indian-descended families who were in need of financial assistance (D. Belardes 2006, JBMI-IP [29-30]; F. Lobo 2006, JBMI-IP [31]).[105]

Some of the interview subjects described the role of various women in maintaining the mission. One interview identified Felipa [Avila] Olivares (b.1872), Mrs. Lobo (possibly Hope [Robles] Lobo, b. 1893)) and Mrs. (Victoria) Doram (b. 1890) as women who participated in events at the mission during the early and mid-20th century, particularly during the month of May when the church celebrated the crowning of the Virgin Mary (H. McMullen 2006, JBB [24]). One interview subject also indicated that these women and several others were particularly involved in maintaining the chapel. Others identified people who had been employed at the mission over the years, as tour guides or gardeners, and in other positions (J. Nieblas 2006, JBMI-IP [29-30]). One woman also mentioned spending time at the mission cemetery on All Souls Day (November 2), cleaning and tending to the graves of family members. She identified some of the women (specifically "Delfina," whose identity is unclear), "Mrs. Dora," who may be the same "Mrs. Doram" referenced earlier, and Marie (Lobo) Wandell (b. 1904) who attended these gatherings throughout her lifetime (H. McMullen 2006, JBB [9-10]). In addition, she mentioned that some of the Basque families also went to the cemetery on All Souls Day, which implies that this was common to SJC Catholic residents.[106] None of those interviewed was able to give a precise date

[104] The JBB submitted an interview summary, in which the interview subject who attended the school in the mid-to- late 1930's also expressed the belief that the nuns favored the European-American children (McMullen, Helen 6/3/2000, 7).

[105] The same man also described how a priest had established a trust for the children of one member of the group (D. Belardes 2006, JBMI-IP [29]).

[106] Tending to graves on All Soul's Day is a well-documented custom in Hispanic Catholic regions, such as Mexico's "Day of the Dead." This would also explain why the Spanish Basque families were also tending the graves of their family members.

as to when these gatherings stopped taking place, but the tending of graves on All Souls Day is not practiced today.

A number of the interview subjects born in the 1920's and early 1930's described attending dances to celebrate various events, such as births, baptisms, and weddings, or just to have fun, with local people providing the music (H. McMullen 2006, JBB[21-22]; J. and R. Ramos 2006, JBA [n.t.]; F. Lobo 2006, JBMI-IP [20]). One man born in 1924 described attending what he described as a "new moon ceremony" at the home of José Doram, who died in 1940 (F. Lobo 2006, JBMI-IP [13-14]), but he was the only person who identified such an event.[107] This same man, who later went on to receive formal training as an anthropologist and linguist, also remembered how he had admired Jose Doram because he spoke several languages.[108]

Some people born in the mid-1920's also described attending wakes (*velorios*) and funerals in the homes along Los Rios Street, particularly the bonfires that used to accompany these events until they ceased sometime in the 1950's or 1960's (J. and R. Ramos 2006, JBA [n.t.]; Romero, Teeter 5/11/1998, 7-8).[109] *Velorios* nearly identical to the events described in the interviews were also documented in the book *Capistrano Nights,* which also contains some information about the wakes from the long-vanished notebooks of Father O'Sullivan (Saunders and O'Sullivan 1930, 160-161). The interviews indicate that these events were somewhat bounded by ethnic lines. For example, the JBB, JBA, and JBMI-IP ancestors and some current members of each group who were children at the time attended some of the dances and barbecues held on Los Rios Street predominately attended by other residents, whereas all SJC Catholic families attended events organized at SJC Mission, regardless of ancestry.[110]

Members of the JBB, JBA, and JBMI-IP described their relationship with their neighbors as relatively untroubled. Nevertheless, they claim they perceived some difference between themselves and their various groups of neighbors. One woman born in 1936 remembered children calling her an "Indian" in an attempt to insult her (M. Walkingstick 2006, JBA [31]). She attended both the Mission School and the public school in the 1940's and 1950's, and stated

[107] The description of this event was also very vague: "…when a new moon comes along, we all meet and talk about just general things" (F. Lobo 2006, JBMI-IP [14]). The JBB, JBA, and JBMI-IP may wish to provide more of an explanation of this event.

[108] The petition record did not contain any of the notes or transcripts of tapes made from F. and S. Lobo's linguistic project conducted in the late 1960's under the auspices of the Doris Duke American Oral History Program. If possible, the JBA, JBB, and JBMI-IP are encouraged to access these materials, as they would provide valuable information about life in early 20th century SJC.

[109] Although none of the interviews ever specifically dated when customs such as grave-tending on All-Souls Day and holding *velorios* specifically ended, a number of forces all seem to have come into play to end some of these older rituals that had persisted in the town since it was still part of Mexico. These included the introduction of the freeway in 1957, the incorporation of the town into a city in 1961, the dramatic increase in population in Southern California, and the change in the town from a primarily agricultural area to a primarily residential area. These factors appear to have altered or ended many of the old customs that had persisted in SJC.

[110] Likewise, one of the interview subjects stated that, although the Basques taught their neighbors how to play handball and played with them locally, when they went to play in tournaments, they played only against other Basques (J. and R. Ramos, 2006, JBA [n.t.]).

that in both there was an acknowledged difference between the "White" children and the other children (whom she described as "us Los Rios kids" and "the mission Catholic kids"), but that the difference did not translate into any discriminatory acts (M. Walkingstick 2006, JBA [31]). Another man born in 1954 told a story about attending school and having a teacher tell him to take off his jacket,(which he loved because it was like the one his father wore) because the teacher said it made him "look like a bum" (W. and C. Lobo 2006, JBA [28]), which he took as a racial insult. When asked, this same man also said that economic class also played a part in the discrimination in town during the 1950's and 1960's, because the people with money, power, and influence were all outsiders, and were "all White" (W. and C. Lobo 2006, JBA [31]), and the rest of the residents were working-class.[111] Another said he was called a "dirty Mexican" in school during the same time period (D. Belardes 2006, JBMI-IP [26]).[112] However, no one described any children of different ethnic backgrounds shunning them or being forbidden to play with them. Some described lifelong, close friendships that developed among children of different backgrounds (J. and R. Ramos 2006, JBA [n.t.]). No one described any serious tension between their families and the Mexican "Nationals" who moved into the area, although some people did describe a sort of friendly neighborhood rivalry between the children who lived on Los Rios Street and the children who lived in "Little Hollywood."[113]

When asked if group members frowned upon dating or marrying people who were not of "Juaneño" descent, none of the 2006 interview subjects stated that spousal choice had been an issue for them. One woman who had married a Mexican man[114] stated that she had gone to school with her husband and had known him and his family all her life, and no one ever expressed anything negative about her marrying a Mexican (E. and P. Garcia 2006, JBMI-IP [n.t.]). A few of the other respondents noted that individual family members expressed concerns about their marrying "White" people, but that they were also concerned when people married non-Catholics (C. Odgaard and A. Silvas 2006 JBMI-IP [n.t.]; L. and M. Valenzuela 2006, JBA [25]). Based on the information contained in these interviews and evidence derived from other sources in the petition records, the JBB, JBA, and JBMI-IP ancestors and members regularly interacted with and married other Spanish-speakers, including those from the "old" families (pre-

[111] One gentleman made reference to the term "*los niños cabrones*." He defined it as a term he had heard in his youth to describe people who aspired to a different class status. None of the other people interviewed brought up this term.

[112] Several members who grew up both inside and outside of SJC described being "lumped in" with Mexicans.

[113] Several people described having friends among the children of the Mexican immigrants (referred to as "Nationals," presumably to distinguish them from Mexican-Americans) who lived in the "Little Hollywood" neighborhood during the 1940's and 1950's. It seems that, until the children began making friends with each other in school, the children from Los Rios Street seldom played with those from "Little Hollywood." No one remembered their parents or other adults telling them to stay away from the "Nationals" camp or hearing any derogatory remarks being made about the Mexican residents in the neighborhood, but no one remembered the adults from Los Rios associating with the recent arrivals.

[114] This woman did not specify whether her husband's family were 20th century arrivals to SJC, or if they were from one of the "old" Mexican families in town, and his genealogical information was not included in the genealogical database.

1852) more recent Mexican-American arrivals, and Mexican immigrants. Some also interacted with and married European-Americans.

The JBA petitioner submitted an interview that described prejudice in the selection of marriage partners, but it described anti-Mexican prejudice among "her people," the "Juaneño" group:

> . . . perhaps I shouldn't say it— but the thing is, my people were very prejudiced toward the Hispanics. My people did not believe in a girl marrying into another race but to stay with her race of people. Me? I did the mistake. I married a Hispanic which didn't fall very well with my people. But eventually they accepted him like it happens in any other way. (Villegas, Evelyn 2/17/1992, 5)

As the interview was conducted in relation to her identity as a "Juaneño," the reference to "my people" appears to be a reference to other SJC Indian descendants. However, this statement is inconsistent with an interview with the same subject conducted in 1982, in which this woman (born in 1924 and married in 1945) made no mention of any negative reaction to her marriage.[115] This is the only statement among the interviews which refers to any disapproval resulting from a marriage to a Hispanic.

The JBA petitioner submitted a 1999 interview in which a woman born in 1914 related that a young man of unknown ethnicity wanted to marry her. According to her, he had mentioned his intentions to a local business owner, who advised him against it, and said that the woman's family was "nothing but a bunch of dirty hoodlum Indians." (Lobo, Marguerite et al. 1/13/1999, 8) The attitude of this one man did not seem to dissuade her suitor, although in the end she elected not to marry him. As she recalled the events, the business owner did not make the comments to her, but to a third party. There is no indication that the owner insulted the woman or other members of her family directly.

The interviews provide no evidence of residential segregation in SJC. Although many of the families lived in adobes on Los Rios Street originally built for the mission's Indian residents prior to secularization, others described the neighborhoods of "Mission Flats" and "Los Amigos Street" as being areas where a number of "Juaneño" families lived. Some families also lived on area ranches. None of the informants described prohibitions from renting or purchasing a home anywhere in town.

Two people described an incident in which the new owner (who was not originally from SJC) of the local movie theater attempted to segregate the audience by putting European-American patrons on one side and non-European-Americans on the other side (this would have included the Mexican residents of the town). The interview did not provide a date for this event, but it was probably prior to 1950. According to the interviews, the theater closed soon after this policy was

[115] Ms. Villegas Lobo gave this interview in 1992, shortly after she was named "Town Matriarch," a position (along with the "Town Patriarch") the local historical society created. The historical society chooses the Matriarch from the elder women who have spent most of their lives in the town. Shortly after her appointment, she announced in the local newspaper that she wanted to be known by her maiden name ("Lobo") rather than her married name ("Villegas") because she wanted to emphasize her Indian heritage (*Orange County Register* 2/25/1992, 1).

implemented because the people of the town chose not to patronize it (J. and R. Ramos 2006, JBA [n.t.]; H. McMullen 2006, JBB [35-36]). However, it does not appear that the owner attempted to discriminate against a group of SJC Indians. With the exception of this event, none of the people interviewed described any other segregation or attempts at segregation in the town.

A number of the people interviewed maintained that their parents or grandparents experienced very abusive treatment from the late 1800's until the 1920's. Three interviews specifically mentioned that Indians in town had had "bounties" on their heads (F. Lopez et al. 2006, JBA [25]; J. Nieblas 2006 JBMI-IP [21-23]; D. Belardes 2006, JBMI-IP [27-28]). However, there is no information in the record to support these claims.

Families Outside of SJC

Individuals who grew up in larger towns and cities such as Santa Ana (20 miles NNW of SJC on Interstate 5) between about 1920 and 1970 described a much different experience than did their age-mates in SJC. At different points in its history, the California State government and local school districts practiced both de jure and de facto segregation in public education, which could provide the petitioner with evidence that its members constituted a group or subgroup distinct from the larger, Spanish-speaking/Mexican-descended population.

Prior to 1947, several Orange County school districts sent Spanish-speaking students of Mexican heritage to inferior, separate schools through the sixth or eighth grades on the basis of language. A 1946 lawsuit filed on behalf of these students resulted in the termination of the policy of linguistically-segregated schools (*Mendez et al. v. Westminster, School District of Orange County et al, 64 F. Supp. 544; 1946 U.S. Dist. LEXIS 2786; Westminster School Dist. Of Orange County et al. v. Mendez et al., 161 F.2d 774; 1947 U.S. App. LEXIS 2835).*

Several interview summaries submitted by the JBB petitioner identified four of these districts (Westminster, Garden Grove, El Modena, and Santa Ana) as areas where many of the petitioner's ancestors lived (O'Campo, Joe 8/18/2000, 6-7; Aguilar, John et al. 11/25/2000, 5), and where a number of the older members attended school. Some members of the JBB and JBMI-IP also grew up in these areas and remembered the Mendez case. The El Modena district, for example, maintained two schools named Lincoln and Roosevelt Elementary Schools located only 120 yards apart. One school for was Spanish-speaking students (by default, students of Mexican descent) and the other was for non-Spanish-speaking students (who were overwhelmingly European-American). The Santa Ana district operated Fremont school for Spanish-speaking students and Franklin for non-Spanish speaking students, and district officials bused students to the respective schools regardless of which school was closer to their residence (*Mendez et al. v. Westminster, School District of Orange County et al.,, 64 F. Supp. 544; 1946 U.S. Dist. LEXIS 2786*). One of the older members of the JBB petitioner described the Mendez v. Westminster lawsuit in a 2000 interview summary (O'Campo, Joe 8/18/2000, 8). Two members of the JBMI-IP who grew up in Santa Ana also remembered the *Mendez* case, and one remembered his mother working to help overturn that particular policy (R. Mendez et al. 2006, JBMI-IP). This segregation, however, was not aimed specifically at Indians (SJC or otherwise), but at Spanish-speakers (particularly, recent immigrants and Mexican-Americans). If other members or ancestors of the JBB, JBA and JBMI-IP worked together to overturn this system of

segregation as Mexicans or as Indians, the groups may wish to submit this evidence, including newspaper articles, minutes from organizational meetings, and court documents.

The JBB petitioner submitted a summary of an interview of a man born in 1923 that described attending a segregated public swimming pool in Anaheim that was off-limits to non-Caucasians, and also attending an integrated school because he and his brothers spoke English. However, the summary also described how the "White" students left the school en masse, leaving only the "non-White" students (Cruz, Raymond Frank, Jr. 6/25/2000, 8). Another JBB summary of an interview with a woman born in 1947 stated that the subject preferred to play with others from SJC in order to avoid being teased or called names (Espinosa, Anita 8/13/2000, 6). The summary, however, does not describe who would have been calling names, or what those insults were.

Many of the members of the JBB petitioner identified the Santa Ana neighborhoods of Delhi (pronounced "Dell-Hi"), Artesia, and Logan as areas where many families with connections to SJC lived. These neighborhoods were identified in other sources as "Mexican," and tended to grow up near factories or agricultural fields where people worked (Haas 1995, 202-203). Although California did not have restrictive covenants or certain other real estate practices which formally segregated residential areas, the members interviewed indicated that certain neighborhoods were informally off-limits to families who were not European-Americans and that harassing tactics and other methods were used to keep neighborhoods segregated.[116]

As in SJC, most people who moved away worked in agriculture, though the larger cities and towns did provide some other employment opportunities. One interview summary stated that the area packing houses did not want to hire Indians during the "Dust Bowl" unless there were small jobs left over (Espinosa, Anita 8/13/2000, (JBB) [8]). The subject did not clarify whether this applied only to "Juaneños" or if all Indians experienced trouble seeking packing house employment. This interview summary does not include any other information on discrimination in employment, although information from other sources certainly supports that Mexicans suffered discrimination. No other evidence in the record describes any specific anti-Indian discrimination directed against the petitioner's members.

Some of the members of the JBB, JBA and JBMI-IP who moved away still had relatives in town, and visited frequently during their childhoods during the 1930's and 1940's (F. Lopez et al. 2006, JBA [6]; L. and M. Valenzuela 2006, JBA [19]). Some continued to bring their own children back for regular visits. Others lived in SJC for a time before moving to another town or city, such as one man who lived in the town for a few years and attended school there during the 1930's (O'Campo, Joe 8/18/2000, JBB [8]). Others had little contact, although they knew from family members that their ancestry was from SJC (J. Frietze 2006, JBA [10-13]). Some people who lived in SJC remembered going to Santa Ana or other towns to visit their relatives or to shop (J. and R. Ramos 2006, JBA [n.t.]; R. Nieblas 2006 JBMI-IP [19-20]), although few described visiting people other than their family members. One woman (born in 1923) who grew

[116] During an informal conversation with a member of the JBB petitioner during OFA's 2006 site visit, the informant stated that she grew up in a predominantly "white" neighborhood, and was never able to figure out how her father "did it," implying that he had had to overcome either formal or informal residential barriers in order to move his family there.

up in SJC remembered that her mother and Anita Majel, one of Anastacia (Davis) Majel's daughters, corresponded after the Majel girl moved to Santa Ana, and even remembered that they sent each other little Christmas presents. She did not mention going to visit this woman with her mother (H. McMullen 2006, JBB [27-28]).

Most people described returning to SJC for family events rather than for community-wide events or particular religious celebrations, though some did remember attending Swallows Day after 1934 (Aguilar, John et al., 11/25/2000, 7). None of the people interviewed indicated that there were any special feast days when "Juaneño" people returned to the mission to celebrate. One interview subject born in 1944 stated that his family brought him and another young cousin to be baptized at the mission at the same time (F. Lopez et al. 2006, JBA [5]), but this appears to have been a rare occurrence. Baptismal certificates the JBB petitioner submitted indicate that children were generally baptized at their local churches.

The Mission Indian Federation

In the 1920's, many of the ancestors of the JBB, JBA, and JBMI-IP joined an organization called the Mission Indian Federation (MIF), a pan-Indian organization which worked to improve conditions for all California Indians. The MIF was one of a number of pan-Indian organizations which emerged during the early 20th century. It consisted of a number of chapters or councils, which elected a council to serve over the entire organization. Almost all of the members were from federally maintained reservations, who protested against the Bureau of Indian Affairs (referred to in the organization's documents as the Indian Bureau), as well as against the Bureau-sanctioned reservation police's harsh treatment of reservation residents. Two of the other main objectives of the Federation were gaining financial compensation for land losses resulting from the unratified treaties of 1851-1852 (Thorne 1995 ca, 1), and the abolition of the Indian Bureau. The group appears to have waxed and waned in strength (usually in relation to claims litigation in the Federal courts) until it finally disbanded in the early 1970's after the settlement of the claims cases.

Residents of SJC formed the only non-reservation chapter in the organization. The record includes documents and copies of minutes from the statewide MIF organization (as opposed to the local SJC chapter). The petition documentation did not include any clearly identified, contemporary lists of members from the SJC chapter of the MIF, but it included a list entitled "San Juan Capistrano Indians" (SJC Indians 1922 ca, 1-5). The list contains approximately 200 numbered entries (several are illegible, and the document is missing names #188-#209). The list is undated, but the Department estimates its creation circa 1922. The author of the list and the circumstances of its compilation are unknown.[117] Another list (Forster 1922, 1-5) appears to be from the 1920's or 1930's (its estimated date is 1922), and lists 174 men, women and children as "San Juan Capistrano Indian Villagers." Fifty-eight of the people on the "San Juan Capistrano Villagers" list can also be identified as applicants on the 1928 Applications, although many others (including 14 people surnamed "Osuna," for whom there is no information in the

[117] The list of 230 people appears to have been compiled after the 1928 claims applications were filed, as many of the names on the list did not appear in association with the "pool" of claimed SJC Indian descendants until after the claims were filed.

petitioner's database) do not appear to have applied for the claims. The two lists named 23 (possibly 24) people in common, although some people on one list had family members on the other. The record also contains a copy of several pages from a ledger book Marcos H. Forster (1866-1936) prepared, the SJC chapter "judge" and statewide organization secretary. The pages contain the names of people and families who paid dues to the MIF organization in 1922, 1924, and part of 1925 (Forster 1922-1926, 3, 5-21, 23, 29-30). The dues lists include a number of people not on the "Villagers" list or the "San Juan Capistrano Indians" list, but as people often signed up as part of families, these lists do not give a year-by-year enumeration of the membership of the organization. OFA identified 6 livingJBB members on the group's 2005 membership, as well as 21 living JBA members on that group's 2005 membership list.

In addition to its role in political action (as discussed under criterion 83.7(c)), the MIF was also a social organization. OFA located two flyers (one undated, one dated 1926) that announced MIF sponsored "fiestas" in Riverside, California (www.missionindian federation.com; www.hnet.uci.edu). The record contained another flyer from 1932 (Announcement 4/18/1932, 1). All flyers advertised programs of music, speeches, and songs, as well as a barbecue. However, the JBB, JBA, and JBMI-IP presented little evidence that the SJC members participated in these gatherings. One list of attendees at a statewide MIF conference in 1921 identified a "Manuel Ybarra" as an attendee from SJC (*Indian Magazine* 1921, 1), but no person by this name has been located among the petitioner's documentation, and he is not identified as an ancestor of any of the petitioner's current members. The announcement from 1932 lists Marcos Forster (who, although married to a San Carlos Mission Indian descendant, had no discernable Indian ancestry) as the "Secretary and Treasurer" of the organization, and a group photograph of the statewide MIF meeting dated October 9, 1924, included both Forster and José Doram (a documented descendant of the historical SJC Indian tribe, with descendants in the JBB and JBA petitioners). Outside of these examples, the evidence in the record does not demonstrate that a significant number of the SJC MIF chapter members participated in the organization. There is also no evidence that the SJC chapter staged its own "fiestas" in cooperation with the statewide MIF during this time period.[118]

The MIF also published a magazine called *The Indian*. The record included copies of the covers of 11 issues of this magazine printed between 1921 and 1922. However, the submission included only copies of the covers. The covers by themselves contain no useful information relating to the participation of members of the SJC chapter in activities sponsored by the larger organization.

The 1933 Census Roll

In 1928, the United States Congress passed the 1928 Claims Act in order to settle outstanding claims resulting from the unratified treaties of 1851-1852. Many of the JBB petitioner's

[118] OFA located an additional flyer that advertised a 1931 fiesta at the Pala reservation (www.missionindian federation.com, but it is not clear if the local MIF chapter sponsored the Pala fiesta, or if Pala residents organized it independent of the MIF. One of the committee members listed was also listed as chairman of the Pala chapter of the American Indian Federation (AIF 1934 ca; 1), a nationwide umbrella organization which included the Mission Indian Federation as well as several other regional Indian organizations (Hauptman 2001, 179). This same person was identified as the head of the MIF's "Grievance Committee" in 1932 (Announcement 4/18/1932, 1).

ancestors filled out 1928 Applications for inclusion on this roll, and the DOI accepted the applications and included these descendants on the "Census Roll of the Indians of California under the Act of May 18, 1928" (1933 Census Roll), which was certified in 1933.[119]

Many of the residents of the town of SJC gave the Indian affiliation of their 1852 ancestors, as "San Juan Capistrano" on the 1928 Applications. This was true for some claimants, who could trace their descent from the historical SJC Indian tribe. However, OFA analysis has determined that an 1852 individual cited as a SJC Indian on an approved 1928 Application cannot always be linked to the historical SJC Indian tribe, A number of the applicants whose descendants became part of JBB, JBA, and JBMI-IP appear to have descended from other California Indian populations rather than from the historical SJC Indian tribe. Theseindividuals were still eligible for enrollment on the 1933 Census Roll as descendants of California Indians alive in 1852, but their claim to descend from the historical SJC Indian tribe appears more problematic. There also appears to be a significant number of individuals who did not descend from any California Indian population, but who filed claims applications and were included on the completed 1933 Census Roll. Many of the people identified as Indian ancestors alive in 1852 (as per the instructions on the claims application) did not descend from California Indians at all, but were members of the general population whose families had arrived in the town of SJC during the Mexican period. Some of these ancestors had social relationships with various Indian descendants during their lifetimes, but the named ancestors themselves were not descendants of California Indians. For these reasons, the 1928 Applications and inclusion on the 1933 Census Roll do not, by themselves, constitute sufficient evidence of descent from the historical SJC Indian tribe (See discussion under criterion 83.7(e)).

The record contains many documents relating to the 1933 Census Roll, including a complete copy of the preliminary and final rolls prepared for the U.S. Court of Claims lawsuit. It also includes eight files of what appear to be handwritten abstracts of data appearing on the applications for the roll, although it is not known who prepared these notes (Anonymous 12/13/1929-12/11/1930). OFA also viewed the original applications at the National Archives and Records Administration, and reviewed much of the correspondence Agent Fred Baker, who directed the compilation of the roll, wrote.

The JBB petitioner submitted a detailed analysis of the 1933 Census Roll by abstracting the data from the applications approved for the final roll, and adding comments or information to clarify a particular person's identity, parentage, or blood quantum. The document also included an analysis of the information (Wood 2/1/2004, 93-136). However, the analysis is problematic, particularly because the JBB petitioner made many statements which are not substantiated. For example, after a discussion of how the Indian Affairs agents traveled across the state to the areas where Indians lived, posting notices in newspapers, post offices, and other public places, and then traveling to jails, hospitals and other places to take the information of those who could not come to the public signings, the researcher then states, "In light of this procedural conservatism and the strained relations between the White and Indian communities, the 1928 roll must be regarded as partly incomplete, and tending rather to falsely exclude than to falsely include." The researcher provides no examples of any people who were falsely excluded due to this perceived

[119] The document was also known as the "Baker Roll," after Agent Fred Baker, the Examiner of Inheritance who supervised the enrollment.

conservatism. OFA did identify one woman who appears to have been improperly denied enrollment, but nothing in the record indicated any systematic rejection of people who should have been accepted.

The JBB petitioner has also tried to demonstrate a relationship between the 1928 Applications and the "1846 Roll." However, as discussed previously, the document compiled in 1846 was not a tribal roll or tribal census (See discussion under *The 1846 Padrón*), or even a list of California Indians or Indian descendants. Its comparison with the 1928 Applications results in most people being identified as relatives of early Mexican soldiers and settlers, rather than as California Indians (except the descendants of Primitiva Rios, Maria Gorgonia Cañedo, and José María Cañedo).

The JBB petitioner included a marriage analysis based on the claims roll data, and broke down the data into several different categories. For example, according to the JBB petitioner's analysis of 155 marriages, approximately 99 marriages (64 percent) were between "Juaneños" and non-Indians, 44 (29 percent) were between two "Juaneños", and 10 (7 percent) were between "Juaneños" and other Indians (Wood 2/1/2004, 126). [120] However, the JBB's marriage analysis does not follow OFA's standard practice for dealing with marriages under 83.7(b) which counts marriages, not individuals in such marriages, and includes only extant marriages in an analysis of specific years. In addition, determining the significance (or percentage) of in-group marriages or of marriages for a group within a regional system in 1928 or at any time in the past cannot be done without first making an accounting of that group's historical membership. Contemporary rolls, membership lists, and some BIA censuses may name a group's members in the years they were compiled. In the absence of such official documents, researchers can combine data from other reliable contemporary sources about a group's members to define its membership over time. The historical membership of the group would include not only the persons listed, but also the close relatives, including parents, children, and siblings of the people on the roll or list who are presumed to be part of the group, and other individuals with whom the group members associated. The historical membership of a group would not include someone who had similar ancestry to members if they and their close relatives did not associate with the group. Because the 1928 Claims Act did not require claimaints to demonstrate tribal or group membership, the list of individual SJC claimants filing applications in 1928 is not an accounting of membership in a group existing at that time. The JBB petitioner agreed the 1933 Census Roll was not an accurate accounting of a 1933 group when it claimed that people were "falsely exclude[d]" from it (Wood 2/1/2004). In addition, OFA's analysis has shown that non-Indians applied in 1928 and appear on the 1933 Census Roll. Even if researchers could define group membership circa 1928, the JBB petitioner would also have to demonstrate that it is a continuation of a 1928 entity, which it has not demonstrated.

According to the JBB petitioner, "The application data includes information on the marriages of 155 individuals, including widows and widowers." OFA marriage analysis of the JBB petitioner's claims roll data does not accept the inclusion of widows and widowers into a current

[120] The analysis also revised the identities of some of the individuals on the applications and changed several of the non-Indians to Indians, making of the marriages "Juaneño/Juaneño" although the person was not identified as "Juaneño" when the application was filed.

marriage analysis, as they are indications of marriages that had occurred, but had ended due to the death of a spouse. Further, it appears that the JBB petitioner also counted each application of a "Juaneño" applicant married to another "Juaneño" applicant as two separate marriages, rather than as a single marriage. OFA marriage analysis counts such marriages as one, not two.

Accepting all of the JBB petitioner's identifications of people as "Juaneño" for the purpose of analysis, OFA analyzed a table (Table 9: Summary Transcript of 1928 Application Data) included in the JBB petitioner's analysis (Wood 2/1/2004, 102-109). OFA's analysis of this same 1928 data identified 115 existing marriages in 1928. Of these marriages, 91 (79 percent) were between "Juaneños" and non-Indians, 16 (14 percent) were "Juaneño/ Juaneño" married couples, and 8 (6 percent) were "Juaneño/ other Indian" marriages. Two individuals had previously been married to "Juaneños," but were currently married to non-Indians (another widower may have been married to a "Juaneño," but the identification of the spouse is uncertain). However, twice as many widows and widowers were identified as having been married to other "Juaneños" as non-Indians (12 as opposed to 6). The JBB petitioner also provided some additional analyses of the claims application data, including analyses of the number of "Juaneño/ Juaneño" marriages in the applicant's parents' generation and a comparison of the number of couples living in San Juan Capistrano and Santa Ana, but these analyses are equally problematic.

The process by which the 1928Applications were filled out are discussed more fully under criterion 83.7(e), as the petitioning groups have utilized them as a source of genealogical information. However, the JBB petitioner's analysis of the application data is not reliable. The petitioner would be much better served by using data extracted from the 1928 Applications as a starting point to making a full analysis, based on a variety of documents, showing social interactions and kin relationships of an SJC group over time. Before marriage practices and patterns may be used as a method for demonstrating criterion 83.7(b), the researchers must determine the composition of a SJC group (that is, the names and identities of persons believed to part of the group, whether or not those people applied under the 1928 Claims Act). For example, OFA identified 14 married couples (using the petitioner's identification of "Juaneño" couples) in which each partner submitted an application under the 1928 Act.[121] Five of those couples can be identified on the 1930 Federal census of San Juan township (Sepulvedas in dwelling #209; Charleses in dwelling #215; Ramoses in dwelling #271; Martinezes in dwelling #240; Forsters in dwelling #317). There are other families enumerated in-between these dwellings, but some of these are households with one applicant rather than two, and some have couples with spouses claiming descent from another California Indian population. An examination of the 1928 Applications and the census, combined with other analyses (such as godparenting relationships and supplemental residential information), may uncover social relationships (outside of participation in the MIF) and residential clusters (particularly outside of San Juan Capistrano) that have not been described in any previous documentation.

The record contains no analysis of the 1928 Applications as a source of information regarding social relationships among the claimants. For example, all of the documents were witnessed by

[121] M. and D. Forster; J. and A. Ramos; D. and M. Castillo; R. and R. Charles; J. and V. Oliveras; L. and T. Oliveras; F. and H. Ramos; B. and A. Reyes; S.E. and P.F. Ricardes; J. and A. Ricardes; A. and A. Sepulveda; F. and J. Serrano; M. and S. Yorba.

individuals who claimed to have knowledge of the person and their families and attested to the veracity of their statements. There is no information regarding the relationships between those who witnessed the documents and the people who applied under the 1928 Claims Act. The record also does not contain a marriage analysis of the ancestors and members who filed the 1928 Applications combined with an analysis of residency based on the 1930 Federal census. Some other applicants for the 1933 Census Roll also lived in San Juan Capistrano with non-claimant spouses. Other households have couples with spouses claiming descent from another California Indian population. The record also does not contain an examination of the 1928 Applications and the 1933 Census Roll, combined with other analyses (such as godparenting relationships and supplemental residential information), which may demonstrate social relationships (outside of participation in the MIF) and residential clusters (particularly outside of San Juan Capistrano) that have not been described in any previous documentation.

Community and Social Relationships

The record includes two journals and notebooks kept during this period provide some insight into the activities of the JBBpetitioner's Indian and non-Indian ancestors in and around the town of SJC

Alfonso Yorba (b.abt.1910- d.1992) was a student at the University of California, Los Angeles with family ties to SJC.[122] He began writing newspaper articles and other papers for the Orange County Historical Society in the mid-1930's. He also photographed many of its residents and the historic adobe houses referred to colloquially as "adobes," and interviewed people about the history of the mission and SJC during the Spanish and Mexican periods. He was particularly fond of the fiestas the mission hosted, and wrote about the fandangos, quadrilles, and other dances that were a legacy of the Spanish heritage. No documents indicate that he ever claimed to be of Indian descent, although a number of his relatives claimed to be the descendants of the historical Indian population of SJC Mission.

Yorba's journal, written in Spanish (Yorba 1935a), included several references to the Indian inhabitants of SJC. He identified a number of individuals as Indians, both living and dead, including Jose Doram, Celestino Martinez, "Acu," and "Aguida" (Yorba 1935a, 180, 187, 178). Doram, Acu (Jose de Gracia Cruz) and Aguida (Tarojes) were all of SJC Indian descent; Celestino Martinez was a Luiseño descendant (only Doram has descendants in the contemporary JBB petitioner). Several of the other people named in Yorba's journal are claimed ancestors of the current JBB, JBA and JBMI-IP members, but he did not identify either himself or these individuals as Indians.[123] He also included some information about local Indians in a small notebook he kept (Yorba 1934 -1938), but devoted many more pages to his activities in the Mexican-American community, particularly in the town of Santa Ana.

[122] The exact ties that Yorba claimed are not entirely clear, as he referred to many people as his "uncles," "aunts," and "cousins." Alfonso Yorba's parentage is unclear, but he claimed to be the son of an unspecified Yorba man and a mother who is not named in his journal, although she is referred to multiple times. He is not in either petitioner's genealogical database.

[123] Some people identified as cousins of Yorba did enroll in the Mission Indian Federation, although his name never appeared on any lists the petitioner submitted.

Yorba emphasized the Spanish and Mexican history of the town, but he also wrote about the Indian inhabitants and their descendants. In a 1936 article he wrote for a local newspaper, he stated that there were approximately 300 people in Orange County with "Juaneño" ancestry. Yorba noted that "The groups in Santa Ana, Anaheim, and in the (Santa Ana) canyon are mostly descendants of the Indian retainers on Don Bernardo's and other Yorba estates during the pastoral days. The ones in San Juan (Capistrano) are mostly of the original San Juaneño stock, with slight admixtures of San Luis Rey and San Diego Indian blood" (*Coastline Dispatch* 2/1/1936, 1). There is no information in this article as to how he came to this conclusion, but he mentioned Marcos Forster and his activities in the Mission Indian Federation and may have obtained this information from him.

In 1934, Yorba translated a collection of chants the Franciscans reportedly taught to the SJC neophytes between 1776 and 1840, and which were sung at the mission for many years after (Yorba 1934 ca, 1). Copies of the chants were not included in the record, but the description of them from the Bancroft library states Santiago Rios, whom he described as a "mestizo," and his son "Benancio" (Venancio) Rios memorized and sang them. Both have descendants in the JBA, JBB and JBMI-IP. No documentation in the record includes information as to whether these chants were sung during the 1930's and 1940's, or if are still sung today by the JBB petitioner's members.

Yorba helped form a "Hispano-Californio Club" in SJC in 1935. Of the 55 members and officers recorded on the group's July 2, 1935, membership list (after omitting what appear to be duplicate names), 10 identified themselves on 1928 Applications as "San Juan Capistrano" Indian descendants, and three were the spouses of people who applied under the 1928 Claims Act. In total, approximately 23 percent of the club's membership applied for, or were married to people who applied under the 1928 Claims Act. An additional person on the club's membership list also enrolled on the 1972 roll, and that person's spouse was also on the list. An additional 10 members of the club who do not have descendants in either the JBB, JBA, or JBMI-IP are included in the petitioner's genealogical databases. Several of the people in the "Hispano-Californio Club" have descendants in the JBA petitioner and JBMI-IP interested party, including Adella and Julian Ramos, Paul Arbiso and Buenaventura Nieblas, Filomena Ricardes, and Matais Belardes. None of the people identified in the "Hispano-Californio Club" are believed to have descendants in the JBB petitioner.

The club's major accomplishment in 1936 was renaming the streets in the town to reflect the area's Spanish and Mexican heritage (thus, Occidental Street was renamed "Los Rios Street"). The town named one of the streets "Acjachamen" in honor of the Indian inhabitants of the area, but gave the rest of the streets Spanish names. Yorba also wrote several other articles for the local newspaper until 1940. It is unknown whether he left the area for military service (he was in the ROTC at the University of California, Los Angeles), or simply ceased writing after that time.[124] There is no other information in the petition regarding any further activities of the "Hispano-Californio Club," but the information in the record does not indicate that the "club"

[124] A 1994 document included in the petition stated that Yorba died in 1992 while living in Morocco (JBM 1994 ca, Sec B 4.0, 1).

was predominantly composed of the JBB petitioner's ancestors, or that they participated in this "club."

Yorba's journal seldom mentioned the activities of the Mission Indian Federation, although he did mention some individuals active in the organization (Marcos H. Forster and Jose Doram). An entry in one of his journals states that he visited the Rincon reservation with Marcos and Delores Forster, along with their daughters and one granddaughter, on August 19, 1934 (Yorba 1934-1938, 52), but does not indicate if it was to attend a MIF meeting. Yorba also discussed the MIF in a 1936 newspaper article and acknowledged the assistance of Marcos Forster in writing the article, but most of his writing focused on the Spanish and Mexican legacy in the area. He wrote a 1940 obituary of JBA and JBB ancestor Jose Doram, but did not describe a community of Indians living in SJC, and did not mention Doram's participation in the MIF. Rather than describing a local Indian community, Yorba's obituary of Doram specifically mentioned ". . . a number of Indians from the Pala reservation coming to pay last respects to their tribesman . . ." (*Coastline Dispatch* 5/31/1940, 1). An additional obituary (Newspaper Article 5/31/1940, 1) noted that Doram had spent his final years ". . . in attempting to establish the rights of his tribe." This appears to be a reference to Doram's involvement in the MIF. The record did not include a thorough analysis of the Yorba journal and the notebook.

A notebook/journal Clarence Lobo (b.1912-d.1985) kept provides some information regarding social relationships among people ancestral to the petitioner. The JBB petitioner identified Lobo as "chief" from the late 1940's until his death in the mid-1980's, and who was also active in the MIF and other Indian organizations during the late 1940's until the mid 1960's (see discussion under 83.7(c) for more details of Clarence Lobo's activities). His notebook contained several different types of notations, including two pages of journal or diary-type entries. In these entries, Lobo wrote that his neighbor, Jose Doram descendant Bernice (Doram) Jim, came to look after his wife when she was ill and expecting a baby while Lobo himself was at work (Lobo 1950-1951, 37-38). This type of support relationship is helpful in demonstrating community among members of a group, especially when the individuals involved are not close kin (the Dorams and Lobos were not related). The notebook also contains an entry describing a visit Lobo family members and Bernice Jim made to see a child in nearby Santa Ana (identified only as "Baby"), as well as "Pilar, Tony and Paul" (Lobo 1950-1951, 36). Information in the petitioner's genealogical databases does not identify the "baby" or the other people visited. Visiting relationships such as these can also demonstrate community among group members. Additional notebooks and diaries such as these may provide additional information describing relationships among families identified as group members.

The record also contains several photographs of various group members from this time period. Most are family photographs, although a few are of events such as MIF fund-raising barbecues at the Belardes ranch, and of parades and public events. One 1950 photograph taken at the American Fruit Growers packing facility shows several people identified as members of the group or spouses of members (American Fruit Growers 6/26/1950, 1-2). The record did not include additional captioned photographs which show members beyond immediate family interacting at events identified as important by the group.

Summary of Evidence Relative to Demonstrating Community, 1920-1964

From 1920 to 1964,the small size of the town of SJC prior to its rapid growth in the late 1950s and 1960s appears to have created a " sense of community" among its residents, particularly the descendants of families (including those ancestral to the JBB petitioner) who had lived in the town prior to the 20th century. This town, however, consisted of the petitioner's Indian and non-Indian ancestors, as well as other people not ancestral to any of the petitioning groups The evidence in the record does not indicate that the petitioner's ancestors formed a separate group within the town

Because the town was small and predominantly Catholic, most people, regardless of their ethnic background, knew each other, went to school and church with each other, and sometimes married each other. The interviews with the residents who grew up in SJC, particularly those who lived on Los Rios Street, described close social ties among their neighbors, including people other than the petitioner's ancestors. It was not exclusively comprised of the descendants of SJC Indians or of the JBB petitioner's ancestors.

The JBB petitioner has attempted to define a membership for this time period through using the information on the 1928 Applications. Some evidence indicates that the ancestors of the current JBB petitioner were dispersed throughout Orange County, California, with most members living outside of the town of SJC. It appears that the families living on or near Los Rios Street comprised only a small portion of a much larger population of possible members.

While discrimination was not entirely absent from the town of SJC, the current JBB, JBA and JBMI-IP members who grew up there did not view it as a limiting factor. This is in marked contrast to those members who grew up in larger towns and cities, who were affected by informal residential segregation by neighborhood and state-sponsored segregation in the public schools. These practices negatively affect the lives of those members who were identified as "Mexican" by the larger society. More members of the current JBA petitioner and JBMI-IP had close connections to the town of SJC than did the current members of the JBB, though all three groups also contain members who grew up outside of SJC and had little or no contact with the people living in the town.

According to the interviews, some of the families who moved away from SJC visited family members frequently and thus maintained contact. This applies less to members of the current JBB petitioner (whose members have fewer ancestors and members who lived in the town of SJC) than to the current JBA petitioner and JBMI-IP. There is less information regarding whether or not people kept in contact with other people from SJC to whom they were not closely related, or if they remained in contact with other people from SJC who moved to the same towns or cities that they moved to. There is little information regarding whether people returned to SJC for any special events.

Among the various people residing in SJC, there is some evidence that the residents associated under certain circumstances, such as attending mission functions with other Catholics, while holding other functions (such as barbecues and dances) mostly among themselves. Many joined the Mission Indian Federation and claimed Indian descent for inclusion on the 1933 Census Roll, even if their claims of descent from SJC Mission Indian descent (or of California Indian descent)

were not entirely correct. The common experiences of living on or visiting Los Rios Street also appears to have bound together members of the petitioner who are still alive today, even though they may have moved away from the area years ago. This applies less to members of the current JBB petitioner (whose members have fewer ancestors and members who lived in the town of SJC) than to the current JBA petitioner and the JBMI-IP. The JBB petitioner submitted no additional information, such as a detailed residential analysis of SJC that might demonstrate the distinct nature of its ancestors' residential clustering discussed in the interviews. The record included no interviews with members from other identified ethnic groups in the town of SJC (such as Mexican or Basque) that might provide information as to how outsiders perceived the petitioner's ancestors during this period.

The record contains less information regarding community among those families who moved away from SJC (and whose descendants currently make up the majority of both the JBA petitioner and JBMI-IP, and the overwhelming majority of the JBB petitioner). The record contains no information to support any claims of the establishment of "Juaneño" communities in the Santa Ana neighborhoods of Logan, Delhi, or Artesia, otherwise identified as ethnic Mexican neighborhoods. The record contains no interviews with non-members from the aforementioned Mexican-identified neighborhoods identifying a separate, SJC Indian sub-group of the JBB petitioner's ancestors within the larger general Mexican community. The record also does not contain a residential analysis of the specific census tracts in which these neighborhoods are located, or identify the households in which their members resided.

The record contains no examples of personal correspondence between people who left SJC and those who remained, or among people who moved to different towns, in order to demonstrate that people kept in contact with each other. The record also contains no examples of relationships among the families who left the area, such as godparenting, witnessing at weddings, or attending other events (e.g., birthdays, graduations, or confirmations). The record does not contain any examples of wedding sign-in books and condolence books from funerals to demonstrate that people were keeping in contact with each other.

The record includes no analyses of the civil records of the era (for example, deeds, civil marriage and divorce records, wills and probate records) for additional evidence of social relationships among the JBB petitioner's ancestors. There is no evidence in the record that those who left SJC inherited property there, or that relatives living outside the town remembered people in SJC in the bequests.

The evidence in the record is insufficient to demonstrate that a separate community of SJC Indian descendants existed in the town of SJC fbetween 1920 and1964, and that the ancestors of the JBB petitioner comprised or were part of such a community.

Evidence Relevant to Demonstrating Community, 1964-1993

The JBB petitioner submitted evidence to the record for purposes of demonstrating community between 1964 and 1993 that includes, but is not limited to, newspaper articles, photographs, meeting minutes and attendance lists, interviews, scholarly and researcher monographs, and newsletters. JBB and JBMI-IP submitted additional evidence that includes, but is not limited to,

similar (and sometimes identical) documents. Most of this evidence specifically references either the Capistrano Indian Council (CIC) or the Juaneño Band of Mission Indians. OFA staff also located additional photographs and scholarly and researcher monographs, and conducted interviews with members of JBB, JBA and JBMI-IP during OFA's 2006 site visit.

The Capistrano Indian Council

The claims process that began in 1928 with the initial applications for the 1933 Census Roll was finally completed in 1964. Clarence Lobo, who served as the "captain" or "chief" of the claimed SJC Indian descendants for more than 20 years (see discussion under criterion 83.7(c)), was unhappy with the financial compensation (approximately $650 per person), which he considered inadequate. Despite his protests over the next few years (see criterion 83.7(c) for a discussion of these actions), the claimants accepted the settlement and eventually received their checks in 1972 and 1973. Health problems and disappointment with the outcome of the claims case resulted in Lobo's decision in 1975 to leave SJC for Oroville, a town in northern California approximately 500 miles away.

The JBB petitioner submitted almost no documents for the period from the end of 1964 and the end of 1974 regarding any actions taken by a group of individuals claiming descent from the historical SJC Indian tribe. The evidence in the record gave no reason for the lack of political involvement during this time. In 1975, a number of SJC residents formed the non-profit Capistrano Indian Council (CIC). The initial leadership of this organization consisted primarily of those claiming descent from the historical SJC Indian tribe, but was also open to other Indians and to non-Indians as well. Interviews and newspaper articles indicate that Jasper Hostler, a Hoopa Indian from Northern California and the spouse of a SJC descendant, encouraged the people to organize formally (Villegas, Evelyn 5/16/1982, 16). CIC members elected Hostler the group's first president in January 1975 (Newspaper 1975). The first Board of Directors of the group included documented SJC Indian descendants Helen (Charles) McMullen, Teeter Marie (Oliveras) Romero, Thomas Hunn, Clara (Oliveras) Hostler, Dan Rios, [125] and Harley Lobo, as well as claimed descendant Julian Ramos (the spouse of SJC Indian descendant Rita June Olivares), and four people are not included in the petitioner's database (Lynn Girdler, Diana Caudell, Dave Castillo, and Carmel Nava). The 2005 membership lists of the JBB, JBA, and JBMI-IP indicate that Romero, Hunn, Lobo, and Ramos were enrolled in or have descendants in the JBA petitioner. Helen (Charles) McMullen was the only person who was part of the initial CIC Board of Directors enrolled in the JBB petitioner. None of the members of the CIC's first Board of Directors joined the JBMI-IP.

Some members of the CIC group began networking in the non-profit sector, and other members of the group benefited from their work. A 1976 newspaper reported that the group found work for 25 unemployed CIC members, and that other organizations were sent the CIC information on

[125] The JBA petitioner's database listed two men named "Daniel" or "Dan" Rios," who appear to be the same person This man had children involved with the JBM. "Daniel" or Dan" Rios's name, however, does not appear on any formal membership lists..

available employment (*Santa Ana Register* 8/5/1976, 1).[126] The CIC offered programs on nutrition, drug abuse, and other issues. Several people became involved in Title IV programs which emphasized the education of Native American children in the local school system (CIC 8/11/1979). The CIC expressed interest in preserving Indian culture, and organized basket-making and beadwork classes. The CIC eventually entered into an agreement with the city of SJC which allowed them to use two historic buildings the city owned (the Harrison House and the Parra Adobe), where they still meet and host a variety of activities to the present day.

There is little evidence that the current JBB, JBA, and JBMI-IP members living outside of SJC participated in the CIC unless they had close family still living in town who were themselves active in the organization. The JBB petitioner submitted several interview summaries, which indicated that several of its members residing away from SJC did not know about the CIC until after they became involved with the Juaneño Band of Mission Indians organization several years later (Aguilar, John et al. 11/25/2000, 8; Cruz, Raymond Frank, Jr. 6/25/2000, 12; Manriquez, Dolores 5/26/2000, 10). There is no evidence that the descendants living outside of SJC formed any similar organizations in other cities or towns.

The Juaneño Band of Mission Indians

The formation of the Juaneño Band of Mission Indians (JBM) began in 1978. A newspaper article from 1978 indicates that initially the CIC established a "special commission" to investigate the possibility of petitioning for acknowledgment, and named Raymond Belardes (a Patricio Ricardes descendant) as the head of this committee (Newspaper Article 3/1978, 1). Raymond Belardes (b.1930-d.2006) was born and raised in SJC, but lived for many years with his wife, a member of the San Pasqual tribe, on the San Pasqual reservation (approximately 50 miles south of SJC). Belardes drove back and forth to SJC for JBM meetings.

Not all local CIC members embraced Raymond Belardes's plans, although they were curious about the new organization. According to one interview, some were so distrustful of him that they warned younger people that if they listened to him, they would end up in jail (J. Frietze 2006, JBA [20]). Another member remembered how, in 1979, some of his associates did not show proper respect for the U.S. flag, which deeply offended some of the decorated World War II veterans in the CIC (J. and R. Ramos 2006, JBA [n.t.]).

One current JBA member described the reaction some of the older CIC members had towards Raymond Belardes:

> We were having this meeting of different families [in 1979] that we had pulled in together and then we see this group of women talking and they have their skirts and their bracelets and their jewelry and wow, you know . . . he started speaking and they just completely didn't want anything to do with him. . . He grew up here and they knew his past . . . they just didn't think he'd be a good person to lead the people. And so, he made a comment you don't like [it] here, get up and leave.

[126] The article implies that these were not only members of the CIC, but that these were members of the "Juaneño" community as the organization defined it.

> And that's exactly what they did. They got up, took their coffee and their desserts . . . . (J. Frietze 2006, JBA [20-21])

Raymond Belardes' cousin, David Belardes (b. 1947), was (and is) a lifelong resident of SJC. David Belardes was better able to gain the confidence of some (but not all) of the local residents who distrusted Raymond Belardes. The two cousins worked together organizing the JBM and the group's petition for Federal acknowledgment. The JBM began enrolling members in 1978.

The JBM held its first Annual Reunion in 1979. There is no information indicating that the Reunion was a continuance of, or formalization of, any previously-held gathering. A document entitled *Our First Annual Reunion* read, "The Juaneño Band of Mission Indians is conducting an intensive search for tribal descendants living in the surrounding areas, in an effort to reestablish its tribal identity" and also indicated that the organization would pursue the acquisition of a land base (JBM 11/19/1979, 1). The record includes no photographs or sign-in sheets from the first Annual Reunion, but the group continued to host these events. Both the JBA and JBB now hold their own separate reunions.

Soon after the JBM organized, it claimed a membership of between 400 and 800 members (*Register* 11/22/1979 ca, 1). Minutes from 1980 indicate that many of these people may have not known each other before they enrolled in the formal organization, and that they were also unknown to the people who lived in SJC (and who did know each other):

> Why aren't the local people part of the band? Ray stated that the local people won't accept the Juaneño people as true Indians, but: "I will continue to run the band, even with a few than give up to the locals. They feel that because we come from other cities and counties that we're not true Juaneños, that we're outsiders. This is wrong, but I can't change the way they feel." (JBM Minutes 6/21/1980, 2; spelling and punctuation added)

The record contains sign-in sheets from nine JBM meetings held between 1979 and June 1980. These sheets include only the names and addresses of attendees, and not the names of the council members. However, the record indicates that, very few people living in SJC at the time attended the meetings, and that their attendance, always small to begin with, dropped off to almost nothing over the course of the year (see Table 4).[127]

The same JBA member who described the reaction of the "locals" to Raymond Belardes (and who had grown up in Santa Ana) also recalled the initial tension between the "locals" and the "outsiders":

> . . . and that's when I first saw the tension for the locals, because they were telling us that we weren't locals, we were outsiders. . . just because we weren't born and raised here doesn't make us non- Juaneños, you know. And they were like, no,

[127] It is possible that attendees formerly lived in SJC, but moved prior to the organization of the JBM. The record provided little information about the relationship between residents and non-residents in the early days of the group.

> you don't live here, you know. . . You weren't born here. So that was quite a thing for them to tell us that we were outsiders. We felt more connected than they did, but they didn't see it that way. (J. Frietze 2006, JBA [21])

Table 4: Number of SJC Residents Attending Early JBM Meetings

Meeting Date	1979 (no date)	Sept. 15, 1979	Oct. 20, 1979	Dec. 15, 1979	Jan. 19, 1980	Feb. 23, 1980	April 19, 1980	May 17, 1980	June 21, 1980
Total Attendees	32	16	26	130	118	49	51	47	60
SJC Residents	5	4	1	3	1	0	2	0	0
Percentage (approximate)	16	20	4	2	1	0	3	0	0

Source: JBM Sign-In Sheets, 1979-1980

The JBM's first petition narrative described the local/outsider dichotomy based on the composition of the organization in 1988:

> Factionalism does exist among the Juaneño . . . For the Juaneño, it is generally a product of a long history of disputes coupled with divergent political views. For example, because of the establishment of the Mission San Juan Capistrano became the center of the Juaneño community. In time, a majority of the historic Juaneño inhabitants left the area and their descendants comprise the Juaneño Band of Mission Indians (though they still have strong emotional ties with San Juan Capistrano). However, it appears that the San Juan Capistrano faction of the Juaneño believe that once a Juaneño leaves the area he/she no longer belongs to the San Juan Capistrano Juaneño and therefore is no longer a Juaneño (cf. Tape#CH). Of course, this is spurious, but it does contribute to the cause of disputes and factionalism. (JBM 2/2/1988, 24-5)[128]

The record includes 24 sign-in sheets from the first years of JBM group meetings (1981-1984).[129] In many cases, the lists do not record the residential addresses of the attendees, or the

[128] At least one older member of the JBMI-IP implied that this "inside/outside" dichotomy was still present in 2006:

> . . . A lot of people don't care if you're local or not. I mean, they're going to do whatever they want. (*Interviewer posed question about why would a person choose one group over the other*) Well, I don't know. My feeling would be, because they're outsiders. That's one reason I wouldn't go with them, because they're outsiders. And, they're badmouthing, you know, the people here in San Juan. (R. Nieblas 2006 JBMI-IP,32

The interview subject did not explain how exactly the "outsiders" were "badmouthing" the people in SJC.

[129] The OFA analysis of the meetings held prior to June 21, 1980 indicates that many of the attendees were from towns and cities such as Santa Ana, Riverside, Corona, Valley Center, and Escondido. These towns (and nearly all of the other towns listed), are within a 50-mile radius of SJC, a reasonable distance for people to travel by

information is illegible. OFA identified some of the residences based on the former addresses given for people of the same name, or for people who are known to have been living in SJC at the time. The uncertainty of the information makes OFA analysis of the residential addresses impractical, and makes it difficult to determine the level of participation of the residents of SJC during this time. However, the overwhelming majority of the names appear to belong to people who lived outside of SJC. Some of the people involved in the JBM were close relatives of local SJC families, and had themselves been active in the claims activities Clarence Lobo orchestrated, yet their local relatives were almost completely absent from the JBM. Throughout the 1980's and well into the early 1990's, very few of the people on the sign-in sheets were members of the local SJC families who had been involved in Indian affairs (such as the Olivares family, the Dorams, and the Lobos) throughout the 20th century.

Additional information included in the record supports the contention that many of the SJC residents kept their distance from the JBM for a number of years. JBM submitted its first membership list s to OFA, dated 1987. The list contained the names of 901 individuals, of whom 867 were identified as "Juaneño."[130] However, this list does not contain the names of any Doram descendants, Esperanza (Hope) Lobo descendants, or Jose Manuel Apolonio Rios descendants, all of whom were residents of SJC and descendants of the historical Indian population of SJC Mission. The list contains a few descendants of Patricio Ricardes (a SJC Mission Indian), but these descendants, although they had close relatives still living in SJC, did not themselves live in the town (for example, members of one family lived in Whittier, members of another lived in Santa Ana). Other descendants of Patricio Ricardes (including members of the Olivares family), who lived either in the town or very close to it, were not listed as members. Not until the submission of the 1995 membership list did members of these families appear as JBM members.

The record reflects little information about the CIC during this time period (1987-1995). For example, the record contained four sets of CIC meeting minutes and newsletters from 1988 (the same year the JBM submitted its petition to OFA), including the names of a number of people who claimed descent from the historical SJC Indian tribe. OFA cross-referenced the names of those specifically identified as CIC members with the attendance lists from JBM meetings. Of the 10 CIC members, four were lifelong SJC residents: Rita (Arce) Nieblas, Helen (Charles) McMullen, Bernice (Doram) Jim, and Juanita Rios-Foy. Nieblas and McMullen do not appear on any JBM meeting lists prior to 1990. Jim (who died in 1988) and Rios-Foy (who died in 1991) were not recorded at any JBM meetings at all. Bernice Jim's brother Donald Doram (who grew up in SJC but lived in Cerritos, a town approximately 35 miles north) attended one meeting in 1986, as well as two other meetings during the 1990s. Al Lopez of Whittier (and his wife

automobile in order to maintain social contact with each other. The petitioner, however, must demonstrate that this contact actually took place.

[130] The JBA petitioner submitted a copy of this list, and maintains that it reflected the group's initial membership as it was constituted in 1979. However, the list actually includes the names and birthdates of people born after 1979, and a date of 1987 is probably more accurate.

Lupe, a very involved spouse whom the JBM group later "adopted")[131] attended JBM meetings regularly from 1983 onward, while (Emilio)" Joe" Crespin of Corona del Mar did not attend any prior to 1994. Another individual named "Joey" Valenzuela, who appears to be "Paul Joseph" Valenzuela of Paramount, also did not attend any JBM meetings before 1994. "Mona" (Placentia) Sherrill, of SJC, attended JBM meetings in 1993 but Dan Sherrill (address unknown) does not appear on any JBM sign-in sheets. The record does not include additional information about the CIC prior to 1988, particularly information regarding the participation of people who were involved in the CIC and in the JBM. The JBB petitioner has not offered an explanation as to how the JBM eventually incorporated the local residents into the group, particularly those who belonged to the CIC.

JBM newsletters published over the course of several years provide some insight into the activities of the organization at the time, such as the beginnings of its involvement with archaeological site monitoring and historic site preservation (JBM Minutes 9/15/1979, 3). Later issues indicate that the JBM acquired and distributed some commodities (such as cheese and bread) to members (JBM Newsletter 9/1/1982-10/31/1982, 1), and also established a food bank (JBM Newsletter 5/1984-6/1984, 3). The newsletters also make reference to the need for members to serve as foster parents for JBM member children in need of placement (JBM Minutes 9/16/1984, 1; JBM Newsletter 1/1986, 2), but there is no information as to how many JBM members became foster parents for member children. The group also began marching together in the annual Swallows Day parade (JBM Newsletter 2/1/ 1981, 1).

Clarence Lobo died in 1985. He retained the title of "chief" even though he had left SJC 10 years earlier. Following Lobo's death and over some objections of CIC members (most of whom apparently did not even belong to the JBM), the JBM group elected Raymond Belardes "chief" of the organization (see discussion under 83.7(c)). That same year, the JBM gained access to five acres of land at Camp Pendleton Marine base near the historic pre-mission site of the village Panhe (JBM Newsletter 10/1985, 1; JBM Minutes 2/22/1986, 2). Newsletters and other documents show that the group used the land for several years to hold meetings, to rebury some human remains unearthed in the area, and to hold ceremonies. The group first held one of these ceremonies, the "Ghost Dance," in June 1986 (JBM Minutes 6/14/1986, 1) and then reportedly held it once a year for the next three years (JBM Newsletter 8/1988, 1; F. Lopez et al. 2006, JBA [56]). Members also contributed food to meetings and ceremonies, as well as contributing labor and materials to improve the site.

Members continued to increase their public profile by taking part in a number of pan-Indian events. Some members participated in an outdoor pageant re-enacting the first baptisms of Indians in California (*Daily Sun/Post* 7/3/1987, 1). Others attended regional pow-wows and other cultural festivals (*Orange County Register* 6/23/1986, 1).

Raymond Belardes continued as an archaeological site monitor for the JBM, and also protested certain developments in SJC and its vicinity which he felt would damage archaeological resources (*Sun Post* 5/16/1988, 1). Some JBM members (particularly those who also belonged to

[131] Other spouses named in the CIC documentation included Phyllis Doram, wife of Don Doram, and Betty Valenzuela, wife of Paul Norbert Valenzuela and mother of Paul Joséph Valenzuela. The JBM did not adopt either one.

the CIC) had never been comfortable with his leadership, and a 1989 letter detailed complaints against him (JBM Tribal Council 1989 ca, 5-6). The group appears to have become disenchanted with him for issues related to compensation from archaeological site monitoring (people questioned whether or not Belardes was making his required contributions), and accused him of making threats of personal violence against members of the group who were working as archaeological monitors. A 1989 letter detailed complaints against him between November 1988 and January 1989, addressing not just those issues, but his reluctance or refusal to "teach us our culture and heritage," and his refusal to allow certain members of the group to participate in the "Ghost Dance" (JBM Tribal Council 1989 ca, 5-6). The JBM held an election in February 1989 and replaced Raymond with his cousin David Belardes as spokesman (*Orange County Register* 2/21/1989, 1). As in 1978, when he assumed his cousin's position in the CIC, David Belardes assumed his cousin's position in 1989 in the JBM.

Soon after the JBM elected David Belardes spokesman, a conflict developed between the administration of the SJC Mission and the JBM. In late 1989, Floyd Nieblas, a descendant of the historical SJC Indian tribe and a long-time mission employee, alleged that the new mission administrator fired him without cause less than two years shy of retirement (*Daily Sun/Post* 1990, 1). Even though Nieblas was not enrolled in the JBM, members found this situation difficult for many reasons. The mission was an important focal point for the town of SJC in general, and for the JBM members in particular. Although all JBM members claimed descent from the Indians who built the mission in the late 18th and early 19th century, it was a particularly important symbol for those members who grew up in town and in the mission's shadow. Most of the local members had been baptized at the mission, as had their parents and grandparents before them. Many attended the "Mission School," and their loved ones were buried in the mission cemetery. Many members had themselves worked at the mission as docents or in the gift shop in the past, and a fair number still worshipped there. All in all, many members of the JBM appear to have felt that a special relationship existed between the organization and the mission, and even though Nieblas was not an enrolled member of the JBM, the dismissal of a fellow SJC Indian descendant was a violation of that long-standing relationship. [132]

The members of the JBM, along with various non-member supporters, protested the mission's treatment of Nieblas by declining to participate in the festivities inside the mission grounds. Instead, a number of members gathered across the street during the Swallows Day festivities, singing and drumming (*SJC Dispatch* 1990, 1). This event politicized some of the local residents who had not previously been members of the JBM.

Spiritual Activities

While many members of the JBM had been (and remained) practicing Catholics, some appear to have been interested in various aspects of Native American spirituality and ceremony. The aforementioned "Ghost Dance" is one example of this interest. After the rift with Raymond

[132] Even though the members of JBM supported Nieblas, he was not and has never been enrolled in the JBA, JBB or JBMI-IP. He also chose not to participate in the claims activity Clarence Lobo orchestrated during the 1940's through the 1960's. His children and grandchildren first enrolled in the JBMI-IP in 2005.

Belardes developed, a member named Cathy Lobo (or "Ka'chi") became active in spiritual activities after 1990. Minutes from 1993 indicate that the JBM was then debating whether to refer to her as their "spiritual leader" or "spiritual advisor," (JBM Minutes 2/20/1993a, 1) and as recently as 1997, she was an enrolled member of the JBB petitioner. However, records indicate that she enrolled in the JBA in 1999, and a document from that year identified her as the current "*atiatish*", or ceremonial leader, of the JBA petitioner (Merrifield 9/23/1999, 67). The JBA also identified her as the group's "spiritual leader" during OFA's 2006 site visit. There is no information in the record to indicate whether or not she is currently acknowledged as the "spiritual leader" of the JBB petitioner. [133] Documents included in the petition identify her as having a prominent role in preparing and holding a ceremony called a "*hiann*" or "*Hiyan*."

The "hiann" ceremony took place on the Panhe site at Camp Pendleton in 1992 (JBM Minutes 7/11/1992., 1). The record identified the ceremony as "an ancient burial . . . done for those tribal members that were in positions of high honor within the tribe" (JBM 9/22/1992, 1). Another document referred to the ceremony as a "Pipe Carrier Ceremony" (Ka'chi 1996 ca, 2), which appears to refer to the position of the individual being reburied, rather than the ceremony itself. This is the first time in the documentation that such a ceremony had been described, and nothing like it is mentioned in any of the historical or ethnographic literature. Additional notes in the July 7, 1992 meeting minutes stated that people had been ". . . learning songs and dances," and invited other members to come and learn, but did not say what songs or dances they learned or from whom they learned them. The November 1992 newsletter described the ceremony, which took place in October 1992, as a "great success, although . . . with a few negative expressions. . . " (JBM Newsletter 11/10/1992, 2). Interviews conducted during the 2006 site visit mentioned the ceremony (D. Belardes 2006, JBMI-IP; J. Frietze 2006, JBA [41]), but descriptions of what happened during the ceremony seem to differ from person to person. There is, however, no indication that the "negative expressions" mentioned in the newsletter were expressions of disapproval from the devoutly Catholic members of the JBM. One described the ceremony as a reenactment of a puberty ceremony (J. Frietze 2006, JBA [41-43]), and did not mention any burials occurring during the event, although she did state that reburials occurred at the site on other occasions.

The record mentioned "clan dances," but included no description of these dances. No earlier documents from the 20th century indicate that any clan structure existed within the group of claimed Indian descendants. Another document listed a number of events and ceremonies including the "Wedding Basket Ceremony" and "Humanities Clan Ceremony" (Ka'chi 1996ca, 1). Neither the JBA nor JBB petitioners has defined the term "clan." In anthropology, one definition of as "[A] unilateral descent group or category whose members traces patrilineal descent (patriclan) or matrilineal descent (matriclan) from an apical ancestor/ancestress, but do not know the genealogical links that connect them to this apical ancestor" (Keesing 1975, 148). Although documentation in the record names four clans (Bear, Eagle, Wolf, and Deer), there is little to no evidence identifying which members of the JBB or JBA petitioner make up these "clans," whether they are matrilineal or patrilineal, or what role, if any, they have or had in the social organization of the group.[134]

[133] The JBMI-IP does not acknowledge "Ka'chi" as a spiritual leader.

[134] The JBMI-IP also used the term "clans" in relation to what appear to be extended families.

Summary of Evidence Relevant to Demonstrating Community, 1964-1993

There is no evidence in the record to demonstrate social interaction among the members of the current JBB petitioner between 1964 and 1975, although interview data suggest that the SJC claimants and descendants who were residents of SJC interacted in a variety of formal and informal situations. There is no information in the record reflecting interaction among the members of the JBB petitioner who lived outside SJC and between those people and people in the town of SJC. There are no sign-in books from weddings and funerals, no photographs of people from numerous family lines attending events such as picnics, no records from church or civic organizations, nor other documents demonstrating interaction among the members.

The CIC appears to have grown out of the pre-existing relationships among certain residents of the town of SJC whose families had been involved in the MIF and the claims activities Clarence Lobo organized. There is very little indication that the people living outside the town who did not have close relatives living in the town (and who would eventually make up the majority of the JBM) participated in or knew about the CIC. Membership in the two organizations did not overlap significantly.

Although the JBM started with the support of the CIC, it very quickly became its own separate institution, occasionally drawing on the same "pool" of descendants, but also enrolling many people who had only a distant ancestral connection to the town of SJC, and no connection at all to the CIC.

During the initial years of the JBM organization (1978-1988), many members of the JBM associated mostly though the organization, while the members of the CIC, who lived within the town of SJC, appear to have associated both formally and informally at places such as church, and at work, as well as at the CIC. The evidence indicates that tension between SJC residents, who knew each other well, and the majority of the members of the JBM, whom they said they did not know and with whom they had little to no previous association, kept the membership of the two organizations from overlapping significantly for several years.

There is little evidence to demonstrate that the members of the JBM who lived outside of SJC (and who are now members of the JBB ,JBA, and JBMI-IP) associated regularly with each other outside of the formal JBM organization. There is also no information to indicate that those members of the JBM who lived outside the town of SJC regularly associated with any members of the group who lived inside the town, other than their close relatives.

The evidence in the record indicates that the JBM organization was essentially a descent group, composed predominantly of people who had little previous contact with each other, but who claimed descent from the same "pool" of ancestors the CIC claimed. The record contains no analyses of residential or membership data to determine where members lived, who they associated with, or any information from other sources regarding their association prior to the JBM's organization in 1975.

The JBM Annual Reunion originated only in 1978, and there is no indication that any event like it dates back further than the beginning of the JBM organization. The record contains limited information about the Annual Reunions held between 1978 and 1994, but lacks additional captioned photographs of attendees and sign-in sheets demonstrating who participated.

The evidence presented regarding the 1989 conflict with the mission indicates that this issue was important to a number of people spread throughout the membership of the JBM, particularly those members with close ties to the town of SJC, but also members who lived outside the immediate area. The record does not include additional evidence, such as captioned photographs taken during the protests, which would provide more support for the JBB petitioner's claim of community during this time. The record contains little evidence regarding how this issue affected the relationship between the current JBB members who lived inside and outside the town.

The JBB petitioner referred to spiritual activities that appear to be of very recent origin, and the record contains insufficient evidence to demonstrate that a significant portion of the group engaged in the ceremonial activities described in the available documentation. The record also contains little to no indication that these activities reflected cultural differences, functioned as more than a symbolic identification of the group as "Indian," or if group members widely accepted them.

The evidence in the record indicates that the CIC and JBM drew on the same "pool" of the descendants of pre-1900 residents of the town of SJC. Differences based primarily on residence inside and outside of the town played a strong role in determining which members ended up in which organization. However, the evidence in the record is insufficient to demonstrate that either organization (or the two combined) represented a group distinct from the general population.

Evidence Relevant to Demonstrating Community 1993-Present

The JBB petitioner evidence submitted for purposes of demonstrating community from 1993 to the present that includes, but is not limited to, newspaper articles, photographs, meeting minutes and attendance lists, interviews, scholarly and researcher monographs, and newsletters. JBA and JBMI-IP submitted evidence that includes minutes and documentation from the organizations.

The Origin of the JBB Petitioner

The JBM experienced a series of political rifts during this time, discussed in more detail under criterion 83.7(c). These began in 1993 and continued through 1994 and 1995, when member Sonia Johnston and a number of supporters protested the results of an election. Johnston contended that she and the council she represented (and not the council David Belardes led) formed the legitimate governing body of the JBM. Belardes and his council continued to maintain that they were the legitimate council. In 1996, the Johnston-led group formally submitted a letter of intent to petition for Federal acknowledgment (Johnston et al. 2/17/1996, 1) separating itself officially from the David Belardes-led group. The Department designated the

Belardes-chaired group as "Petitioner 84A," and designated the Johnston-chaired group as "Petitioner 84B." In mid-1997, after another contested election, David Belardes and a number of his supporters established a group separate from the JBA now headed by the former JBA Vice-Chair Jean Frietze (referred to here as "JBMI-IP") (BEL Minutes 6/7/1997, 1; BEL Attendance 6/7/1997, 1). All three groups currently maintain that theirs is the "true" JBM successor group, and some members have moved from one group to the other. However, the fluctuations in membership and the enrollment of a large number of people with no previous documented interaction with other descendants indicate that none of these organizations is a true successor organization to the JBM, but that they are three distinct organization drawing on the same "pool" of descendants of pre-900 SJC residents.

There does not appear to be one single reason as to why some members who had been in JBM enrolled in either JBA or JBB, but an analysis of the documentation in the record indicates that residence had a significant bearing on which group people joined. The majority of members of both groups lived outside of SJC, but almost all of the residents of SJC joined the JBA, as did many of the people whose families had a long history of participation in the MIF and the claims activities Clarence Lobo oversaw. Some long-time group participants who joined the JBB in 1995 expressed their personal disapproval of David Belardes's leadership at that time, and/or their support for Sonia Johnston's leadership. However, OFA analysis indicates that 236 people, or approximately 14 percent of the 1,640 members named on the November 2005 JBA list, were formerly enrolled in the JBB. Some of these people may have been included on the JBA membership lists without their consent, but a number were active and involved members of the JBB petitioner. The members who had been enrolled in the JBB organization include Anthony Rivera, the current chairman of the JBA. The membership lists indicate that Rivera's extended family transferred their membership from the JBB to the JBA at some time between 1997 and 2005. Rivera's aunt, Gloria Carrillo, described her falling out with Sonia Johnston (G. Carillo et al., 2006 JBA [n.t].), and may have influenced her family members to leave the JBB for JBA. Evidence in the record shows that, since 1995, only eight JBA members have joined JBB (while continuing to appear on the current JBA membership list).

Early in the development of these conflicts, even while members established separate organizations, the group attempted to host events such as holiday dinners. However, in 1995, the JBA and JBB held separate annual reunions (the JBA held their reunion on August 26 and the JBB on August 19). Both the JBA and the JBB also published their own separate newsletters. The JBMI-IP stopped publishing a newsletter sometime in 1998, but interviews conducted during the 2006 OFA site visit indicate that the organization holds its own separate reunion.[135] Each organization held separate events such as meetings and potluck dinners, and interviews indicate that, while people continue to associate with their long-time friends and relatives who might belong to one of the other groups, they very rarely, attend events the other group council sponsors. Interviews also suggest that JBA and JBMI-IP members know each other and knew the people who had initially formed the JBB, but that JBA and JBMI-IPmembers know few

[135] The JBMI-IP organization held many of its meetings at the Blas Aguilar Adobe. In 1996, David Belardes helped establish the Blas Aguilar Foundation to restore the city-owned building and turn it into a museum (*Los Angeles Times* 10/17/1996, 1). Blas Aguilar is a claimed ancestor of some of the JBB, JBA, and JBMI-IP members.

current JBB members. Two JBMI-IP members stated that they had once gone to a meeting held by the JBB, and that they recognized only the people on the council (D. Belardes 2006 JBMI-IP [78]; A. Silvas and C. Odgaard 2006 JBMI-IP [n.t.]). One woman, who had formerly been a member of JBB but was now a member of JBA, admitted that she had known fewer people in JBB than she knew in JBA (F. Lopez et al. 2006 JBA [78]).

The JBB group has experienced a dramatic fluctuation in membership since the group submitted its letter of intent in 1996, and the petitioner has included no additional analysis of how these dramatic fluctuations have affected social interaction among the members. The group also enrolled a number of people who do not appear to have a connection to the earlier JBM organization, though they may have shared some distant ancestry from the pre-1900 population of SJC. The dramatic fluctuations in the JBB group's membership lists (particularly the inclusion of sizeable numbers of people unconnected to the previous members of the JBM), and the indicate that the group is essentially a different group than the JBM,

The JBB petitioner did not submit a residential analysis of its membership. However, an analysis of the addresses on the petitioner's 2005 membership list indicates that 297 members (approximately one-third of the membership) live in Corona, Escondido, Riverside, Santa Ana, and Valley Center. Neither petitioner or the JBMI-IP interested party has a majority of members living in the town of San Juan Capistrano proper, but only three of the JBB's 908 members have a San Juan Capistrano residential address; in contrast, JBA has 90 members currently living in San Juan Capistrano (approximately 5 percent of its 1,640 members), and JBMI-IP has 38 (approximately 14 percent of its 267 members). Many of JBB's members appear to live within 50 miles of San Juan Capistrano, which suggests that people could maintain social contact with each other relatively easily, but not close enough or concentrated to assume that such contact was maintained without evidence of actual interaction.

The JBB petitioner also differs from the JBA and JBMI-IP in that the petitioner holds its meetings outside of San Juan Capistrano. According to the JBB petitioner's 2004 *Addendum to the Obvious Deficiencies and Omissions in the Petition for Federal Acknowledgment of the Juaneño Band of Mission Indians,* because of the loss of the mission gym as a meeting place in 1994. ". . . the Council moved its meeting place northward from SJC, using a site in El Modena for some five years, relocating to Anaheim in 1999, and then back to El Modena in 2001" (Wood 2/1/2004, 176).[136] The JBB petitioner also differs in that the Council travels to other areas and holds meetings with those who live in other towns in southern California. The JBB petitioner did not provide additional information about the social relationships and interactions among the people who live in these distant areas.

The JBB petitioner submitted interview summaries that referred to "the migration from San Juan Capistrano to Orange County" to explain why so many members of its members grew up outside of San Juan Capistrano (Interview Summaries, 2000, Number 61). As San Juan Capistrano is <u>in</u> Orange County, the reference is unclear. It appears to be a reference to people leaving San Juan Capistrano and moving to the larger towns and cities in other parts of Orange County and

[136] One member of the JBMI-IP group stated that some of his relatives who lived outside of San Juan Capistrano joined the JBB petitioner because of their proximity to the JBB office, rather than having to travel to San Juan Capistrano for everything (J. Nieblas 2006, JBMI-IP [61-62]).

southern California, but it is not entirely clear when this movement actually took place. The petitioner did not provide additional information regarding this "migration," including which families "migrated," when they left SJC, and where they settled.

While the JBB petitioner holds its general meetings outside of San Juan Capistrano, it also asserts that it maintains close ties to the members there, and holds monthly meetings on "cultural matters" in the town (2/1/ 2004, 176). The JBB petitioner submitted additional information in newsletters that describe a "talking circle," basket making classes, and an "Elder's Circle" at the Harrison House/Parra Adobe (JBB Newsletter 2/1999, 6). The JBB petitioner was not specific in defining if these are the "cultural matters" referred to in *Wood*. The JBB petitioner did not include any information about specific issues discussed at either the "Elder's Circle" or the "talking circle." The JBB petitioner did not describe these activities, or include any sign-in sheets or membership lists indicating who attends these functions. The petitioner did not clarify if the petitioner was the sole sponsor of these acivities, or if they are held in conjunction with the CIC, which also utilizes the Harrison House/Parra Adobe.

The JBB petitioner maintains that it helps to provide health and educational services to members (Wood 2/1/2004, 176). The petitioner submitted newsletters that indicate that JBB organized a group to teach women basket weaving and to protect themselves against breast cancer (JBB Newsletter 5/1999, 5). The newsletters also describe the establishment of a scholarship fund to aid members, with funds acquired through the Community Development Council of Orange County (JBB Newsletter 1/1999, 4; JBB Newsletter 2/1999, 4). Issues of the newsletter also reported information regarding how low-income members could obtain commodity foods (JBM Newsletter 5/1999, 6). The JBB petitioner did not provide additional information about other programs instituted to aid its members.

The JBB petitioner placed particular emphasis on instruction in the Acjachemen dialect.[137] Sonia Johnston and her husband Darrell Johnston instituted a language instruction program in 1995. The organization obtained a grant from the Lannon Foundation to pay for the transfer of 145 aluminum disc recordings anthropologist John P. Harrington made of Anastacia (Davis) Majel in 1936 and 1937 to cassette tapes (JBB Minutes 10/21/1995a, 1; *Orange County Register*, 1/7/1996, 1).[138] The couple then devised a study course for the language and met monthly with people interested in learning the language at the Harrison House/Parra Adobe in San Juan Capistrano. A memo also indicates that the group conducted classes in El Modena (JBB

[137] The JBMI-IP has also made some attempts to teach the language to members. Frank Lobo and his daughter Kelina are formally-trained anthropologists and linguists enrolled in the JBMI-IP. Lobo and his non-Indian wife Susan interviewed some of the children of Harrington informants during the 1970's under the auspices of the Doris Duke Indian Oral History Project at the University of Arizona (Penfield 2005, 5). Frank Lobo also helped develop a linguistic program in 1999 called "Children of Tamayowut" (Children of Tamayowut Gathering 7/11/1999, 1-5).

[138] The grant itself was a subject of some contention between the Belardes and Johnston organizations. David Belardes maintained that Johnston had used the non-profit number from the JBM organization, which he referred to as "our number" to obtain the grant and he and the organization's governing body contemplated, but do not appear to have taken, legal action against the Johnston group (JBA 1/6/1995a, 1). Belardes also maintained that Johnston should provide copies of the language cassettes to members without cost (JBA Minutes 10/19/1996, 6), but there is no mention in the record of any specific fee being charged for the cassettes.

8/19/1995, 1). The record did not include any sign-in sheets or lists identifying which members took part in the language classes at either location.

In 1997, JBB established a team to play *peon,* a team game historically played by many southern California Indians. The JBB petitioner submitted newsletters that describe the team traveling to reservations such as Pala and Cabazon to play (JBB Newsletter 4/1999, 3). However, OFA analysis of the newsletters showed the names only six men and four women who play on the team, in addition to the member who instructs the team in the songs used in playing. There is an occasional mention of some members traveling to the games to support the players, but the available evidence in the record is insufficient to demonstrate that playing peon is an activity which a significant portion of members participate in or views as important.

The Putiidhem Protests

One event that some members from JBA and JBB attended together was a 2003-2004 series of protests over the development of land at one end of SJC that some archaeologists have identified as the historical village of Putiidhem. The Catholic Church leased the land to use for athletic playing fields and a gymnasium for its J. Serra High School. Many members, particularly those in JBA and JBB, believed that the area was a burial site, and should not be used by the school. Some also objected to the school being named after Serra, whom they described as being responsible for the destruction of the Indians. Further, both the JBB and JBA criticized David Belardes, the JBMI-IP leader, for working with the school. Belardes, on the other hand, justified his actions by making the point that the land was privately-owned, and that he was trying to reach to the best possible outcome for all parties concerned, including protecting the graves and having the school erect monuments in honor of the historical SJC Indian tribe .[139] The SJC city council voted to allow the fields to be developed (*Orange County Register* 5/20/ 2003, 1; *Los Angeles Times* 5/21/2003, 1). Members of the JBB and JBA began holding daily and weekly protests against the school (Doug 10/12/2003, 1-2). The school itself opened in September 2003, and some members also protested the ribbon-cutting ceremony (*Los Angeles Times* 9/4/2003, 1-2). JBA and various other groups concerned with the school development filed lawsuits and appeals, and as of this writing, the fields had not yet been fully developed. Nevertheless, the situation did nothing to mend the rift between the JBB and JBA (whose members were both on the same side of the issue), and actually appears to have intensified the animosity some JBB and JBA members felt towards David Belardes. The petition record includes no specific evidence, such as captioned photographs, identifying which members took part in these activities.

Interviews

OFA conducted 10 interviews with a total of 17 current JBB members. The interview subjects included 6 females and 11 males. The petitioner did not include the birthdates of all of the

[139] JBMI-IP members also supported the decision. Member Jerome "Jerry" Nieblas wrote an op-ed piece for the local newspaper, and characterized the school choice as the lesser of two evils, the other of which would have been a shopping center (*Orange County Register* 1/16/ 2003; 1). During OFA's 2006 site visit, one member of the JBMI-IP told the OFA anthropologist that she believed that the people buried there "loved children" and would not object to children playing on the site (Ruth [Lobo] Avitia, Personal communication, 2006).

interview subjects in its genealogical database, but available evidence for some subjects shows that the oldest JBB member OFA interviewed was 87, and the youngest was 49. One interview subject had lived her entire life in SJC, and her brother (also an interview subject) currently lived out of state. The remaining interview subjects lived outside of SJC, although some had lived in town at some point during their lives. Several subjects had either held office in JBB, or were current office-holders. Some interview subjects had long connections going back as far as the early MIF, while others became involved in the late 1970's.

All of the people interviewed had an opinion on how the apparent political divisions had developed into three separate entities, and several were not shy about blaming the actions of individuals for the current state of affairs. Several also had very strong opinions regarding David Belardes. The members emphasized that they felt that the JBB council was the legally elected council, which is why they chose to affiliate themselves with JBB as opposed to any other group. At the same time, one member described being embarrassed about how he thought the existence of three "Juaneño" entities made the membership look in the eyes of outsiders (B. Sepulveda 2006, JBB, [26]). All took pains to emphasize that they still associated with their friends and relatives who were members of the other groups when they saw them at public events or at family parties. For example one woman brought photographs from a recent family event, which included her niece, who is an elected member of one of the other group's governing body. However, none of the members said that they had attended any of the reunions or other social events officially sponsored by the other groups.

Summary of Evidence Relevant to Demonstrating Community, 1993-Present

The dramatic fluctuations in the JBB membership lists (particularly the inclusion of a number of individuals not previously JBM members) indicate that the current JBB petitioner's membership is essentially different from the JBM membership. These problems make it very difficult to determine the composition and social relations among the members of the petitioner over time. No other evidence in the record demonstrates that a cohesive continuing social community remained in place throughout these membership fluctuation.

Evidence submitted by the JBB petitioner indicates that it has instituted a number of social and cultural programs for the benefit of its members, but has not sufficiently documented the involvement of the membership in these activities. The JBB newsletters are a particularly good source of information regarding activities within the JBB petitioner, but provide little information about who participated in these activities. Unlike San Juan Capistrano, where there is a degree of informal association among the JBB, JBA, and JBMI-IP members who live in town,[140] there is very little information on the relationship between members living in other cities and towns, other than their participation in formal activities the JBB organized. There is little information as to whether the JBB members who live in Santa Ana, Riverside, or in other areas associate with each other, and no information as to how these members interact with each other outside of the formal organization.

[140] For example, in the JBMI-IP group, one of the members works for the U.S. Postal Service and chats with other members he sees along his route (Jerry Nieblas, personal communication, 2006).

The JBB petitioner did not submit a residential analysis, which makes it difficult to determine where the petitioner's members live in relation to each other and how they interact socially. Unlike the town of SJC, where there is a degree of informal association among JBB, JBA, and JBMI-IP members who live in town, there is little to no information regarding the relationship among members who live outside the town, other than the activities JBB organized. There is little information in the record regarding whether the JBB members who live in Santa Ana, Riverside, or in other areas associate with each other. The record contains no description or documentation of any additional formal or informal interaction (for example, if members belong to the same church, the same civic organizations, or live in the same neighborhood).

Conclusions of Evidence Relevant to Community 1834-Present

.Evidence in the record indicates that Indians of the historical SJC tribe were originally part of a system of culturally similar, politically autonomous, Uto-Aztecan-speaking villages located in a specific area claimed by the mission. The Franciscan missionaries at the mission recruited Indians from this population over a period of 58 years, until the Mexican government secularized the missions and emancipated the Indians. While some of the Indians stayed in the area after the secularization of the mission in1834, many of the Indians left SJC. The Mexican government then attempted to organize a *pueblo de indios*, or town of emancipated Indians, but abandoned these efforts in 1841, when it distributed the mission land to a number of non-Indian settlers and a few Indians.

The evidence in the record demonstrates that the JBB petitioner did not evolve from the historical SJC Indian tribe as a distinct community. Some of the petitioner's ancestors were SJC Indians, but the petitioner's ancestors derive from the general population of SJC residents in the mid-19th century, which included non-Indians, individual SJC Indians, and other Indian residents in the town. While some members of the current JBB petitioner do have SJC Indian ancestry, there is no evidence that the SJC Indian ancestors were part of an Indian entity that evolved from the SJC tribe in 1834; rather, they appear to be Indian individuals who became absorbed into general, ethnically mixed, population. Several Indian families had long-term relationship with Spanish and Mexican military personnel and with settler families from San Diego. The membership of the JBB petitioner reflects the makeup of this general population, as many members have no documented Indian ancestry, or have documented California Indian ancestry from other non-SJC Indian populations. The current compostition of the JBB petitioner mirrors the composition of the mid-19th-century general population of the town. The record does not demonstrate that the petitioner's mid-19th ancestors were part of a distinct community that evolved from the SJC tribe. The record does not demonstrate that the petitioner's mid-19th century ancestors formed a distinct community that evolved from the SJC tribe. There is not sufficient evidence to show that these residents formed a distinct community, and thus does not meet the requirements of the regulations

The 1860 Federal census enumerated 32 percent of the town's population as "Indian," but the evidence is unclear if any of these were the same Indian individuals who had been enumerated as part of a separate group in the 1850's. A few can be documented as members or descendants of the historical SJC Indian tribe, but the majority of those Indians identified on the 1860 census are

not linked to the petitioner's ancestors and lived in small groups or families separate from the general population of the town, possibly on ranches. In contrast, the census enumerated the JBB petitioner's ancestors who descended from the historical SJC Indian tribe living interspersed among the other residents of the town's general population. The evidence in the record does not indicate that the petitioner's ancestors composed a distinct population within the town of SJC

Some of the non-Indian and non-SJC Indians (such as the Parra and Maria Gorgonia Cañedo descendants) ancestral to other members of the JBB's members moved to the town of SJC during the mission period, or arrived there soon after the 1834 secularization of the mission or migrated to California around the time of the 1849 Gold Rush. Some established social relationships with the Indian descendants, such as serving as godparents and confirmation sponsors. Some later married or entered into relationships with descendants of SJC Mission Indians and established kin ties.

In 1920, many of the JBB petitioner's ancestors joined the Mission Indian Federation (MIF). Many people who joined this organization were not of Indian descent, but had longstanding relationships and kin ties with the documented Indian descendants living in the town as part of its general, ethnically mixed population. When these people filed applications in 1928, some people of Indian descent witnessed their applications and attested to their claims of Indian descent. The 1933 Census Roll included these non-Indian descendants as "San Juan Capistrano Indians." However, not all of the petitioner's ancestors can be linked to the 1928 Applications, and only 18 percent of the 2005 JBB membership can be linked to an ancestor,or are themselves, listed on the 1933 Census Roll.

In 1946**,** after World War II and the deaths of some older MIF leaders, SJC Indian descendant Clarence Lobo drew on the same 1933 enrollees, as well as other claimed Indian descendants in nearby Santa Ana, to agitate for the settlement of the 1928 Claims Act. A significant portion of the JBB petitioner's current membership derives from individuals who left SJC several generations ago. The JBB petitioner has not provided any information regarding interactions among the people who did and did not file for enrollment on the 1933 Census Roll. Some of these families did not become active in any SJC Indian activities until the 1955 Claims Act and others did not participateuntil the final claims settlement in 1964, which was paid out in 1972 and 1973.

The record included little information regarding social interaction among a group of people claiming SJC Indian ancestry during the late 1960's and early 1970's. In 1975, several descendants of the historical SJC Indian tribe and their spouses formed the non-profit Capistrano Indian Council (CIC). The membership of the non-profit organization included people other than claimed Juaneño descendants, but the evidence in the record indicates that the organization was predominantly used to mobilize Federal, state, and local funding for the local descendants of the historical SJC Indian tribe. The evidence also indicates that participation in the CIC was limited to those living in or very close to SJC (or with those who still had close family living in the town). Further, many CIC members were from families with a long history of participation in the MIF and the various claims-related activities Clarence Lobo orchestrated. However the information in the record does not indicate continuity between the claims-focused organization

Clarence Lobo oversaw and the CIC. They appear to be distinctly different entities with different methods and different goals, even though both attracted some of the same descendants.

Evidence in the record does not indicate that the formation of the JBM was the establishment of a formal organization from a previously-existing entity. It began in conjunction with the CIC, but soon evolved into a separate organization with very little participation from CIC members. Evidence in the record indicates that the organization included many people who had not previously associated with each other, and who knew nothing about the CIC. Few residents of SJC joined the JBM group in the early stages of its formation, and did not appear on a membership list until 1995. Evidence in the record indicated that the events surrounding the SJC Mission's firing of SJC Indian Floyd Nieblas (who was not an enrolled member of the JBM) in 1989 appears to have convinced some CIC members to support JBM actions.

JBM social and cultural elements (such as the "Annual Reunion" and "Ghost Dance") described in the JBB petition appear to be of recent origin, and there is no evidence to show that these events were of more than symbolic importance to the group as a whole, rather than for a few involved members. A number of these JBM members later chose to join the JBB when the JBB submitted its letter of intent to petition in 1996. However, unlike the JBA, the JBB includes very few SJC town residents, particularly those former CIC members active in the claims-related activities Clarence Lobo orchestrated. Most members of the JBB appear to be descendants of families who left SJC several generations ago and maintained little contact with the descendants who remained in the town (outside of activities involving claims) prior to the establishment of the JBM in 1978 The JBB group also enrolled a number of people with no previous recorded connection to the petitioner, though they may have shared some distant ancestry from the pre-1900 population of SJC. However, the dramatic fluctuations in the JBB group's membership lists (particularly the inclusion of sizeable numbers of people unconnected to the previous members of the JBM or the CIC), in combination with the above evidence indicate that the JBB petitioner is essentially a different group than the JBM. Further, although a number of former JBM members chose to enroll with the JBB, the JBB is not a direct successor to the JBM or CIC organizations. The JBB, JBA, and JBMI-IP all continue to draw from this same "pool" of former JBM members, as well as incorporating new members claiming SJC Mission Indian descent. These fluctuations make it very difficult to determine the composition of the JBB petitioner, and to understand social relationships among its members. No other evidence in the record demonstrates that a cohesive continuing social community remained in place throughout these membership fluctuation.

Since the emergence of the petitioner's organization in 1996, there is insufficient evidence that the petitioner's members comprised a distinct community. The JBB petitioner has provided opportunities for members to associate (e.g., at basketry classes, playing *peon*, and during the group's "Annual Reunion"). The record, however, contains no information indicating informal association among the JBB members who live in towns and cities (such as Santa Ana, Corona and Riverside) with a significant number of other group members. The majority of the JBB petitioner's current members descend from individuals who left the town of SJC several generations ago, and do not appear to have maintained significant social contact with those descendants who remained, or with other descendants who left, other than family members.

The evidence in the record demonstrates that the JBB petitioner did not evolve as a distinct community from the historic SJC Indian tribe that existed at SJC Mission in 1834. The petitioner's ancestors derive from a population of non-Indians, some individual SJC Indian descendants, and non-SJC Indians who lived in the town of SJC in the mid-19th century. There is not sufficient evidence to show that these people formed a distinct community which meets the requirements of the regulations at any time. The historical SJC Indian tribe would meet this criterion until 1834, but the JBB petitioner has not demonstrated that it meets the requirements of this criterion since 1834. Therefore, the JBB petitioner does not satisfy criterion 83.7(b) for any period of time from 1834 to the present.

Criterion 83.7(c) requires that

> **the petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.**

Introduction

Under the acknowledgment regulations, a petitioner must be an autonomous political entity, able to exercise formal or informal influence over its members, in significant respects, who in turn influence the policies and actions of the leadership. The regulations do not require that political influence be exercised over all aspects of the lives of the members of a petitioning group. They do not require that the group influence people or governments outside of the group. Significant political relationships are more than those maintained in a social club or other voluntary organizations, in which leaders have authority over very limited aspects of an individual's life.

The evidence must also show that there is a political connection between the membership and the action being taken. Groups that lack a bilateral political relationship between members and leaders do not meet criterion 83.7(c). Evidence that a small group of people carry out legal agreements or other activities affecting the economic interests of the group without much political process occurring or without the awareness or consent of those affected does not demonstrate political influence of a group over its members.

An analysis of the available evidence in the record does not demonstrate that the JBB petitioner has maintained political influence over its members throughout its history as an autonomous entity from historical times until the present

Evidence Relevant to Political Influence
During the Spanish and Mexican Periods (1776-1848)

Coronnes, *Nus*, *Eyaques*, and *Tepis*

Father Geronimo Boscana (b.1776-d.1831), a Franciscan stationed at the SJC Mission from 1812 until 1826, described the traditional leadership structure of the Indian villages whose population associated with the mission as consisting of an elite class of people he identified by the titles *coronne,*[141] *nu*, *eyaque* and *tepi*. According to his description:

> At all the new settlements the oldest man of the family became the chief, and they called him Nu, and his second [they called] Eyacque, and as regards their wives,

[141] "Coronne" was originally the name of the female chief who was believed to have established the village of Putuidem. The village was so named after a lump or swelling in her navel. High-status females named "Coronne" were named in memory of the first ruler of Putuidem (Boscana 1934, 58).

> the wife of Nu they called Coronne, and the wife of the Eyacque they called Tepi. The name Coronne was in memory of Putuidem. And as regards Tepi, I do not know what ground they may have. . .The names Coronne and Tepi signify those little animals which fly about, called ladybugs. . . The red ladybugs they call Coronne, and those yellow ones. . . they call Tepi, and these are the lineages of most noble blood, and they are all of this great descent and race. (Boscana in Harrington, 6/27/1934, 58)[142]

The mission registers recorded many individuals bearing these titles from the mission's inception until approximately the 1820's. These individuals came from a number of different villages, and those who entered the mission already were married to other individuals whose names indicate that they were also from high-status families. Additional information from the mission registers indicates that, even though the high death rates inside the mission may have altered marriage patterns, at least some of the people with names indicating high status continued to marry other people of similar rank during the mission period (spelling is approximate, as the priests at the mission did not utilize any standardized spelling of native names).

OFA's analysis of the mission registers identified some of these marriages, including that of Valeriano (Nupaguez) Temequevevemovit (SJC Baptisms #510, 3/7/1770) who married two women identified in mission registers as *tepis* - María Balbina Tapi (SJC Baptisms #739, 2/20/1787; SJC Marriages #206, 1/10/1787) and María Esperanza Tapic (Tepi) (SJC Baptisms #1842, 12/18/1778; SJC Marriages #489, 8/8/1799). The name *Nupaguez* contains the title "*Nu*", which may have indicated his social status. Another man, Antero Tucuanga or Pucuanga (SJC Baptisms #1245, 2/21/1793, also married two *tepis.* He entered the mission in a traditional marriage "en su Gentilidad" to Isidora Tepi, and the Franciscans then solemnized the marriage at SJC Mission (SJC Baptisms #1264, SJC Marriages #322, 2/21/1793). After her death in 1800, he married Justa Tipi Zaalt in 1802 (SJC Baptisms# 692, 2/27/1786; SJC Marriages #536, 3/1/1802). The evidence in the record included no analysis of the mission registers indicating marriage ties among local elites, which might demonstrate marriage ties across time (depending on when the neophytes entered the mission) and space (depending on villages the neophytes came come from).

Prior to the establishment of the missions, the independent villages appear to have united for celebrations, marriages, and for war (there is no evidence that the villages continued to unite after the mission period). There is no evidence in the record of a single leader or group of leaders who arranged these interactions. There is also no evidence in the record of a single leader at the mission, although the 1812 questionnaire stated that the Indians in 1814 recognized a "*capítan*" (Boscana and Barona in Englehardt 1922, 58-60).[143] The questionnaire, however, did not identify any *capitanes* by name or describe any actions that these individuals took. The mission registers recorded the names of two *capitanes* in the early period: Juan Diego Raunet

[142] Boscana did not state whether individuals could acquire these titles through marriage, attain them through ascription, achieve them through an individual's own activities, or attain them solely through inheritance.

[143] In the formal Spanish hierarchy of mission government, *capitanes*, *alferezes*, and *sargentos* were all positions implying military duties and the maintenance of order (Moreno and Salas 1992, 79).

(SJC Baptisms, 11/17/1782) was identified as "capítan de Pituide" when he married María Pasquala Tepi, the daughter of Juan Francisco Taclet, the "capítan of Sagavit" (SJC Marriages #89, 11/17/1782). The mission registers did not record any subsequent *capitanes* after this early period, although other evidence indicates that some aspects of traditional leadership continued. There is also no evidence to indicate whether or not *capitanes* came from the same class of traditional leaders, or any description of how or if the leadership of *capitanes* differed from that of the traditional leaders within the mission.

Other missions in the California system depended heavily on Indian *alcaldes*, or representatives, to oversee the Indians as they worked in the various mission enterprises. The Franciscans relied on the *alcaldes* to maintain order, as well as to discipline and punish those Indians who engaged in behavior the priests deemed immoral. Surviving records indicate that some *alcaldes* at SJC may have been from the local elite, or have had kinship or affinial ties to the pre-mission status system. Others had no known links to high status individuals, and the Franciscans may have "elected" or appointed them for reasons other than their place in the traditional social system.[144] This information, although tentative, does demonstrate, by a reasonable likelihood,continuity in leadership between the aboriginal system and the mission's Indian officers.

The available records from SJC Mission contain references to six named *alcaldes* (others are alluded to in other records, but not named). The baptismal registers identified Guillermo Paat in 1784 as the first *alcalde* of the mission when he served as godfather to two Indians that same year (SJC Baptisms, #518, #519; 12/5/1784, 12/5/1784). According to mission regulations, elections for *alcaldes* were supposed to be held each year, but the next *alcalde* mentioned in the available record was Bruno María Torsainornimovit, identified in the record of a 1797 trial transcript (*San Diego v. Jujuvit* 6/1797ca, Fifth Statement, 1-2). Rafael Puitude (SJC Baptisms #435, 10/4/1783) was identified as an *alcalde* when he served as a witness at a wedding in 1807 (SJC Marriages #683, 12/31/1807), and Narciso María Zaalt (Culiti) and Mateo Sasabet were both identified as *alcaldes* when they served as witnesses at a wedding in 1813 (SJC Marriages #877, 9/20/1813).[145]

The last person identified as an *alcalde* in the mission registers was named Florentino. In 1850, he was identified as "the *alcalde* of the Indians" when serving as a witness at a wedding (SJC Marriages #1471, 2/1850), even though the Mexican government secularized the mission in 1834 and emancipated the Indians in 1840. The 1852 California State census and 1860 Federal census enumerated several Indian communities in San Diego County with named *alcaldes,* but none were named Florentino, and the 1850 Federal census and the 1852 California State census enumerated no Indian named Florentino in SJC. Nevertheless, the SJC burials register contains the record of the 1852 burial of an Indian named Florentino (SJC Burials #4926, 3/27/1852), but

[144] Franciscans sometimes manipulated the elections of *alcaldes* to appoint Indians they wanted in authority, rather than representatives the Indians may have wanted (Hackel 1997, 359), but this does not mean that these *alcaldes* were not political figures.

[145] Other records name two other *alcaldes*, (Julian and Gil), not in the sacramental registers. Manuel Castañares reportedly appointed a man named Julian as alcalde in on July 11, 1842, but nothing more is known of him or his actions (Englehardt, 1922, 142); one source identified Gil as the last Indian *alcalde* who served under the civil mission administrator Santiago Argüello (Harrington 1836-1927, 2).

the register entry did not specifically identify him as an *alcalde*.[146] There is insuffient evidence in the record to determine if Florentino acted as a leader of the SJC Indian tribe in 1834. The JBA, JBB, and JBMI-IP did not analyze the records for all of the named *alcaldes*, and here is no discussion in the record of the role of *alcaldes* after the mission system ended, which might be important evidence of leadership or influence of a post-1834 SJC Indian tribe.

Regidores also formed a part of the Spanish system of local government. *Regidores* represented the economic interests of the most important families in a given community and served long terms, often for life. No descriptions of the activities of *regidores* at San Juan Capistrano are available in the record, but Rafael Puitude, also identified as an *alcalde* in 1807, was identified as a *regidor* in a record when he served as a witness at a wedding of two Indians in 1811 (SJC Marriages #732, 11/5/1811). The SJC Mission registers identified two other individuals, Elutherio Tuguila (no baptismal entry and Eusebeo Patta (also called Eusebio Nacuanich) (SJC Baptisms #353, 3/2/1782), as *regidores* when serving as witnesses at weddings (SJC Marriages #733, #888; 11/21/1811, 3/30/1814).

Neophyte Emancipation and the Secularization of SJC Mission

Mexico gained its independence from Spain in 1821. In 1825, Governor Jose Figueroa advanced a plan to emancipate a limited number of the Indians of the missions in California. When emancipated, the Indians would no longer be legally considered wards of the state, and legally would become full Mexican citizens in the eyes of the law. The plan to emancipate the Indians and secularize the missions developed in a context of anticlerical (and specifically anti-Spanish-born anti-clerical) sentiment, new colonization policies designed to populate Mexico's sparsely settled northern frontier against the rapidly advancing United States, and the desire to "liberate" the Indians from the paternalism of the Franciscans, while also freeing the coveted mission lands and property for private ownership. The Franciscans had, in theory, held these lands in trust for the Indians.

On July 25, 1826, the first emancipation decree became official, and some neophytes in the jurisdiction of San Diego (including SJC), Santa Barbara, and Monterey presidios became eligible for emancipation. The territorial government passed laws that forbade priests to compel the Indians to work on communal mission projects, or to order corporal punishment or imprisonment for neophytes who refused to work on such projects. In theory, the plan was to grant freedom gradually to those deemed prepared to support themselves; in reality, once the government prohibited the Franciscans from disciplining the Indians, the fragile social order at the missions broke down quickly. A small "revolt" broke out among the SJC Indians on January

[146] There is considerable evidence regarding the Florentino who died in 1852. The Franciscans baptized Florentino in 1805 at about the age of 11 or 12, and he was originally from the Touve Rancheria. His baptismal record noted that his native name was Gugannavit (SJC Baptisms #2441, 3/14/1805). He was married three times and widowed twice. His second wife, Juana, was identified as "Juana Coronne," in their marriage record. Her baptismal record gave only the name "Juana" (SJC Marriages #976, 6/11/1819; SJC Baptisms #2139, 10/30/1802). Juana's mother was identified as "María Rafaela Coronta" in her daughter's baptismal record; "Coronta" may be a misspelling of "Corrone," which would indicate that both mother and daughter held or inherited that particular title. There is, however, no indication that Florentino served as an *alcalde* during the lifetime of his second wife, who died prior to Florentino's 1840 marriage to San Luis Rey neophyte Josefa Felipa, to whom he was married when he died in 1852.

22, 1826, when Corporal Hilario Machado reported that the Indians had insulted the captain of the guard, and threatened to put the captain in the stocks if he did not put the priest in the stocks (Englehardt 1922, 83).

There is no further information regarding either the fate of the rebellion or the fate of Corporal Hilario, but the fortunes of the mission quickly began to wane as the Franciscans lost coercive power over the Indians and their labor. The priests could not compel many of the neophytes to work in the fields (and did not offer or were unable to pay them), and production of the mission dropped sharply. However, the production did not stop completely, and some work was still done for the mission. For example, 1,776 bushels of agricultural products were harvested in 1826, 3,885 bushels in 1827, and 1,850 bushels in 1831 (Engelhardt 1922, 184-185). While most of these totals were much lower than what had been reported before emancipation, some planting and harvesting was being done. The mission also maintained its sizable herds of livestock. For example, the mission owned 10,800 cattle and 5,700 sheep in 1826 (as well as goats, pigs, horses, and mules); in 1834, the mission owned 12,139 head of livestock, including 8,000 cattle and 4,000 sheep (Engelhardt 1922, 182).

The number of Indians recorded at SJC Mission also decreased over time. For example, in 1827 the mission register recorded 956 Indians. Over the course of the next year, 51 deaths were recorded and 41 Indians were baptized (a net decrease of 10). The 1828 register recorded 947 Indians (which should read 946). The mission continued to lose population over the next few years, recording 934 neophytes in 1829, 926 in 1830, increasing slightly to 939 in 1831, then decreasing to 900 in 1832 (Engelhardt 1922, 175).

In 1833, Mexican officials chose SJC Mission as the site of an experiment. They attempted to convert the mission into *a pueblo de indios*, or town of emancipated Indians, with the idea that if the transition went well, the experiment could be repeated at other missions. The original plan was to settle the Indians on a portion of the mission lands called San Mateo (the pre-contact village of Panhe). However, at a meeting on September 21, 1833, the Indians told the officials that they did not understand why they should move to San Mateo when they already lived on irrigated lots elsewhere (the record does not specify where these lots were located) that they maintained without help from the mission. The officials then cancelled the plan to distribute the lands at San Mateo and ordered the mission lands to be assigned to the Indians on October 13, 1833. Governor Jose Figueroa also wrote a letter dated October 15, 1833 notifying the residents that they were eligible to vote, but also stated that they were not citizens (Engelhardt 1922, 112,114).

The Mexican government established a number of *pueblos de indios* that became autonomous towns, but the situation was different in California. The pueblo was to have been a communal venture, with the Indians owning the property in common, and working for a salaried civil administrator who would serve the same overseer role the Franciscans had served. However, many of the Indians choose to leave rather than remain at the *pueblo de indios.* In 1834*,* the Franciscans reported 861 Indians living at SJC Mission; five years later, in 1839, William Hartnell reported only 76 Indians remaining at the mission proper, and the death records did not account for the rapid decrease in Indian population at the mission.

Legally, the Indians were still wards of the mission and could have been made to return. There is one reference in the record of an attempt to compel the Indians to return. Victor Augustine Janssen served as SJC's civil administrator in 1840. Thomas Savage (an assistant to Hubert Howe Bancroft) interviewed him in 1878.[147] In *The Life and Adventures in California of Don Agustin Janssen 1834-1856*, Janssen stated that he "named two Indian *alcaldes* to go to Los Angeles to bring back the Indians, who had all left because there had been no means of livelihood at the mission" (Ellison and Price, ed. 1956, 76). He later stated that 200 Indians settled in the canyon at the mission, but does not state if all 200 had returned from Los Angeles or if they included the 76 Indians Hartnell recorded.

In 1839, an Indian named Jose Delfin (or Jose Fermin), filed a complaint on behalf of the remaining neophytes, and charged Santiago Argüello, the administrator of the mission, with abusing the labor of the Indians working at SJC. This particular administrator reportedly had a family of 22 children, as well as many other relatives, whom the Indians resented having to work to support. The Indians also complained about the transfer of mission lands and assets to well-connected settlers. Jose Delfin, does not appear to have been an *alcalde,* but appears to have been an informal leader of the neophytes. When Inspector General William Hartnell declined to remove Argüello from office, the Indians still refused to work for the administrator (Hartnell 1839, Entry 169). SJC Mission Indians filed this 1839 protest, but no other reports of any Indian protests against administrators at the mission and other references to additional leadership on the part of Jose Delfin appear in the record.

Further attempts to administer SJC as a *pueblo de indios* met with little success, and the territorial government abandoned the experiment in 1841. The government dissolved the *pueblo de indios* and transferred the mission lands to a number of settlers from San Diego who had previously petitioned for the dissolution of the *pueblo de indios*. A few Indians received property, but most went to the non-Indian settlers from San Diego, including several former members of the *escolta*. The mission complex itself was eventually sold to John Forster, the brother-in-law of California's last Mexican governor (Pio Pico), and the family lived there until 1865, when the Catholic Bishop of California successfully sued for the return of all 21 mission properties to the Diocese. SJC continued as a regular pueblo, or town, until the United States took control of California from Mexico under the 1848 Treaty of Guadalupe Hidalgo.

Summary of Evidence of Political Influence, 1776-1848

The evidence in the record indicates that the historical SJC Indian tribe that came together at SJC Mission was composed of people from a network of politically autonomous villages within a specific area under the influence of the SJC Franciscan missionaries and from which the missions drew its converts. In addition to a system of intermarried hereditary elites (*nus, coronnes, eyaques,* and *tepis)*, these villages also appear to have had *capitanes*, who also possessed some authority over residents. Once at the mission, some evidence in the record indicates that members of the hereditary elites continued to marry each other, although the high death rates at the mission appear to have disrupted this system. There is also some evidence that

[147] Savage interviewed several figures from the days of Mexican rule in California, including John Forster, a seminal figure in the history of SJC. These interviews are available at the Bancroft Library, University of California, Berkeley.

members of the traditional elite occasionally married members of the mission's new system of elites, including *alcaldes* and *regidores,* which may be evidence of the old political system integrating itself with the new structures the mission introduced.

The Mexican government secularized the missions in 1824 and emancipated the Indians in 1834, with blanket emancipation of all California Mission Indians occurring in 1840. After 1834, many of the Indians appear to have left the missions as soon as they were able, although some did stay together in the area. The government's attempt to establish a *pueblo de indios* failed, as more Indians left the former mission, and those who remained became increasingly dissatisfied with the administrators. The record contains one example of a petition the SJC Indian Jose Delfin (or Jose Fermin) filed in 1839 on behalf of the remaining group of SJC Indians specifically protesting the administration of Santiago Argüello. Reported work slowdowns and expressions of dissatisfaction imply that the SJC Mission Indians still had some capacity for common political action or political authority. In 1840, the mission's civil administrator sent two men he described as *alcaldes* to return a number of SJC Indians from Los Angeles to the former mission, presuming that these alcaldes continued to have some influence over a group ofSJC Indians even after they had left. However, the available documentation does not name leaders or link the JBA and JBB petitioners' specific Indian ancestors to these post-1834 activities. Evidence does not link their ancestors who were part of the *escolta* to any actions the Mexican guards took.

The territorial government dissolved the *pueblos de indios* in 1841, and distributed the remaining land to at least four neophytes (whose names survive in the record), some former *escolta* members, and a number of settlers from San Diego. Some of the individuals in all three categories are ancestors of the current JBA petitioner (as well as the JBB petitioner and JBMI-IP). The record is silent as to any political influence or authority exercized by, or on behalf of, a remaining group of SJC Indians still living near the former mission between 1841 and 1848, although a separate population of Indians still resided in the area .

Evidence Relevant to Political Influence
During the Early Statehood Period, 1848-1861

In February of 1848, after the Mexican War, the Treaty of Guadalupe Hidalgo ceded Alta California, New Mexico, and Arizona to the United States. Under this treaty, the United States also agreed to honor the land grants that the Mexican government had awarded, but many claimants eventually lost their lands due to mortgages, taxes, debts, or failure to receive proper title (Pitt 1970, 107). The United States government also negotiated 18 treaties between 1851 and 1852 with Indian groups in California, which would have extinguished Indian claims to most of the state of California, leaving approximately seven million acres of reservation land to California Indians. Congress, however, refused to ratify the treaties.

The JBB, JBA, and JBMI-IP maintain that their ancestors were a party to one of these treaties, the Treaty of Temecula, but there is no evidence currently in the record which supports this claim. No documentation specifically naming a "Juaneno" band as participating in the negotiations leading to the treaty exists in the current record, and none of the specific villages named in the treaty appear to refer to villages contributing to the historical Indian population of

SJC Mission. No evidence identifies a "Juaneno band," or a band living in the vicinity of SJC Mission, as being subject to the treaty.

In his report to the Commissioner of Indian Affairs, the U.S. Indian Agent O. M. Wozencraft, the U.S. agent charged with negotiating the treaties in the geographical area encompassing SJC, described the procedure he used to organize the negotiation of the Treaty of Temecula. Wozencraft noted that:

> Temecula was named by me as the place of meeting for all the tribes of the Cahuijas [*sic*] nation; couriers were dispatched to the various tribes with directions to meet me at the above named place as soon as they could assemble[.] (Wozencraft 1/9/1852)

In the same report Wozencraft enumerated the Indians "of the South" with whom he had negotiated treaties with. They included the "Kahweas, San Luis Rey Indians, Co-con-cah-was, Dieguinos, and the Indians of the Colorado…" (Wozencraft 1/9/1852). Specifically, the treaty identified fifteen named representatives of the San Luis Rey Indians (spelled "San Louis Rey" in the treaty), 12 named representatives of the combined Kah-we-as Indians, and one representative of Cocom-cah-ras, or Serranos. None of these individuals or these groups appear to be an alternate name or identification for a group associated with the historical Indian population of SJC Mission. Wozencraft did not identify any "Juaneño" leader or leaders participating in the signing of the Treaty of Temecula. Further there is no evidence in the record of any group of "Juaneños" protesting their omission from the treaty-making process.

In 1936, the "judge" and local representative of the SJC Mission Indian Federation (MIF) Marcos H. Forster (1866-1936), wrote a petition on behalf of the "Capistrano Band" in which he stated:

> Our Chief's name who signed the 18 Treaties was Cecil go-no-nish. Rancho Mission Vieja La Paz is six miles east of SJC; Orange County, California, Las Flores Indian Village was located in San Diego County, California, twenty miles south of SJC. (Forster et al. 1936, 1)

The record included a 2001 study entitled *Descendants of Native Communities in the Vicinity of Marine Corps Base Camp Pendleton: An Ethnohistoric Study of Luiseño and Juaneño Cultural Affiliation.* This study identified the treaty signatory Cisto "Go-no-nish" as "Sixto Guanonix," a resident of Las Flores baptized at San Luis Rey Mission. No information in the study documented a connection between "Sixto Guanonix" or the historical Indian tribe at SJC Mission (Johnson et al. 12/2001, 54).

OFA examined the 1850 Federal census and the 1852 California State census, and the 1860 Federal census in order to evaluate the claim that Cecil\Cisto\Sixto Go-no-nish was the "Chief" of a group at SJC in 1852, when the treaty was signed. The 1850 census specifically enumerated the "San Luis Rey Indian Village," but did not include Las Flores. The 1852 California State census of San Diego County identified an Indian community at Las Flores, and also named a Captain ("Lieslor") and an *alcalde* ("Atanacio"). It did not identify anyone by the name

variations given for the signatory of the Treaty of Temecula. The 1860 Federal census includes no information regarding Cecil\Cisto\Sixto Go-no-nish. There is no documentary evidence that Cecil\Cisto\Sixto Go-no-nish was a "chief" or leader among the people of Las Flores, and no evidence that either he or any of the other leaders at Las Flores had any authority over a population at SJC. It is possible that some former neophytes from SJC may have gone to live in other Indian groups and, thus, became subject to the particular leaders of those groups , but the record contains no evidence that Cecil\Cisto\Sixto Go-no-nish was a Las Flores leader , or that the leader of the Las Flores community (20 miles south) had political authority over the JBB petitioner's ancestors who remained in SJC.

In his 2004 master's thesis, Stephen O'Neil (a researcher associated most closely with the JBMI-IP interested party) asserted that Indian leaders of the Indians at Las Flores, the former *rancho* of San Luis Rey Mission, also attended and participated in the 1852 treaty negotiations leading to the signing of the Treaty of Temecula (O'Neil 2004, 94). Their participation is not in question. However, the O'Neil thesis did not provide any documentary evidence to substantiate the claim that an Indian leader from Las Flores signing of the treaty provided a connection to link the treaty to Indians from SJC Mission. As O'Neil noted, the Franciscans at San Luis Rey Mission created a new Indian group at Las Flores, and the population of Las Flores from 1834 to 1852 was not the same population that lived in the village when the Franciscans established SJC Mission (1776) and San Luis Rey Mission (1798) or part of a population that evolved from the villages. The record contains no evidence that documents a connection between SJC and Las Flores, or demonstrates that U.S. Indian Agent Wozencraft considered the Luiseño leader from Las Flores or the leaders from the other Luiseño communities he negotiated with to have also represented the Indians of SJC mission or nearby villages.

In a similar vein, the JBMI-IP interested party argued that because the Franciscan missionaries stationed at SJC claimed the use of grazing lands near Las Flores in the 1790's and 1800's, the Treaty of Temecula also applied to the Indians from SJC Mission (JBMI-IP Narrative 11/19/2005, 25-6). The record contains no evidence that Wozencraft took into consideration a land dispute between the two missions from some 50 years earlier in determining with whom to negotiate the treaty. [148]

The JBB petitioner claimed that the "Garra Tax War" in 1851 was one of the causes for the negotiation of treaties with different California Indian tribes in 1851 and 1852. JBB also claimed that the Cupeño headman Antonio Garra enlisted Juaneños to participate in the revolt he led, and cited George H. Phillips' 1975 study *Chiefs and Challengers: Indian Resistance and Cooperation in Southern California* as the source for this claim (JBB 12/1/2005, 13). A review of Phillips's study on the pages cited does not sustain this assertion. Phillips mentioned a number of groups in connection with the uprising including the Cahuilla, Quechan, Cocopa, and the Tularenos from the southern San Joaquin Valley, as well as the Indians of San Luis Rey, Temecula, and Santa Isabel (Phillips 1975, 71-94). There is no evidence presented in the book that Garra recruited or attempted to recruit "Juaneños."

[148] The priests of SJC also quarreled with the priests at San Luis Rey over territory in the 1820's and 1830's (Englehardt 1922, 89), but there is no evidence that Wozencraft took this latter dispute into consideration when determining with whom he would negotiate the 1852 treaty.

The JBB petitioner also claimed: "The legal precedent, data and materials present evidence that demonstrates and reasonably establishes that the Juaneño Band of Mission Indians once held a relationship with the United States government, that relationship has never been abandoned . . . " (JBB 12/1/2005, 1). This claim is based, in part, on the 1852 Treaty of Temecula. Regarding the 1852 unratified Treaty of Temecula, the JBB petitioner asserts that: "Juaneño chiefs, like all other headmen, whether present or not, were held liable to the strictures of that document and on the other hand would share in the lands, services, and goods promised therein." (JBB 12/1/2005, 13). In addition, the narrative asserted that ". . . the Treaty of Temecula was intended, ultimately, to include the Juaneño Band of Mission Indians and constitutes, as Castillo argues in this submission, the first point of unambiguous federal acknowledgement of the Juaneño Band" (JBB 12/1/2005, 30). There is, however, no evidence to demonstrate that the Treaty of Temecula intended to include any group of "Juaneños." The Treaty of Temecula may have been negotiated with Indian tribes who lived in the same general geographic area as SJC, but this does not mean that these were the same as the "Juaneños." The JBB petitioner did not identify any Juaneño "headmen" or "chiefs" who were supposed to have served during this time, and the record contains no additional information about "Florentino," the last man identified as the SJC Indian *alcalde* in 1850. Florentino died in 1852.

A separate Indian population recorded in the vicinity of SJC on the 1852 California State census (1852 State Census, 113-116) does not appear to contain the JBB petitioner's Indian ancestors, who are enumerated elsewhere in dispersed households. The record contains a reference to a number of Indians from SJC traveling to Los Angeles to visit Judge Benjamin Hayes, of the Southern District Court, to complain about Sonorans infringing on their land and water resources in 1856 (JBM 2/24/1988, 59), but the JBB petitioner did not submit a copy of the reference it cited (Wolcott 1976), and OFA could not evaluate the claim in the context of the petitioner's ancestors. This Indian population at SJC mission also does not appear to have attracted the attention of Federal Indian agents. No documents in the record or any documents OFA located identified any Federal reports concerning the Indian population in SJC, while a number of documents concerning the Indians at nearby San Luis Rey and Pala are available. For example, a November 21, 1857, report that Indian Agent J. Q. A. Stanley filed described how the Indians had recently repaired the mission church at nearby Pala. They had done so at the urging of a Franciscan priest named Sanchez and with food that their chief Manuelito furnished at his own personal expense (NARA Microfilm 234, Reel 42, Frame 714). The record contains no examples of this type of activity (mobilizing a significant number of members and resources) by an Indian entity which included the JBB petitioner's ancestors.

Summary of Evidence of Political Influence, 1848-1861

The record contains a number of arguments which attempt to make the case for "Juaneno" participation in the 1852 Treaty of Temecula. None of these arguments is substantiated by the documentation in the available record, which contains no identification of a politically autonomous "Juaneño" band taking part in any of the treaty negotiations. At the same time, the record contains no discussion or examples of political authority or influence amongst the specific named ancestors of the current petitioning group living in SJC during this period. The record includes no examples of elections, appointments, or formal or informal leadership among the petitioner's ancestors during this period.

Evidence Relevant to Political Influence, 1862-1933

In 1862 and 1863, many residents in the town of SJC died in a smallpox epidemic. In the aftermath of the smallpox epidemic and a prolonged drought in the area, a number of Americans took advantage of the Homestead Act and settled on the land in and around SJC after the Civil War (1861-1865). New settlers (particularly English-speaking Protestants) moved to SJC, but the Spanish language, Mexican-influenced Catholicism, and other customs from the Mexican period persisted, especially among the population descended from ancestors resident in California before 1849. Information in the record from the notes of John Harrington described the activities of Father Jose Mut (abt. 1837- aft. 1886), the Roman Catholic priest who served at SJC from 1866 until 1886, and who was described as an advocate for the poor people in the town, including Indian and Mexicans. According to one account, Marcos Forster, the son of wealthy landholder John Forster, attempted to submit a petition to make a ranch out of land behind the mission. Father Mut rallied a number of the townspeople in objecting to this proposal and successfully opposed the petition (Harrington Notes 1836-1927, 5; 33). Mut also traveled to San Francisco and secured documents that allowed the poor people in town to obtain valid title to their land (Harrington Notes 1836-1927, 33).

In 1873, U.S. agent John Ames investigated the cases of the various groups of Mission Indians. In his report, *Report of Special Agent John G. Ames On the Condition of the Mission Indians* (Ames 10/28/1873), Agent Ames and his aide Luther Sleigh identified many Indian tribes and named their leaders, including the Cahuilla under two leaders (Cobezon and Manual Largo), the San Luis Rey (under the leadership of Olegario), the "Diegenes" of San Pasqual (under Pante Leon), and the Indians of Santa Ysabel (under Augustine). Ames also visited SJC, but did not identify any Indian leaders by name and made no reference to the existence of any such leaders. Ames did identify Fr. Mut, a man he described as ". . . much interested in the Indians of that locality" (Ames 10/28/1873, 4). Ames did not give a tribal or linguistic affiliation for the Indians at SJC as he had for the other groups, and the wording of the text suggests that he may not have actually met any of the Indians, but derived his information from his meeting with Fr. Mut. The 1873 report corroborated some of the information available in Harrington as it relates to his efforts on behalf of the local residents, as Ames reported that Mut showed him documents he had obtained from the archives in San Francisco which demonstrated that the *pueblo* of SJC had been divided amongst the Mexican and Indian inhabitants in 1841 (Ames 10/28/1873, 4). Ames's report indicated that were approximately forty Indians living in the area at the time. This report did not provide any description of how many 1841 Mexican settlers still lived in the area and did not provide any names from Father Mut's documentation.

In 1883, Special Agents Helen (Hunt) Jackson and Abbot Kinney filed a report on the Mission Indians with the Commissioner of Indian Affairs. The report stated that the Pachanga Indians had discussed securing certain lands under the Homestead Act with the assistance of "Richard Eagen [*sic*], of San Juan Capistrano, well known as a good friend of the Indians." (Jackson 1883, 506) Richard Egan (b.1853-d.1923) held many influential positions during the years he lived in SJC, including county surveyor, school board trustee, and unelected judge (Hallan-Gibson 2001, 65-69). The record does not contain any evidence of actions Egan took on behalf of any local

SJC Indians entity, or any information indicating that a local SJC Indian entity sought aid from him.

Several works about SJC identified a woman named Apolonia Gutierrez (b.1829- d.1917) as the "captain" of the pueblo during the years when the mission had no resident priest (1886-1909). This meant that she was in charge of the religious education and catechism of the town's children (Gibson 2001, 85). "Doña Polonia," as she was often called, was from Sonora, Mexico, and also served as a midwife. Informal leadership of this type has been used in other findings, in combination with other evidence, to demonstrate political authority (see Jena Choctaw PF 1994, 7). The record contains no evidence that "Doña Polonia" was a leader of the JBB petitioner's ancestors in an Indian entity in SJC, as distinct from the Catholic community composed of individuals of diverse backgrounds, including many of the petitioner's ancestors.

The SJC Mission Indian Jose de Gracia Cruz ("Acu") recruited Indian and non-Indian sheepshearers from the area during the late 19th century. He served as the mission bell-ringer for many years (Saunders and O'Sullivan 1998, 50-51). He was also a musician at the mission. JBA and JBMI-IP submitted several documents that claimed that "Acu" served as a leader, but the nature of any group he is supposed to have led is not specified. Additionally, outside of ringing the bells for the mission and recruiting men from many different families and backgrounds to shear sheep, there is no evidence of "Acu" exercising any formal or informal authority, such as intervening with authority figures on behalf of the petitioner's ancestors, or influencing decision-making within a group. "Acu" recruited shearers from several places, including San Luis Rey, Pala, Pauma, Rincon, La Jolla, Mesa Grande San Pasqual, and Pechanga (Harrington Notes 1927ca, Reel 121, 536), and not just men from SJC. He hired Indian and non-Indian shearers (Saunders and O'Sullivan 1998, 55). The JBB petitioner has not demonstrated that his ringing of the mission bells was indicative of leadership among the town's population. No other evidence in the record demonstrates that "Acu" exercised political authority within a SJC Mission Indian entity during this period.

The Mission Indian Federation

The record contains evidence regarding the Mission Indian Federation's (MIF) SJC chapter as evidence of political influence among the JBB petitioner's ancestors. Precedent in several acknowledgment cases has determined that claims activity in and of itself is insufficient to demonstrate political influence and authority between the leaders of a claims organization and the membership (see Miami FD 1992, 18, 20; Muwekma FD 2002, 138). The character and evidentiary weight to be afforded claims organizations and their activities depend on specific evidence of political leadership, activities, and decision-making on both claims and non-claims issues, in addition to the existence of such organizations (see Chinook RFD 2002, 41-42).

The Mission Indian Federation (MIF) formed in 1920, and was one of a number of pan-tribal Indian organizations which emerged during the early 20th century. It comprised a number of chapters or councils, which then elected a council to serve over the entire organization. Almost all of the members were from Indian reservation communities. Members protested against what they felt were unfair actions of the Bureau of Indian Affairs (referred to in the organization's documents as the Indian Bureau), as well as against the Bureau-sanctioned reservation police's

harsh treatment of members. Two of the other main objectives of the MIF included gaining financial compensation for land losses related to the unratified treaties of 1851 and 1852 (Thorne 1995 ca, 1) and the abolition of the BIA. The group appears to have waxed and waned in strength (usually in relation to claims litigation in the Federal courts) until it finally disbanded in the early 1970's.

The SJC members of the MIF formed the only non-reservation chapter in the MIF organization. The record did not include any unambiguous, contemporary lists of members from the SJC chapter of the MIF, but included a list entitled "San Juan Capistrano Indians" consisting of approximately 200 numbered entries (several are illegible, and the document is missing names #188-#209). The list is undated, but the Department estimates its creation circa 1922. The author of the list and circumstances of its compilation are unknown (SJC Mission Indians 1922 ca, 1-5).[149] Another undated list appears to be from the 1920's or 1930's (its estimated date is 1922) and it lists the names of 174 men, women, and children as "San Juan Capistrano Indian Villagers." These two lists named 23 (possibly 24) people in common. An additional set of lists recording the names of those who paid dues to the organization over a period of years (1922, 1924, and part of 1925) includes the names of a number of people not on the "Villagers" list, but as people often signed up as parts of families. All of these documents include the names of many of the JBA, JBB and JBMI-IP's ancestors who later filed applications for the 1928 Claims Act, as well as the names of many people who do not have descendants in the petitioning groups or the interested party.

The reservation MIF chapters and the MIF SJC chapter exhibited a difference in the type of participation. For example, in the minutes of a 1928 statewide MIF meeting, several members sought to improve the conditions on their reservations. One captain sought the MIF's aid in keeping out trespassers who were illegally taking wood from of the reservation (MIF Minutes 4/2/1928-4/7/1928, 1). Another representative expressed concern that jobs that had previously gone to Indians on his reservation were now being given to "cheap mexican [*sic*] laborers" (MIF Minutes 4/2/1928-4/7/1928, 2). Another letter MIF's president Adam Castillo co-authored to the Welfare Commissioners of San Diego County requested the removal of BIA superintendent C.L. Ellis. The letter listed specific examples of the welfare department's failure to provide services to Indians, such as the failure of the local public school to provide hot lunches to Indian students, even though the government paid the schools to provide such a meal (Castillo and Albanes 2/5/1933, 1-2). Another letter charged Mission Indian Agency Agent Ellis with a number of infractions, including ignoring the medical needs of a family with tuberculosis, in part because the family was actively involved with the MIF (Summary of Charges n.d. 1934 ca, 2).[150]

[149] This list of approximately 200 people appears to have been compiled after the 1928 claims applications were filed, as many of the names on the list did not appear in association with "San Juan Capistrano" Indians until after the claims.

[150] BIA officials considered the MIF to be an actual threat, particularly on reservations where there was considerable tension between unpopular government officials and the Native people they appointed to serve as reservation policemen (Thorne 1999, 195). Ten members, including the non-Indian president Jonathan Tibbit, were indicted in 1927 in connection with a riot at the Campo reservation fiesta in San Diego County in which two people were killed and several others hurt (Thorne 1999, 202). Local law enforcement officials charged no SJC members in connection with the incident. All charges against the MIF members were dismissed in 1936.

There is little to no evidence in the record of any representatives from SJC inquiring about ways to make life better for their own members. The only documentation in the record demonstrating any advocacy on the part of Forster is a 1933 response to a letter he wrote. The original letter is not included in the record, but the response it generated concerned the possibility of hiring Indians under California State programs as part of the National Recovery Act (Dady 10/23/1933, 1). However, the letter does not specifically address the hiring of Indians from SJC. Rather, it refers to the hiring of Indians in general. The record contains no documentation demonstrating Forster's advocacy specifically on behalf of the MIF SJC "chapter," that he took action in response to their concerns, or that his actions influenced the group's members.

The record also lacks evidence regarding whether the claims issue was an actual, relevant issue for living MIF members of the group, rather than something the member's ancestors had lost long ago that made little difference to the lives of their descendants in 1920. For example, the record contains no information describing how the Senate's failure to ratify the 1852 treaties specifically affected the petitioner's ancestors. The record contains no information as to whether the JBB petitioner's members or their ancestors lost control of land, property, or water rights they actually used and depended on as a result of the non-ratification of the treaties. The record includes no information regarding whether any ongoing political actions, such as petitions to agents, had occurred in the 58 years between the time Congress failed to ratify the treaties and the formation of the MIF. The lack of such documentation in the record, as well as any specific mention of a "Juaneño" band of Indians on any of the 18 treaties (and specifically on the Treaty of Temecula) suggests that the non-ratification of the 1852 treaties had been of little concern to the petitioner's ancestors, but that it became a matter of concern after the formation of the MIF.

The record contains several documents from a ledger that Marcos H. Forster, the MIF SJC "judge," kept. The documentation in the ledger contains some information regarding the organization of the local MIF chapter, as well as naming participants and officers. One entry in the ledger dated February 4, 1923, named an "executive board" consisting of Captain Felipa Oliveras, Assistant Secretary Hope Lobo, and Treasurer Mary Lobo. The "Board of Directors" included Al Robles, John Lobo, Al Lobo, and Augustine Manriquez, and the "Chief of Police" was Ralph Charles, with "No. 1" Richard Yorba and "No. 2" Jose Doram (Felipa Oliveras and Richard Yorba have no descendants in any of the current petitioning groups or the interested party; John and Hope (Robles) Lobo, and Mary Lobo have descendants only in the JBA petitioner; Alfonso "Al" Lobo and Jose Doram have descendants in the JBA petitioner and JBMI-IP; Augustine Manriquez has descendants in the JBA, JBB and JBMI-IP; Al Robles could not be identified).[151] Notes Marcos Forster kept dated March 3, 1924 (during his time as "judge" of the MIF SJC chapter) state that MIF SJC chapter members elected him to that position (Forster 1922-1926, 31). The record contains no evidence of any elections, although information regarding elections within the organization appears to have existed at some point. The record contains no evidence that officers responded to member's concerns, or that members complied with officer's requests. The record contains little documentation explaining how individuals became officers in the organization.

[151] JBA has 100 members descended from these officers, while the JBB has 12, and the JBMI-IP has 30.

Another document included in the Forster ledger dated February 4, 1923, named Jose Doram as a "No. 2" policeman, along with Ralph Charles as "Chief of Police" and "No. 1" policeman Richard Yorba (Forster 1922-1926, 31). According to a 1924 MIF document slated for general release: "The department of the Police of the Mission Indian Federation is a department within the said Mission Indian Federation and its function is to assist all Federal and civil Officers. . . All officers, [*sic*] are elected by their tribe, to perform their duties under their head-men or Chiefs" (Castillo 10/12/1924, 1). If the MIF SJC chapter held elections, as stated in the MIF document, records of that election may still exist, although they are not included in the present record. The available documentation includes no indication whether these officers served more than a symbolic role within the local MIF chapter, whether they aided any members of the organization, or if they assisted any local, state or Federal officials in any matters of law enforcement. [152]

Another document in the ledger contains 20 lists recording which local members of the MIF SJC chapter paid dues to the organization (the local organization apparently collected the money and forwarded most of it to Jonathan Tibbit, a non-Indian from Riverside who served as the legal advisor to the MIF, while the remainder was spent on various stationary supplies and stamps for the chapter). These lists dated in 1922, 1924, and 1926 recorded the names of the people who paid these dues; five lists from 1925 contain only the amounts collected that month (Forster 1922-1926, 3-33). The precise number of people who contributed is difficult to determine because people sometimes contributed as families and sometimes as individuals, but Forster recorded 142 nuclear families and individuals as having paid dues at some point.

The ledger contained a document dated December 15, 1924, from the MIF state headquarters, identifying Felipa Oliveras as an "Acting Captain" in the MIF. It indicated that the collection for the MIF SJC chapter had been estimated at $20 a month, and directed her to send the money to the MIF leadership in Riverside on or before the first day of each month. It also indicated that a motion had been passed to authorize a special collection to fund a test suit to settle Indian land claims (Castillo 12/15/1924, 1). The documents do not indicate whether the money was collected at meetings, door-to-door, or in some other fashion. There may have been regular meetings held at people's homes, as one note on the group's collection sheet credited "Mr. and Mrs. Al Lobo" with "house use" in the dues column (Forster 1922-1926, 10). However, the record does not contain any chapter meeting minutes during this period, and it is not clear how (or if) information was disseminated. Many of the people named on the lists filed applications for the 1928 Claims Act, but there is little to no available evidence in the record that the chapter met on a regular basis, and that the the organization influenced the people who filed applications in 1928 to do so. However, because many of the families were intermarried, attended the same church, and lived in the same small town, they most likely had opportunities to discuss these matters informally. Oral histories contain little supporting information on this topic.

[152] There is some evidence included in the record indicating that some of these police officers did try to assert authority on particular reservations. A letter dated April 16, 1925, from George Vaux (a local BIA agent) to Hubert Work, the Secretary of the Interior, reads: "the position of the so-called "Federation" [*sic*] is also involved in this condition as that organization appoints its own policemen and claims to have authority over the other Indians on each reservation, specifically in defiance of the authority of the agency officials" (Vaux 4/16/1925, 1). However, the members of the MIF SJC chapter had no reservation and no agency officials to whom to answer.

Jose Doram, the son of a SJC Mission Indian María Materna (Ayoubenet) Chavez, served as a "captain" of the MIF SJC chapter during the 1920's until his death in 1940. However, there is little to no evidence in the record addressing Doram's actual role and actions as a captain. In 1924, he submitted some letters of resignation from members of the local chapter to the umbrella MIF organization (Robles and Lobo 3/3/1924; Captain 3/6/1924). Two additional letters, one written in 1924 and the other in 1940, appear to be responses to questions Doram addressed to the MIF. The 1924 letter related to whether a non-mission Indian spouse could hold an office in the organization (Castillo and Watta 8/10/1924, 1), and the 1940 letter acknowledged the receipt of the SJC chapter's donation to the organization and provided an update on the status of a Federal bill the MIF supported (Albanes 3/19/1940, 1). No other specific evidence of Doram's activities as an MIF captain is available in the record.

The 1933 Census Roll

The record contains information regarding the preparation of the 1933 Census Roll. While in the process of verifying the documentation, OFA staff located additional information in the National Archives. Assistant Secretary E. Meritt gave Agent Fred Baker, an Examiner of Inheritance experienced in previous Indian enrollments, the task of organizing and implementing the preparation of the 1933 Census Roll pursuant to the 1928 Claims Act (Correspondence Regarding California Claims Enrollment 1928-1933, Meritt 8/21/1928).

Baker and the other agents assigned to enroll Indians published notices of visits in local newspapers all across the state, announcing the locations where they would receive applications. In December 1930, Agent James Rahily reported he had received 143 applications in Orange County regarding 384 enrollees during a visit to SJC that began on December 11 and lasted about a week (Correspondence Regarding California Claims Enrollment 1928-1933, Rahily 12/31/1930). These 143 applications actually reflected 384 applicants, because members of families often used a single application. In the previous report for the period September 6, 1930, to October 22, 1930, Rahily noted that he received one application from Orange County during a visit to San Diego County (Correspondence Regarding California Claims Enrollment 1928-1933, Rahily 11/1/1930).

The instructions given to Baker demonstrate that the enrollment process relied primarily on self-identification that applicants made (rather than documentary evidence from birth or death records), and that "old and reliable Indians well-versed in tribal genealogy" (Correspondence Regarding California Claims Enrollment 1928-1933, Meritt 8/21/1928) could also provide statements regarding descent of applicants.[153] A review of the claims applications that individuals submitted claiming descent from the historical SJC Indian tribe shows that non-Indian Marcos H. Forster, a leading figure in the local SJC MIF chapter, acted in the role of the "old and reliable Indian versed in tribal genealogy" who most frequently affirmed Indian descent for applicants claiming descent from the historical SJC Indian tribe. OFA identified a total of 182 claims applications individuals claiming SJC Mission Indian descent submitted; Forster himself witnessed 66 (approximately 36 percent) of these applications supporting claims, while a

[153] Agent Fred Baker asked applicants to provide documentation, such as baptismal certificates, when rejected claimants appealed their denials.

number of other individuals signed the remainder including Jose Doram, Augustine and Teofilo Manriquez, Catarina Rios, and Felipa Oliveras.[154]

Marcos H. Forster was the descendant of a powerful non-Indian SJC family that the Englishman John Forster founded in the 1830's. Marcos Forster's maternal great-uncle, Pio Pico, was the last Mexican governor of California, and his grandfather, John Forster, was one of the largest landowners in early American California. John Forster's holdings included the extensive Rancho Santa Margarita (modern Camp Pendleton), and he had also once owned the actual SJC Mission in the years after secularization. Members of the Forster family still owned extensive land in the SJC area in the early 20th century. Marcos H. Forster claimed Indian descent through his mother Guadalupe Avila, although OFA was unable to locate any documentary evidence of Indian descent for the Avila family.[155] A statement included in the 1994 JBM petition submission described Forster in the following terms:

> Mr. Forster, though not a Juaneño, in his lifetime worked extensively with the Juaneño community . . . . Forster assisted the Juaneño in their affiliation with the American Indian Federation which began its work in the 1920's. He is recognized by the Juaneño Band of Mission Indians, Acjachemen Nation as one of their principal ethnographers and historians. (JBM 1994 ca, 179)

How or why Forster became so involved with Indian issues is unclear, although his wife appears to have been of California Indian descent. One document in the record claimed that he had attended a private school in Santa Clara and then graduated from St. Vincent College in Los Angeles (Anonymous 1950 ca, 1), and his education may have impressed those who had only a grammar-school education. The MIF SJC chapter elected him "Judge," and he also served as the secretary of the statewide organization for several years.

The records of the 1928 enrollment for the 1933 Census Roll demonstrate the participation of the members of the MIF such as Marcos Forster in the compilation of the claims applications documents. Other members identified in MIF documents as officials (people such as Jose Doram, Ralph Charles, and Felipa Oliveras) also served as witnesses on the claims applications for other MIF members. The available record does not include additional information about the role of these individuals in the completion of the 1928 Applications, or about the application process itself to provide evidence of political influence between the various individuals purported to be leaders in the claims effort and the people who filed claims, such as if representatives of the group alerted MIF members about the dates when they were to submit their applications, or notified them when the BIA representatives would be in their area.

Many of the residents of the town of SJC gave the Indian affiliation of their 1852 ancestors, as "Mission San Juan Capistrano" on the 1928 Applications. This claim was true for some

[154] JBB submitted a summary of 166 successful applications of individuals who claimed descent from Indians from SJC Mission for the claims roll. Of this total, 158 contained a record of witnesses. Forster was a witness for 59 of the claims applications, or 37.3 percent (JBB Appendix B 1928 7/2004).

[155] The Ávila family was a non-Indian family from Los Angeles, and Guadalupe Ávila was born there in March 1839 (Our Lady of the Angels Los Angeles Plaza Church Baptisms #911, 3/4/1839). OFA research has not located any Indian ancestry for Guadalupe Ávila,

claimants, who could trace their descent from the historical SJC Indian tribe. However, OFA's analysis has determined that an 1852 individual cited as a SJC Mission Indian on an approved 1928 Application cannot always be identified as a member of the historical Indian population of SJC Mission. A number of people who claimed SJC Mission Indian ancestry on the 1928 Applications actually descended from other Indian ancestors who became part of the population of the town of SJC These people were still eligible for enrollment on the 1933 Census Roll as descendants of California Indians alive in 1852, but they cannot be documented as descendants of the historical SJC Indian tribe. The majority of the JBB petitioner's ancestors who filed applications for the 1928 Claims Act and were included on the completed 1933 Census Roll cannot be traced to any California Indians, but, rather, to members of the general population who arrived in the town of SJC during and the Mexican and early American periods, and other families who arrived prior to 1900. Some of these ancestors had social relationships with various Indian descendants during their lifetimes, but the named ancestors themselves were not descendants of California Indians.

Summary of Evidence Relevant to Political Influence, 1862-1933

There is little evidence of political influence or leadership among the JBB petitioner's ancestors following the 1862-1863 smallpox epidemic and before the organization of MIF in 1920. Evidence in the record indicates that Father Jose Mut assisted poorer residents of the town in securing title to their land, as well as combating the attempts of wealthier town residents to take over the town's resources. However, Father Mut's advocacy on behalf of all the residents of the town of SJC does not indicate that the group exercised political influence, but rather that an outsider mobilized some of the members of the same or similar socio-economic group. Some of the petitioner's ancestors were in this socio-economic category, but so were other people who are not the ancestors of the petitioner, or not California Indians. Evidence indicates that any of the JBB petitioner's ancestors who supported him did so as individuals, not as part of a distinct political entity.

The record includes no evidence of formal or informal leadership among the petitioner's ancestors through any church organizations composed principally of the petitioner's ancestors. The evidence in the record is insufficient to demonstrate that "Doña Polonia," (b.1829-d.1917) the midwife who taught the children of the town their catechism when the town had no resident priest, was an informal leader. The evidence in the record relating to Jose de Gracia Cruz ("Acu") (b.1844-d.1924) does not indicate that he served as a labor recruiter or leader only for the people of SJC; rather, it indicates that he recruited Indian sheep shearers from a number of Indian tribes in the area.. He also hired non-Indian shearers. There is no information in the record identifying which residents of SJC actually sheared sheep with him. Evidence suggests that Jose Doram, the future husband of "Acu's" goddaughter/foster daughter, also sheared sheep with "Acu", but there is no other information in the record indicating that a majority of his shearers (or a core group or regular shearers) were from SJC. Jose de Gracia Cruz's ringing of the church bells and his sheep-sheering activities provide insufficient evidence to demonstrate any leadership among the petitioner's ancestors.

In 1920, many of the petitioner's ancestors joined the MIF SJC chapter. There is little evidence in the record that the leadership of the MIF SJC chapter responded to any specific needs or

requests from its members, or that members considered the activities of the leadership to be of importance. No minutes or discussions of issues of concern to the chapter appear in the record. Most of the documented activities relate to claims activities, and there is no indication in the record whether the claims were of genuine importance to the group, or if the group pursued the claims on the principle that their ancestors lost something important and they wanted it back. There is no indication in the record that the petitioner's ancestors considered the unratified treaties of 1852 important prior to the organization of the MIF. Claims activities in and of themselves are insufficient to demonstrate political activity or influence; however, the record contains some evidence that the leadership of the MIF SJC chapter assisted its members in filling out their application for the 1928 Claims Act.

The composition of the list of people who filed applications under the 1928 Claims Act mirros the composition of the town of SJC in the second half of the 19th century and included families of various ethnicities. A number of the petitioner's ancestors who applied under the 1928 Claims Act and appeared on the 1933 Census Roll did not descend from SJC Mission Indians. Some descended from Indians from other former missions, but most identified non-Indian ancestors as Indians.

Evidence Relevant to Political Influence, 1934-1964

The record contains a few documents concerning the period after the completion of the 1933 Census Roll. Most of these concerned the American Indian Federation (AIF), a pan-Indian organization made up of several smaller pan-Indian organizations, including the California MIF. They cover a number of subjects, including the election and removal of local and national Indian officials, but do not directly address concerns of the people of SJC.

The record contains a 1936 petition that Marcos H. Forster signed (Forster et al. 1936 ca, 1). This petition urged the Secretary of Indian Affairs to acquire a reservation for the people of SJC. The request may have been part of a larger movement to secure land for the "landless" tribes of California. MIF president Adam Castillo also signed the petition, but the petition differs from other MIF requests, in that the organization generally opposed and sought freedom from BIA supervision.

This 1936 petition included 184 typed names and two handwritten names. No other documents included in the record, such as meeting minutes, indicate that the group's members were interested in acquiring a reservation at this time (several were private property owners). Most of the names on the petition are the same as those on the earlier 1922 "San Juan Capistrano Indian Villagers" list, although it appears to include a number of children born since the first list was compiled. There is no documentation available in the record to indicate whether any government official ever received the 1936 petition, or if any agency ever replied. The record contains no other information indicating that other members of the MIF SJC chapter wanted to acquire a reservation. This document provides insufficient evidence of political influence among the members of the JBB petitioner's ancestors who belonged to the MIF SJC chapter. It is unclear if Marcos Forster, the secretary of the statewide MIF organization, acted on his own or if his action reflected the concerns of the MIF SJC chapter. The presence of typed names, rather than actual signatures, and the absence of any additional documentation related to the acquisition of a

reservation make it unclear if the people whose names appeared on the list actually knew their names were included on this document.

The 1936 petition stated: "Our people formerly lived in the TRABUCO INDIAN VILLAGE, some eight miles northeast of the town of SJC and Rancho Mission Vieja La Paz Indian Village and Las Flores Indian Village." However, an examination of the accompanying list of names indicates that 19 (approximately 10 percent) of the 186 names on the petition appear to be people who did not claim to be of SJC descent on the 1928 Claims Applications. They appear to be the names of Indians living in Orange County who went to SJC to fill out their claims applications.[156] Of these 19, OFA identified six as Pala Indians, and 13 as San Pasqual Indians on the 1933 Census Roll.[157] Some of these individuals' names also appeared on the "San Juan Capistrano Villagers" list. The record included no information concerning whether the participation of these individuals indicates any relationship between the organization at SJC and Indian descendants from other communities.

Marcos Forster died in October 1936, and Jose Doram (the captain of the local MIF chapter) died four years later. An obituary (Newspaper Article 5/31/1940, 1) noted that Doram spent his final years ". . . in attempting to establish the rights of his tribe." This appears to have been a reference to Doram's MIF involvement. There is no evidence of any individuals identified as leaders for several years, particularly during World War II.

Clarence Lobo (b.1912- d.1985) emerged as the most prominent member of the claimed descendants of SJC Mission Indians after the end of World War II. The record contains many documents relating to his activities. From the documents included in the record, it is not entirely clear how Lobo came to prominence. Several family members (including his father, paternal uncle, and first cousin) had been involved in the leadership of the MIF, and his mother Esperanza "Hope" (Robles) Lobo had been the MIF SJC chapter secretary in the early 1920's before several members of the family resigned from the federation for unknown reasons in 1924 (Robles and Lobo 3/3/1924, 1-2). He may have developed an interest in the affairs of the organization due to his family's earlier involvement. There is no record of an election held in 1946, although Lobo stated in newspaper articles that he had been elected "chief" in 1946. During the OFA 2006 site visit, several people discussed Lobo's role in organizing the claimed descendants. Although all acknowledged him as a "leader" during this time, none of the people alive at the time remembered a 1946 election. He also used the title of "Chief" for several years, but later told newspapers that he had been appointed "spokesman" (*Register* 1964 ca, No Chief, 1). A number of his supporters, however, voted to formally acknowledge him as their "chief" sometime in 1964 (*Register* 1964 ca, Support Lobo, 1).

The available record included a copy of an affidavit Clarence Lobo attested (Lobo Affidavit n.d., 1). It is undated, but stated that the affiant was 35 years old, indicating that it was composed in

[156] An additional three names on the list are illegible.

[157] The number of people who appeared on the 1936 petition but did not claim to descend from SJC Mission Indians on the 1928 Claims Applications may actually be larger, as some of the names listed match those of enrollees from other Indian tribes and descent groups; however, because some names consisted of only a relatively common last name and first initial, OFA cannot verify their identities.

1947 or 1948. The document stated that Clarence Lobo was ". . . the duly elected captain of the Capistrano band of Mission Indians. . . ". The document also contains the sentence "Affiant has served as Captain since 19__.", and the space was left blank. The Mission Indian Federation used the term "captain" to refer to leaders, but no evidence in the record indicates that the MIF SJC chapter held elections during the late 1940's. The record does not contain a complete copy of the affidavit.

In the late 1940's, Congress moved towards a policy which would eventually become known as "termination," whereby Indian tribes ceased to be "wards" of the Federal Government. This process was exactly what statewide MIF leader Adam Castillo had advocated for years. By 1950, the process was well underway. The JBMI-IP submitted a document entitled *An Indian Appeals to the American Public*, in which Castillo stated that the goal of the MIF for years had been the elimination of the Indian Bureau (Castillo 3/28/1950, 9). Lobo, who frequently stressed that the people he represented were "free Indians," supported Castillo's platform, although he also wanted to see the disbursement of per capita payments from the 1928 Claims Act.

Congress amended the 1928 Claims Act in 1940, 1948, and 1950 to add the names of eligible Indians and remove the names of those who had died since 1928. The Federal Government distributed a $150 per capita payment in 1950 to those living people whose names were on either the 1933 Census Roll or on any of the amended lists. Several of the current petitioner's claimed ancestors (and some older current members) received these payments. Congress' amendments allowed individuals to enroll who were alive in 1928 and had not previously enrolled if they had a brother, sister, niece, nephew, or child on the 1933 Census Roll. Further, the amendments allowed people born after May 18, 1928, to enroll through ancestors or collateral relatives on the 1933 Census Roll. The BIA completed and approved a supplemental roll in 1955 (NARA Office of Regional Records Pacific Region Service Draft Inventory n.d., 3-4).

The record included a number of lists Clarence Lobo compiled or had compiled during his political activities during the 1940's and 1950's. OFA analysis divided these lists into two sets according to charateristics of people on the list- residence, associations, and history of participation in Indian activities. The two sets appear to reflect two different populations of SJC claimants.

The first set of lists includes four documents (dated April 5, 1948, May 24, 1951, May 19-June 14, 1951, and September 17, 1953). All four include large numbers of people (from 58 percent to 73 percent per list) whom OFA could not identify as descendants of people whose families had ever been associated with SJC mission or with the town of SJC in the late 1800's. These people neither lived in SJC, nor did they have close relatives living there. They may have been participants in the California claims process, but there is little to no information regarding their interaction with other claimants associated with SJC mission or the town of SJC other than the inclusion of their names on these lists and a limited amount of information regarding the association of some people in the pan-Indian League of California Indians (LCI).

The second set of three lists (dated April 7, 1951, August 23, 1959, and January 26, 1964) included a large percentage (75 percent or more per list) of people living in the town of SJC and/or people with demonstrable familial and social connections to the town. These people were

descendants of the individuals identified as SJC Mission Indians on the 1928 Applications, and they had been involved in MIF activities during the 1920's, or had close relatives (brothers, sisters, parents or grandparents) who had been involved with the MIF. Many of these people either lived in SJC or had a number of close relatives there. The lists in the second set span 13 years (compared to five years for the lists in the first set), but not only are more families of consistent participants on the lists, but there are also more individuals (specifically Doram and Ricardes descendants) named on these lists across time. These families can also be followed across time, from the end of the Mission period through to contemporary times, as living in or near SJC, and maintaining close relationships with each other.

Both sets of lists include people whose claims of descent from the historical Indian population of SJC Mission cannot be demonstrated, but whose families had long-standing social relationships (as well as a number of marriage and kin ties) with known SJC Mission Indian descendants. For example, a number of people on the lists descended from the Miguel Parra family. This family does not descend from SJC Mission Indians, but they had lived in SJC since the late 1840's or 1850's and had a number of social relationships with SJC Mission Indian descendants (re., in 1850, Miguel Parra served as the confirmation sponsor for "Manuel" the son of SJC Mission Indian Primitiva Rios). These relationships also included some post-1870 marriages and relationships with Indian descendants, which created kin ties. Several family members named Miguel Parra as their Indian ancestor when they submitted applications for the 1928 Claims Act.

Both sets of lists contained signatories who claimed descent from the Olivares/ Bermudez family. This family, like the Miguel Parra family, does not have SJC Mission Indian ancestry. The family moved to SJC in the late 1840's or early 1850's and established a number of social relationships (and some later marriages) with SJC Mission Indian and other California Indian descendants. Descendants of the Oliveras/Bermudez family also submitted applications for the 1928 Claims Act, specifically naming "Juana Bermudez" and/or her children as their Indian ancestors.

Both lists also have signatories descended from Jose Valentin Rios. Rios was the son of an early Spanish military family from San Diego Presidio, and although three of his brothers (Silverio, Santiago, and Severiano) and one of his sisters (María Rosa) entered into marriages or relationships with SJC Mission Indian and San Carlos Mission Indian descendants in the 1820's and 1830's, Jose Valentín Rios married a non-Indian. Jose Valentin Rios, then, had several Indian in-laws, nieces and nephews (including sisters-in-law Primitiva Rios and Maria Isabel Uribes, brother-in-law Jose Maria Cañedo, nephew Jose Dolores Rios, and niece Maria Valeriana Rios) but no Indian ancestry. Several non-Indian members of this family submitted applications for the 1928 Claims Act and were listed on the 1933 Census Roll.

There are also some signatories who have a common ancestor, but whose family histories differ significantly. For example, several signatories descended from SJC Mission Indian Maria Bernarda Chigila. However, descendants of her grandson Ricardo Uribes are from a branch of the family that moved to Los Angeles during the Mission period. Uribes was born and raised in Los Angeles, and is not known to have ever lived in SJC. There is no information in the record to demonstrate that the Uribes descendants maintained a relationship with their relatives in SJC, and no evidence that these descendants participated in SJC affairs prior to the claims activities of

the late 1940's. In contrast, another of Maria Bernarda Chigila's grandsons, Venancio Rios, returned to SJC in the late 1850's and had a number of descendants living in the area throughout the 19th and early 20th century. Some of these descendants married into other families who claimed SJC Mission Indian descent and participated in the MIF.

Members of the Bleeker family also signed both sets of lists. Family members appeared on MIF lists Marcos H. Forster compiled in the 1920's and 1930's. Various members of the family appeared on additional documents relating to SJC Mission Indian claims throughout the 1950's and 1960's. However, the Bleeker family did not live in SJC, and there are no additional documents demonstrating a connection between Bleeker descendants and the SJC Mission Indian descendants prior to the early 20th century. The Bleeker family claimed descent from Pala Indians (rather than SJC Mission Indians) on their 1928 Claims Applications and the 1933 Census Roll identified them as Pala Indian descendants. There is no information in the record clarifying their participation in SJC Mission Indian activities.

The two sets of lists reflect different populations, although there is a small amount of overlap between the two sets. Some of the people who can be identified on the first set of lists participated in earlier Indian claims or MIF activities, and some have relatives who were also involved in the MIF organization. There is little evidence (such as residential proximity, participation in non-claims related activities, or marriage patterns) to reflect any relationship among them other than their names appearing together on the first set of lists. Both the current JBA and JBB petitioners' memberships include people descended from individuals named on the first -set, although more of them tend to belong to the current JBB petitioner. In contrast, a majority of the people on the lists in the second set lived in SJC and can be identified as MIF participants and applicants for the 1928 Claims Act. The overwhelming majority of these people and their families are enrolled in the JBA petitioner, and can demonstrate residential proximity, informal social interaction, and ties through marriage. Photographs, interviews, census records, and other documentation included in the record provide evidence of the social relations among these people beyond their names appearing on these second-set lists.

Clarence Lobo kept a notebook during the early 1950's in which he listed several SJC residents who had received claims checks (Lobo 1950-1951). It also contained a short commentary Lobo wrote regarding his feelings towards the members after they had received their claims checks:

> To date Indians have shown their appreciation by donating to me the sum of $4.00 out of approximately $3,500.00 that they received. [date 1/13/1951] One person has promised to give me $25.00. [Mon. 1/15/51] Indians, queer people, always wanting something for nothing if things are left up to them the money will always stay in Wash. D.C. The white man took them in 1850-52 and they are taking them in 1950. Still they come for more. They will never learn. (Lobo 1950-1951, 4)

In 1951, Clarence Lobo compiled a list written on two different sheets of stationary (one from the House of Representatives, one from the United States Senate) on a subsequent visit to Washington. It is a typed list of 60 people, most with SJC addresses, who are said to have authorized two attorneys to represent their interests in regards to their claims case (JBM

Authorization 4/7/1951, 1-2). A note on the bottom of one page stated that Norman M. Little filed these names on April 5, 1948 (Lobo 4/5/1948, 1-5). The document stated that "the undersigned approve and agree," but since the list was composed when he was out of town and contains no signatures. It is unclear whether the people on the list knew about it or what Lobo was doing. Further, OFA's review of the April 5, 1948, document (which contained 47 actual signatures) reveals an overlap of only 4 names (Caroline Atencio, Willie Garcia, Alfred Garcia, and Lobo himself) with the 1951 document. The record included no explanation of this inconsistency.

In July 1951, a newspaper reported that ". . . Indians from the Capistrano-Santa Ana Band met with their captain, Clarence Lobo . . . to elect officers for their group" (*Coastline Dispatch* 7/13/1951, 1). The article also stated that this group was seeking to pursue compensation for land the group maintained was taken from them under the unratified Treaties of 1851. The article named 10 individuals elected to various offices at that meeting, but there is far more evidence included in the record describing Clarence Lobo working alone than evidence of Lobo working with an elected group. Two individuals listed in the newspaper article, Frank Tafoya (spelled "Tasfoya" in this article) and Yolanda Sandoval appeared on other documents in relation to the "Capistrano-Santa Ana" group,[158] but the other named individuals (Sal Bleeker, David Higuera, Acelia Macias, Beatrice Hieth, George Nieblas, Mary Castillo, Earlyn Bleeker and Marie Vasquez) appeared far less frequently or not at all. Yolanda Sandoval has descendants the JBA petitioner, and there are two men named "George Nieblas" in the petitioner's database (one has descendants in the JBA while the other has descendants in the JBA and JBMI-IP). The record does not include additional information regarding the role of this elected body in the political operation of the "Capistrano-Santa Ana" organization referred to in these documents.

Lobo continued to represent the descendants of the historical Indian population of SJC Mission in SJC and Santa Ana, and the claimants did offer their support. SJC claimants held several barbecues and other fundraisers to support his work on behalf of the organization (Lobo 4/13/1951, 1; *Coastline Dispatch* 7/20/1951, 1). Almost all of the people interviewed in 2006, who had been alive at the time and living in or near SJC, remembered attending at least one of the fund-raising barbecues on the Belardes ranch (R. Nieblas, C. and W. Lobo, H. Lobo, D. Belardes, H. McMullen, Lopez Family). A press release from May 23, 1951, also described a turkey dinner held at the home of a "Mrs. Beatrice Olds," where over 100 tickets were sold and where Lobo described the upcoming Indian Claims Commission case (JBM Press Release 5/23/1951, 1). The name "Beatrice Olds" does not appear in the petitioners'combined genealogical database and nothing in the document indicates where this particular dinner was held. The document is also headed with the acronym "LU-LACS," which appears to be a reference to LULAC, the League of United Latin American Citizens. There is no evidence in the record describing any connection between "LULAC" and Lobo's organization.

Clarence Lobo kept a notebook during the early 1950's that made several other references to the claims activities (Lobo 1950-1951). One page contains a list of 27 families and individuals with dates from December 1950 and January 1951 written next to the various names. The page includes the notation "All of these Indians have received their checks" (Lobo 1950-1951, 2).

[158] Frank Tafoya is later identified in documents as the chairman of the "Gabrileno Band."

Another page lists 38 individuals, but does not include the notation regarding checks or payment, and may be a list constituted for another purpose. Another page contains the notation, "Juanita Ebargary writes in regards $150.00 payment," while another page contains what looks like a sample letter for asking for a claims application blank for the Frank Belardes family (Lobo 1950-1951, 3; 39). Whether he ever wrote to a government official regarding these people is not clear, but there is some evidence in the record which indicates that he did write to the Bureau of Indian Affairs on behalf of his sister Violet (Lobo) Brown and his neighbor Freida (Doram) Sommers.[159] The record contains a letter from Clarence Lobo to the BIA Area Director in which he asked whether two women had received their claims checks (Lobo 12/30/1952, 1-2), as well as the response the agency generated (Caudell 3/16/1953, 1-2). In this same notebook, he referred to helping Della Ramos file the claim's papers for her husband Julian on January 11, 1951 (Lobo 1950-1951, 36). Ebaragary and the Ramoses have descendants in the JBA petitioner.

At some point prior to 1953, an unknown number of the "San Juan Capistrano/Santa Ana group" members appear to have joined with a number of individuals claiming descent from Gabrielino Indians under the combined name "The League of California Indians" (LCI). In a letter asking a Mr. Littell to obtain a hearing before the U.S. Congress, Frank Tafoya, the Gabrielino president, identified Lobo as the "delegate" (LCI 9/27/1953 a, 1). A petition 71 individuals signed accompanied the letter (LCI 9/27/1953a, 1-5). OFA identified 10 names also on the previously mentioned 1948 list of 47 signatures. The people whose names appeared on both lists lived in Santa Ana. Only one person on the 1953 "delegate" petition listed a legible SJC address.

At the same time Lobo was involved with the LCI, he still participated in the MIF. A July 1954 letter indicates that he was elected to the office of Vice-President in January of that year (Martinez 7/11/1954, 1). However, it also appears he soon had second thoughts, and in a letter dated January 30, 1954, resigned to concentrate more on the concerns of the "Free Indians" (Lobo 1/30/1954, 1). Oddly, the MIF President wrote him in July 1954 to ask if he was planning on serving, or if he wished to resign (Martinez 7/11/1954, 1). It is not clear from the documents submitted whether any other former members of the local SJC chapter of the MIF still participated in statewide MIF activities.

Lobo also continued to work with Tafoya in the LCI. Several documents in the petition indicate that the two worked for the organization for a few years (LCI 4/1954, 1; Tafoya 1955, 1; LCI Notice 3/1955 ca; 1). However, after 1956, there is only one other reference to the organization in 1964, in which Lobo refers to: "The Santa Ana group under the extinct and DEAD [*sic*] organization calling themselves The League of California Ind. . . ." (Lobo 1/28/1964, 1). The JBA, JBB, and JBMI-IP may wish to include any additional information referring to the history of this particular organization. The two organizations, the MIF and LCI, appear to have worked together, even providing a single form as late as 1962 for those who wished to enroll in either the "Gabrielino" [*sic*] or "Juaneño" band (Lugo, Isabel Verdugo 10/8/1962, 1-2). The relationship, if any, between the "Juaneño" and the "Gabrielino" is unexplained and undescribed in the record.

[159] Maria Tomasa Freida Sommers was the sister of Berneice (Doram) Jim, who was also mentioned in the diary. The Sommers have descendants in the JBA petitioner (as well as two duplicate members in the JBB petitioner).

In 1958, the attorney in the claims case resigned. The claimants selected new attorneys. A 1959 contract with the new attorneys included a list of the typed names of 96 claimants purportedly agreeing to the representation of the new attorneys (Lobo et al. 8/23/1959- 9/2/1959, 1-3). However, just as the 1951 document contained no actual signatures, this 1959 issue also had no actual signatures. OFA analysis of the 1951 and 1959 documents revealed only 11 names in common (including Clarence Lobo's), although eight of those people were listed as living in SJC. The JBA, JBB, and JBMI-IP have offered no explanation for the lack of overlap between the two documents. The 1959 document also features the name "Joe Placentia" prominently along with Clarence Lobo's name, but there is no information in the petition to indicate whether Placentia was elected to any formal position in an organization.

The claims cases continued to make their way though the ICC, and the ICC awarded $29.1 million in 1963. The plaintiffs still had to vote to accept the settlement, and most were in favor of accepting the money. Clarence Lobo considered the compensation (approximately $0.47 per acre) inadequate and wanted to obtain land rather than money. In addition to his anger over the inadequacy of the compensation, Lobo was also displeased that the rolls were going to be opened to allow people with very little "Indian blood" to enroll for the per capita claims payments (Lobo 2/17/1964, 2). His displeasure appears to have been a reference to plans to reopen the judgment roll to include people who had not previously enrolled, but had a lineal or collateral relative on one of the earlier rolls (as had been done in 1955). Lobo decided to run for the presidency of the MIF. He did this in the hope that he could convince people to decline the offer, even though he admitted that most claimants in SJC had voted to accept the settlement (*Register* 1/31/1964, 1). The record does not include any results from the election, but MIF letterhead from 1964 does not name him as president of the organization. Another letter indicated that Lobo considered serving as a paid consultant to the MIF (Lobo 1/28/1964, 1).[160]

Lobo also endeavored to fire the attorney, Charles Burch, who represented the SJC claimants in the case (Lobo 3/13/1964, 1). A document included in the record contained 76 actual signatures, including Lobo's own, on a petition supporting the firing of Burch (JBM 1/26/1964, 1; JBM 1/26/1964, 1-5); however, only 14 (including Lobo's own) overlapped with the names on the 1959 document. Burch replied that the original contract had been entered into in 1959 between his firm and 95 undersigned adult claimants, and that those claimants would have to remove him. Further, Burch reminded Lobo that he had provided him several opportunities to speak publicly against the settlement, and that the claimants had chosen to accept the compromise settlement anyway. Burch also wrote that a letter that only Lobo signed was inadequate to dismiss him as the attorney on the case (Burch 3/23/1964, 1-2), which implies that Burch did not receive the signature pages accompanying the petition, or did not recognize them because only a few were the names of the people who had signed the original contract document. Lobo then tried to acquire the signatures of the original claimants in order to dismiss Burch (Lobo 4/1/1964, 1). However, the ICC approved the settlement in July 1964, which effectively ended the case (Hill 7/21/1964, 1) and rendered the drive to fire Burch moot.

[160] Interviews with Clarence Lobo's sons and brother in 2006 described the financial hardships that the family endured because of his involvement with the various Indian organizations and his regular employment. In one 1964 document, Lobo stated: "I could do so much for all considered in this matter, IF SOMEONE WOULD ONLY CONSIDER MY FINANCIAL STATUS and respond accordingly" (Lobo 1/28/1964, 1).

In the initial wake of the claims settlement, Lobo turned to protest as a method to gain attention. A document from March 1964 indicates that he was already planning some action at this time to "blow the political lid off the Indian case" (Lobo 3/12/1964, 1). At the same time as he was writing letters to fire Burch, he was also making a public stand organizing members to each "buy" 25 acres of land in the Cleveland National Forest for the settlement price of $0.47 per acre. Fifteen people (newspaper articles at the time named John Sommers, Antonio Olivares, and Ernest Reyes) sent cashier's checks to President Johnson for $12.50 (*Register* 7/4/1964, 1; *Register* 1964 ca Support Lobo, 1).[161] The JBA petitioner claimed that this same Antonio Olivares was a SJC city councilman and had received the support of "tribal members" and also represented "tribal interests" (JBA 4/11/ 2005, 6). The petitioner submitted no other information or evidence regarding Olivares to support its claim. Evidence regarding the political career of Antonio Olivares, including information about the support he received from individuals now enrolled in the JBB petitioner, and the actions Olivares took on behalf of other SJC claimants or current JBB members, is absent from the submission.

Not only did Clarence Lobo himself send a check to the President, he immediately took up residence in a trailer in the Cleveland National Forest and refused to leave (Newspaper Article 1964, 1). Although other claimants went to the park on occasion to support his efforts, the evidence in the record indicates that only a handful of people joined in his efforts. During his time in the park, several newspapers interviewed him, and Lobo continued to make his point regarding the inadequacy of the land settlement. His protest ended several months later after his trailer was vandalized (*Register* 1971ca OC Land, 1).

The JBB submitted three interview summaries that demonstrate that some of the claimants did not understand why they were receiving their claims checks. One stated, "At first [the subject] thought that the government was just giving Indians money and didn't know what it was for until Clarence Lobo made people aware of it" (Manriquez, Dolores 5/56/2000, 8). Another stated:

> At first they didn't know what the money was for until Clarence Lobo brought it to their attention and returned his check back to the BIA. [The subject] worked at the Post Office in Capistrano and was so busy with all the checks coming in for the Indian people. . . her family received their checks and cashed them because they needed the money." (H. McMullen, 6/3/2000, 8)

If this was the case for a significant number of people, then the individual identified as the "leader" of the claimants failed to keep the claimants apprised of the progress of the case. There is also no evidence that any informal communications network communicated this significant information. The OFA-conducted interviews do not include significant discussion of Lobo meeting with claimants, or acting in response to claimants concerns.

Lobo's health declined, and his involvement slowed considerably. In 1971, a local newspaper reported that he and his family planned to move to Lake Elsinore, a town approximately 20 miles east of SJC (*Daily Enterprise* 5/25/1971, 1), but it is unclear if Lobo moved there. In 1975, he and his family moved to Oroville, a town in northern California approximately 500 miles from

[161] The JBA, JBB, and JBMI-IP did not identify these 15 individuals who participated in this protest.

SJC. He was not very active after the late 1960's, but the claimants continued to refer to him as "chief" until his death in 1985.

Summary of Evidence Relevant to Political Influence, 1934-1964

Despite Clarence Lobo's 23 years of activity on behalf of the SJC claimants, there is very little evidence of a bilateral relationship between him and the individuals who claimed to descend from the historical SJC Indian tribe. There is little evidence in the record of any elections taking place during Lobo's tenure, and less for the existence of a governing body. There is less evidence in the record of the involvement of a "group" or "council" of people under Clarence Lobo providing leadership to a body of people than there was during the early MIF period in the 1920's and 1930's. Under Marcos H. Forster, the MIF SJC chapter provided leader positions such as "judges," "police," and members of the "board of directors;" during Lobo's time, he signed nearly all the legal documents and all the letters related to the claims organization.[162] No governing body of other elected or appointed members signed these documents.

Clarence Lobo was a prolific letter-writer and advocated tirelessly for many years regarding the settlement of the claims cases, yet there is little evidence that the members met to discuss other problems with him, or that he responded to their concerns. The record included evidence that relates directly to the claims issue. There is evidence in the record to indicate that claimants supported Lobo's efforts financially, though interviews demonstrate that some members were also suspicious of him because they saw little return for their efforts, and some made accusations regarding his honesty (C. and W. Lobo, 2006 JBA [18]; D. Belardes, 2006, JBA [20]; R. Nieblas, 2006, [27-8]). There is no evidence included in the record which indicates that members of the organization addressed other issues, such as asking Lobo to intercede with game wardens, truant officers, judges, or other local authority figures. There is also no evidence that others in the town recognized him as having authority over other individuals claiming descent from the historical SJC Indian tribe.[163] Not until the 1964 Cleveland National Forest protest was there any visible mobilization of even a few MIF members, and even then few joined Lobo during his most dramatic political protest action (camping in the National Forest).. There is insufficient evidence of political influence or authority within the petitioner from 1934-1964.

Evidence Relevant to Political Influence, 1964-1996

[162] The JBB petitioner may wish to to re-examine the composition of the organization that eventually became the "League of American Indians," which appears to have been composed of claimed Juaneño descendants and claimed Gabrileno descendants. If this is the case, then this entity is not the same as a band solely composed of Juaneño descendants.

[163] In one 1963 document, Lobo obtained the signatures of many local businessmen on a petition which stated, "We, the undersigned hereby agree to the following, that Clarence H. Lobo is known to us as the Chief and Spokesman for the local tribe of Indian. . . On many occasions we have seen him on the streets of SJC and also participating in our Fiesta de las Golondrinas Parade, in his colorful Indian Chief uniform which he proudly wears symbolic of his rank among his Indian People." (Valfan et al. 6/6/1963-6/13/1963, 1). This document does not provide evidence of political influence or authority within a group of SJC claimants, , as it does not identify any members of the so-called "local tribe of Indians." It also does not provide evidence of a "local tribe of Indians" identifying Lobo as their leader.

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Congress passed an act on September 21, 1968 in conjunction with the California Indian Claims Commission settlement. This act authorized the preparation of a roll, which allowed the enrollment of any person of Indian descent whose names appeared on any of the rolls prepared pursuant to the 1928 Claims Act and amendments thereto, who were born or living prior to the date of the 1968 Act. The judgment funds from the 1963 settlement were awarded to the Indians of California in Indian Claims Commissions dockets 31, 37,80, 80-D, and 347 (the petitioner's ancestors filed under docket 80). The roll was completed in 1972, and each person received approximately $650.

After Clarence Lobo reduced his involvement with the claimants, there is no information regarding any political activity among any group claiming descent from the historical Indian population of SJC Mission between 1964 and 1974. It was not until late 1974 or early 1975 that SJC residents formed a new organization, the CIC. One interview subject described it:

> My uncle, the Hearns [*sic*] the Belardes's, the Majels, Stanfields, obviously, the Dorams . . . They were probably the core Capistrano group that kept that going. I'm not sure if I'm probably leaving out names, but those were some that I remember. The Ramoses. That was [*sic*] doing it. And I was surprised because a lot of these people, all of a sudden, they were organizing again. . . they weren't active. I mean, it seemed like they were in the background. (C. and W. Lobo, 2006 [36])

The person initially given credit for organizing the CIC was Jasper Holster; a Hoopa Indian married to a SJC Mission Indian descendant. He encouraged the local residents to form an Indian organization. Holster served as president of the CIC for two years, and then left the group. After his departure, individuals who claimed SJC Mission Indian descent assumed positions of leadership within the CIC. .

The first CIC Board of Directors/Committee Chairmen group included SJC Indian descendants Helen (Charles) McMullen, Teeter Marie (Olivares) Romero, Thomas Hunn, Clara (Olivares)Hostler, Dan Rios, and Harley Lobo, as well as claimed descendant Julian Ambrisio Ramos (also the spouse of a Ricardes descendant), and four people are not included in the combined petitioners' genealogical database (Lynn Girdler, Diana Caudell, Dave Castillo, and Carmel Nava). An analysis of the initial group of these CIC leaders indicates that a particular extended family of Ricardes descendants (the Olivares family) was disproportionately represented. Jasper Hostler's wife Clara Olivares was the sister of June (Olivares) Ramos. June (Olivares) Ramos was Julian Ramos's wife, and Julian Ramos was the CIC's first vice-president. Clara and June's niece Teeter Marie (Olivares) Romero and nephew Thomas Hunn participated in the CIC council. Helen (Charles) McMullen served as the CIC president for a number of years in the 1980's and 1990's, and was the second cousin of Clara and June Olivares Ramos. The available record contains no additional analysis of this family dynamic, or any description of whether this particular family and their spouses were in positions of formal or informal leadership prior to the formation of the CIC.

CIC membership was open to all people, Indian and non-Indian, interested in learning about and preserving Indian (particularly California Indian) culture. Many of the leaders in the group were women, particularly "Teeter" Marie (Olivares) Romero, and Miriam (Valenzuela) Walkingstick (both of whom are current members of the JBA petitioner). Through the organization, they and some others gained some experience in the non-profit sector. Soon, other people who claimed SJC Mission Indian ancestry also began to receive benefits from CIC's networking. In 1976, the CIC reported that it had found work for 25 unemployed members, and that other organizations sent information about available employment to the CIC (*Santa Ana Register* 8/5/1976, 1).[164] The CIC offered programs on nutrition, drug abuse, and other issues. Several people became involved in Title IV programs which emphasized the education of Native American children in the local school system (CIC 8/11/1979). The CIC was also interested in preserving Indian culture, and held basket making and beadwork classes. The CIC eventually entered into an agreement with the city of SJC for the use of two historic buildings the city owned (the Harrison House and the Parra Adobe), where they still meet and host a variety of activities. Helen (Charles) McMullen (a current member of the JBB petitioner), an older, respected woman among the SJC Mission Indian descendants, became involved in the group in 1982, and served as the group's president for many years.

The JBB petitioner submitted 20 copies of newsletters spanning several years of CIC activity. OFA located other newsletters in its administrative correspondence files. The newsletters, however, were published between 1987 and 1998, and did not include much information about the early years of the organization. The record contained no analysis of these newsletters, but they do contain considerable information concerning the later relationship between the CIC and the original JBM group, which organized in 1978. The record included little additional documentation regarding the CIC's activities prior to 1987. The JBB petitioner submitted no evidence that current members living in other cities and towns participated in CIC activities, or established any parallel organizations in their own areas (see discussion under criterion 83.7(b)).

In 1978, the Department of the Interior published the regulations for the FAP (Federal Acknowledgment Project), which instituted an administrative procedure through which the Federal Government could acknowledge Indian groups as tribes in response to the submission of petitions. Clarence Lobo had always emphasized that the claimed Juaneño descendants in SJC he represented were "free" Indians, without governmental oversight. As of 1978, changes in governmental policies led some to believe that the benefits of Federal acknowledgment outweighed any negative aspects. The "Juaneño Band of Mission Indians" (JBM) submitted its letter of intent on August 13, 1982, after several years of organizing. Raymond Belardes, Fred Estrada, Jean L. Frietze, David Belardes, and Jack Romero signed the letter of intent.

A 1978 newspaper article indicated that the CIC initially established a "special commission" to investigate the possibility of petitioning for acknowledgment, and named Raymond Belardes as the head of this committee (Newspaper Article 3/1978, 1). Belardes had grown up in SJC, but had been living with his wife on the San Pasqual Indian reservation for several years (his wife was a member of that tribe). A January 25, 1979, letter from California Legal Services to Belardes encouraged the "Juaneño Capistrano Band of Mission Indians" to adopt a constitution

[164] The article implies that these were not only members of the CIC, but that these were members of the "Juaneño" group as the organization defined it.

and by-laws and establishing membership criteria in order to create its own separate political identity" (Marston 1/25/1979, 1). It appears that the group took the advice and began to establish itself as a formal organization separate from the CIC. The organization began enrolling members that same year. A newspaper article from August 1979 indicated that the "Juaneño Capistrano Band of Mission Indians" held an election in March of that same year and elected Raymond Belardes to serve as the group's "spokesman" (*Capistrano Valley News* 8/7/1979, 1).

At the same time as Raymond Belardes was the JBM Spokesman, his cousin David Belardes served as the president of the CIC. David Belardes was and is a resident of SJC, and the two men were able to work together to advance the group's concerns. A CIC meeting announcement dated August 11, 1979, indicated that an upcoming meeting would address concerns relevant to the CIC (CETA [Comprehensive Employment and Training Act] TITLE VI programs), as well as the JBM blood quantum. The announcement also stated that a second meeting of the "Juaneño Band" would be held to discuss the adoption of the constitution and by-laws (CIC 8/11/1979, 1). Two sets of meeting minutes from the beginning of the organization indicate that some members wanted to know if it was possible to "merge" the CIC with the JBM, but Raymond Belardes explained that the CIC was a non-profit corporation whose membership was open to all people, whereas the JBM would be limited to those claiming "Juaneño" ancestry (JBM Minutes 9/15/1979, 1; JBM Minutes 10/20/1979, 1).

Most of the JBM group's efforts for the first year went into group organization. Belardes moved to hold elections for the council at the group's first reunion (JBM Notice 10/11/1979, 1). He had, however, already expressed an interest and concern about the preservation of archaeological sites in the area (Belardes 8/28/1979, 1), and cultural resource management, including reburials of human remains, would become a major issue during his tenure. Over the years, the group eventually trained several members to serve as monitors at various archaeological sites that California law required. Members who performed this monitoring were compensated, with a portion of the proceeds donated to the JBM. The group also worked on various aspects of Federal acknowledgment, including obtaining reports from scholars regarding the group's history (Shipek 1979, 1).[165]

Raymond Belardes became an active leader and organizer of those who lived outside of SJC, but some older, local people still did not accept him (Evelyn Villegas 5/16/1982, 16-18). Several resented his "take charge" attitude (particularly after having lived away from the town for many years), and did not join the JBM. Few of the local families attended JBM meetings prior to 1994 (see discussion under criterion 83.7 (b)). The record included a number of sign-in sheets from early JBM meetings from the early to mid-1980's (eight from 1981, seven from 1982, four from 1983, and one from 1984), and few of the names on these early lists appear to be those of long-time SJC residents. Evidence in the record indicates that few local SJC residents, such as the Oliveras's and Dorams, were involved with the JBM organization in its early stages.

[165] The newsletters also contain references to obtaining land (JBM Minutes 10/9/1982, 1; JBM Newsletter 11/1/1982 -12/31/1982, 1; JBM Newsletter 1/1983 -2/1983, 1), which implies that the group was trying to buy land. Although the group eventually began to use the five acre Panhe site located on Camp Pendleton, the JBA, JBB, and JBMI-IP may wish to explain why the JBM decided to stop pursuing land ownership.

The newsletters and meeting minutes repeatedly mentioned that low turnout for monthly meetings concerned JBM leaders (JBM Minutes 6/1/1980, 1; JBM Minutes 12/1/1980, 1; JBM Minutes 1/1/1981- 1981-02.28, 1; JBM Newsletter 8/1/1981, 1). For example, although the first membership list JBM submitted to OFA in 1982 consisted of 856 members (both adults and children) and a local news paper reported that the JBM had between 400 and 800 members (*Register* 11/22/1979 ca, 1), the attendance records reported 86 as the highest attendance reported for a meeting during the entire decade of the 1980's (6/18/1983). The record contained only one attendance list for 1984, and no attendance lists for 1985, 1986, 1987, 1988, or 1989. The petitioner submitted minutes that show the results of elections, but did not indicate how many members voted. OFA analysis of JBM minutes through 1993 demonstrates that a few members held multiple positions within the organization over the years (see Appendix II).

In 1981, the JBM established a non-profit organization named "The Institute of California Indian Heritage," and opened an office 20 miles north of SJC in Santa Ana (JBM Newsletter 1/1/1981, 1). The record included no minutes from the meetings of the non-profit organization, and did not identify the members who served on the Institute's Board of Directors to determine if there was overlap between those members and the members of the JBM council. The record contains no description of the fate of the non-profit, and JBM meeting minutes did not mention the organization after September 1983.[166]

During the next few years, JBM prepared Federal acknowledgment petition submission, and engaged in other activities. Belardes continued as the JBM's "Chief Spokesman and Spiritual leader of the Juaneno people" (JBM 10/12/1984, 1). The role of the CIC in the JBM's actions is unclear, but it appears that the CIC still felt it had some control or influence over the people who made up the JBM, as well as some control over the leadership or governance of the population of people claiming descent from the historical SJC Indian tribe. This became clear when Clarence Lobo died in 1985, and Raymond Belardes reportedly wanted the JBM to elect him "chief" (JBM Newsletter 7/1/1985- 8/30/1985, 1). This caused a controversy within the overall active population of those claiming descent from the historical SJC Indian tribe, and particularly within the CIC.

Many of the individuals who belonged to the CIC do not appear to have supported Belardes's political ambitions, and the organization itself informed Belardes that they wanted to elect a new "chief", but that he could only serve as the "Juaneno spokesman," not the "Juaneno chief." He, in turn, stated that the CIC did not speak for all the "Juaneño" people, and asked that the members of the JBM vote on the matter at the August annual reunion (JBM Minutes 7/1985, 1). Some CIC members argued that Belardes might be doing an acceptable job as "spokesman" for "Juaneno" descendants, but that he lacked the proper demeanor for a "chief" (*Coastline Dispatch* 7/3/1986, 1; *Register* 7/19/1985, 1). The CIC members, however, were unable to prevent a quorum of 35 JBM members from electing Belardes "chief" at the reunion on August 17, 1985 (JBM Minutes 8/17/ 1985, 1). There was no specific provision for the election of a "chief" in the group's Constitution (only a chairman), but the document did include a provision that "The General Council. . . may elect or appoint from within or outside the council any other officers it

[166] Additional minutes indicate that the office the group secured with funds from the non-profit had to be closed due to problems with the building where it was housed (JBM2/18/1984, 1), but there is no mention of a formal dissolution of the organization.

thinks are necessary and appropriate" (JBM 1979, 7). JBM minutes did not report vote totals, and it is not clear if the vote was unanimous. No information in the available record indicates that the CIC nominated a different candidate for "chief."

Soon after the JBM elected Raymond Belardes "chief," the JBM gained use of five acres of land located on Camp Pendleton Marine Base, on or near what scholars identified as the former village of Panhe.[167] Although the JBM did not own the land outright, they entered into an agreement with the Marine base to allow them to use the land to rebury human remains, as well as to hold meetings (JBM Newsletter 10/1985, 2). Over the years, the JBM organized weekend clean-ups of the site, clearing brush and other debris to provide an area for them to meet.

The JBM petitioner's 1988 petition narrative claimed that the long-term residents of SJC were not initially part of the JBM (JBM 2/2/1988, 24-5), and additional documents appear to support this statement. One 1988 set of CIC meeting minutes referred to the difference between the membership of the JBM and that of the CIC when it was rumored that the town of SJC was considering moving the CIC out of the Harrison House:

> The City Council is aware of the two separate factions involved, the Indian Council and the Band . . . Lupe . . . also raised the fact that although Raymond [Belardes] and David [Belardes]'s roots are entrenched in SJC, 80% of the Band are not from [here] even though their ancestors were. The same can be said for the Council, however, the Elders that are part of the Council ARE from SJC. (CIC 8/1988, 9; spelling and punctuation added)

The JBB petitioner has not included an explanation of how the JBM eventually attracted and integrated the members of the CIC, which they did by the mid-1990's.

Raymond Belardes continued as the JBM leader through 1988, but dissatisfaction with his leadership increased. The group appears to have become disenchanted with him for issues related to compensation from archaeological site monitoring (people questioned whether or not Belardes was making his required contributions), and accused him of making threats of personal violence against JBM members who were working as archaeological monitors. A 1989 letter detailed complaints against him between November 1988 and January 1989, addressing not just those issues, but his reluctance or refusal to "teach us our culture and heritage" and his refusal to allow certain members of the group to participate in the "Ghost Dance" (JBM Tribal Council c. 1989, 5-6). The petitioner submitted this letter, but there is no indication that Belardes ever replied in writing to these concerns or responded in some other fashion.

On February 18, 1989, the JBM voted to replace Raymond Belardes as Spokesman, and elected his cousin David to serve as his replacement (JBM Minutes 2/18/1989, 2). Raymond Belardes tried to mount a defense against his removal, maintaining that the election was illegal and that he was the "chief and spiritual leader" of the group (*Orange County Register* 2/21/1989, 1), but the petition submission does not contain any information indicating that Raymond Belardes had any

[167] Panhe was one of the 15 original SJC Mission Indian villages identified by Boscana (Boscana 1934, 61), and the natal village of many SJC Mission Indians before 1834, and was also known by its Spanish name, San Mateo. It had also been a "*rancho*" during the Mission period.

followers who contested David Belardes's election. Raymond Belardes continued to insist that he was still the group's "Chief" and leader, and also signed documents indicating that he was "Chief" of the "Coastal Juaneño Band of Mission Indians," but there is no information identifying this entity in the record or any information regarding whether it was composed of people who may have left the JBM and continued to support Raymond Belardes. The JBM itself sent a letter to various state authorities, stating that "Raymond Belardes has created what appears to be a fraudulent entity. . ." and maintained that the only authorized spokesman or chairman of the JBM was David Belardes (Rios 12/11/1989, 1) Raymond Belardes's involvement with the group, including as an archaeological monitor, virtually ceased, although one record indicates that he was involved in archaeological site monitoring until June 1992 (JBM Minutes 6/27/1992, 2), and sporadic mentions of him between 1988 and his death in 2006.

Because of a lack of attendance lists from meetings from 1985 until 1990,there is no information for a five-year period documenting who attended the group's meetings or where those individuals lived. However, sign-in sheets in the record from after 1990 indicate the presence of more people from the town of SJC than had attended in previous years. It is unclear whether the increase in attendance of people from SJC occurred gradually over the years between 1986 and 1990, or if the increase began in 1990.

David Belardes, the newly-elected JBM spokesman, soon found himself at odds with the hierarchy of the mission over the dismissal of Floyd Nieblas, a longtime employee who a local resident as well as a descendant of SJC Indians, as well as challenging some other policies occurring at the mission that affected JBM members. The SJC Catholic parish recruited wealthy benefactors and employing modern fundraising techniques to promote the mission as a tourist attraction and reception facility in order to raise $12 million to stabilize historic mission structures. Local JBM members, on the other hand, viewed SJC Mission as their local church, and felt that parish officials ignored their concerns such as the condition of the local graveyard (*Orange County Register* 2/10/1990, 1-2; *Orange County Register* 3/16/1990, 1; *Orange County Register* 3/26/1990, 1). Nieblas's dismissal changed the dynamic between the JBM and the mission, but also appears to have brought together members of both the CIC and JBM to support another descendant being treated poorly. Members of the CIC, in particular, appear to have been reluctant to confront the authorities prior to the firing of Nieblas. This event politicized some of the CIC members, who came to recognize the efficacy of having a more overtly political organization to represent them. The members of the JBM, along with various non-member supporters, protested the mission's treatment of Nieblas by declining to participate in the festivities inside the mission grounds. Instead, a number of members gathered across the street during the Swallows Day festivities, singing and drumming (*SJC Dispatch* 1990, 1).

Nieblas's dismissal was but one in a long series of mission decisions that local members felt were being made in favor of newer, wealthier residents of the town. According to David Belardes,

> . . . Their push is getting away from little old Mission SJC and just having their tourist gate and making their money that way and everybody just working there and being happy. When this new guy came in- this corporate person, went all to computers, hired his whole staff and just in my mind it's like out with the old, in

> with the new- like a new era- and the Juaneños aren't part of that new era. So I've been banging on Father and a few of the other people pretty hard so now I've got them all bent out of shape at me. (Weinberg et al., 1990-1991, 11)

The once-private issue between Nieblas, Belardes, and SJC Mission became very public, with local newspapers reporting on the personnel dispute (*Capistrano Valley News* 2/1/1990, 1-2). Father James Harvey, the priest in charge of the mission, criticized the JBM and individual JBM members from the pulpit (JBM 3/1/1990, 1). JBM and parish officials attempted reconciliation to restore the relationship, and steps taken included holding a special mass with a Native American priest (*Capistrano Valley News*, 5/30/1991, 1). However, when Belardes criticized the selling of alcohol on the mission grounds during an event hosted there, Monsignor Paul Martin took out advertisements in two local papers criticizing Belardes's comments. Shortly after those comments, the JBM also lost permission to use the mission gym to hold its meetings. A local newspaper reported that 35 members picketed SJC Mission (*Orange County Register* 9/16/1990, 1). The record did not include a list of the members who took place in this protest at the Mission Gym.

In time, the JBM and the mission resolved these issues and the relationship between the church and the JBM improved. The JBM even resumed meetings at the Mission Gym for a time (JBM Newsletter 10/1991, 1). However, the changes in the mission hierarchy, the composition of the town of SJC (where newcomers now vastly outnumbered long-time residents), and the new, more confrontational attitude of the group meant that the relationship between the JBM and the mission itself had permanently changed.

Summary of Evidence Relevant to Political Influence, 1964 -1993

The record includes almost no evidence to demonstrate the exercise of political influence under criterion 83.7(c) from 1964 until 1978. The record includes no evidence of any type of activity, formal political organization, or informal influence and decision-making, between 1964 and 1974, and little evidence or analysis of the composition and activities of the CIC organization between 1975 and 1978. There is no indication that the CIC was a continuation of the MIF or any of the claims organizations Clarence Lobo organized, although the organizations' members drew from the same "pool" of descendants of pre-1900 SJC town residents.

Raymond Belardes initially organized JBM as an "offshoot" of the CIC, but it quickly became a discrete entity of its own, with activities, a membership, and an agenda that appears to have differed significantly from that of the CIC. Some CIC members, particularly the older SJC town residents, initially opposed JBM actions (and also disapproved of the confrontational political actions JBM's spokesman Raymond Belardes took).

The record contained little or no evidence to demonstrate that the JBM leadership exercised political influence over the membership from 1978 until 1993, other than through the activities of the formal organization. The JBM organization trained members to serve as archaeological site monitors to protect archaeological resources, and members contributed a portion of money earned through site monitoring back to the group's general fund. Members also gained access to several acres of land on Camp Pendleton and organized work parties on weekends to clear and

maintain a meeting place there. However, the JBM organization's eventual dissatisfaction with its leader, Raymond Belardes, resulted in the group voting to replace him with his cousin, David Belardes and the evidence indicates that Raymond Belardes was not able to muster any member support for his claims to be the legitimate leader of the group. Many local residents, including those who had been members of the CIC, later became active members of the JBM (and later, the JBA; few SJC town residents joined the JBB). The JBB petitioner submitted no explanation as to when and how CIC members eventually joined the JBM, although their participation appears to coincide with Raymond Belardes' 1989 election loss, and the controversy regarding the firing of Floyd Nieblas from SJC Mission. The totality of the evidence from about 1989 to 1993 points to members of a core group residing in SJC exercising some influence on the leadership and actions of the JBM organization. Although this evidence is not sufficient to demonstrate political influence under the regulations, it raises relevant questions about possible "behind-the-scenes" pressure on the JBM council to find a leader who was acceptable to the residential core at SJC as well as the larger body of non-SJC residents.

Evidence Relevant to Political Influence 1993-Present

The association that became known as the JBB petitioner did not officially submit its letter of intent to the Department until February 1996, but the event leading up to the creation of this entity appears to have been the JBM April 1993 election (other interviews indicate that personality clashes between David Belardes and Sonia Johnston were an underlying factor, with some ambiguous reference to issues of gender being important).[168] An unidentified member contested the legality of an election held in April 1993 because (he or she believed) people had been allowed to vote by a show of hands, rather than by ballot, in favor of retaining the existing council rather than holding an election. The letter not only contested retaining the council by such a vote, but also maintained that many of those who did vote did not satisfy the group's 1/8th blood quantum required for voting members (JBM Minutes 5/15/1993, 2). The group's secretary (María Frances) also refused to certify the results of the election because of the perceived irregularity, and the JBM leadership suspended her in August 1993 (Frietze 8/23/1993, 1).

The California State legislature memorialized their support for the JBM organization on August 26, 1993, asking "the President and the Congress of the United States to support and declare that the Juaneño Band of Mission Indians, Acjachemen Nation, to be the aboriginal tribe of Orange county . . ." (CA Assembly and Senate 8/26/1993, 1).

Despite the State government's show of support, the internal disagreements continued. Sonia [Abaya Zucker] Johnston and her husband Darrell Johnston agreed with María Frances that the election was conducted improperly and addressed their concerns regarding the perceived irregularities in voting in a letter to the JBM council (Johnston 10/18/1993, 1). In May 1994, the situation had reached the point where it was irresolvable (JBM Minutes 5/21/1994 a; 1-8).

[168] At least two meeting minutes refer to an unspecified threat to "split the tribe and take the packet" (JBM 3/6/1993, 1; JBM 4/17/1993, 2). The minutes are unclear as to where this threat was coming from, but one other reference in the April 17, 1993, minutes states that "Peter Mares spoke in support of David Belardes and against a woman leader." (2) One other interview also referred to issues relating to gender as being part of the reason for the eventual rift (Lopez et al. 2006, 74)

Twenty-eight people then resigned from the leadership of David Belardes and supported Sonia Johnston (*Orange County Register* 4/23/1997, 1). In response, three members of the David Belardes council (Belardes, Vice-Chair Jean Frietze, and Alfonso Ollivares) officially removed Darrell and Sonia Johnston from JBM membership (Belardes et al. 7/10/1994, 1-2). Five other Johnston supporters also received identical notices removing them from JBM membership.[169] However, at least 40 JBM members, including the five Belardes removed in July 1994 supported Sonia Johnston and voted her "interim spokesperson" in September 1994 (JBM 9/1994, 1). The opposing leaders did not recognize the position of "interim spokesperson", and filed lawsuits and restraining orders against Johnston and her supporters (Juaneño v. General Council 10/13/1994, 1-2; *Orange County Register* 10/18/1994, 1; Juaneño v. General Council 11/02/1994, 1-2). In November 1994, a judge denied an injunction the Belardes-led members requested to prevent the Johnston-led members from holding elections in December (*Los Angeles Times* 11/24/1994, 1).

The initial dissenters and a number of additional supporters held an election in December 1994, voted in Sonia Johnston as chairperson, and maintained its own five-member council as the legally elected council of JBM (JBM 12/22/1994, 1-2). Records indicate that 91 members cast ballots in that election, with 23 deemed invalid for either the voting member not meeting the 1/8th blood quantum or the name not being on the tribal roll (one absentee ballot was excluded because its date of arrival was unverifiable) and 68 deemed acceptable (IDRS 12/28/1994, 1). Some members of the Belardes-led group claimed that the election organizers did not allow them to vote in the election because they were not on that organization's voting roll (JBM Minutes 12/17/1994a, 1). The two organizations continued to contest each other's claim to being the "real" council throughout 1995, and multiple attempts at unification failed (JBA Minutes 3/12/1995, 1; JBB Agenda 6/7/1995, 3; JBA Minutes 9/20/1995, 2; JBA Minutes 11/18/1995a, 1-2). The Belardes-led members also elected David Belardes "chief" at the April 26, 1995, reunion.

Both councils expressed concerns that the existence of two councils would affect the petition for Federal acknowledgment, but remained steadfast in their insistence that the other council was illegal. Both also maintained that there was only one "tribe," with one membership list, and that they, not the other council, were the legitimate representative body of that "tribe." In May 1995, the Department removed the JBM from the list of groups whose petitions were ready for active consideration, due to the dispute over leadership and membership questions. OFA's analysis of the supplemental membership lists the Belardes-led group and the Johnston-led group submitted to the Department demonstrates that the membership lists each organization submitted were substantially different, and therefore the submission could not be treated as that of one petitioner (Reckord 7/18/1995, 1). The Department gave the two groups the option of coming together to agree on one membership list (and, therefore, one governing body), or being considered separate petitioners.

JBB council minutes described one unsuccessful attempt at reconciliation during this period when members of the Unification Committee of the Belardes-led organization attended the Johnston-led organization's council meeting (JBB Minutes 9/16/1995, 1-2), and other attempts described elsewhere in the record proved equally fruitless.

[169] Years later, at least one of the five members removed during this time joined the JBA group.

In December 1995 the Sonia Johnston-chaired body decided to submit a separate letter of intent (JBB Minutes12/16/1995a, 1).[170] The Department received the official letter of intent in February 1996 (Johnston, Caballero et al. 2/17/1996 LOI, 1). The Department then designated the Johnston-led organization as "Petitioner 84B," and the Belardes-chaired organization as "Petitioner 84A."[171] Both petitioners claimed that the documented petition the JBM submitted was their petition.

No evidence in the record revealed a uniform reason why some members who had been in JBM enrolled in either JBA or JBB, but an analysis of the documentation in the record indicates that residence in SJC or another Orange County city had a significant bearing on which group people joined. The majority of members of both groups lived outside of SJC, but almost all of the residents of SJC joined the JBA, as did the majority of the people whose families had a long history of participation in the MIF and the claims activities Clarence Lobo oversaw. The evidence in the record does not indicate a discussion of other factors that influenced people to choose one group over the other.

Members of the JBB, including Darrell Johnston (Sonia Johnston's husband) and Helen McMullen, continued to be active with the Capistrano Indian Council (CIC), which also used the Harrison House/Parra Adobe. However, there are some indications in the record that their involvement in the organization made some members of the JBA (and, later, the JBMI-IP) reluctant to attend meetings and events held there. One member of the JBMI-IP who lives in SJC indicated in her interview that she stopped attending the CIC because of the influence of Sonia and Darrell Johnston (R. Arce 2006, JBMI-IP [32]). According to the minutes from one JBA meeting, Darrell Johnston once put a motion on the floor at a meeting of the CIC that all discussion of politics should be prohibited during meetings, and limited to conversations after meetings (JBA Minutes 2 8/15/1996, 8). The JBB petitioner did not include information to describe how the current political situation has affected events held at the CIC.

The JBB petitioner has held regular elections since it submitted its letter of intent to petition as a separate group, and Sonia Johnston has served as the group's chairperson since its inception. The record contained no residential analysis of the group's membership, but an examination of the group's 2005 membership list indicates that the overwhelming majority of its members live in and around Corona, Escondido, Riverside, Santa Ana, and Anaheim. The JBB petitioner has only three members with a current San Juan Capistrano mailing address out of 910 (the JBA petitioner has 90 members out of 1,640 living in San Juan Capistrano; the JBMI-IP has 38 of 267 members with a San Juan Capistrano address). The JBB petitioner also differs from the JBA and JBMI-IP in that the group holds its meetings outside of San Juan Capistrano. According to the group's 2004 submission, ". . . the Council moved its meeting place northward from SJC, using a site in El Modena for some five years, relocating to Anaheim in 1999, and then back to El

[170] There is no evidence in the petition that the JBB group held a vote to decide to proceed as a separate petitioner.

[171] Almost a year before the submission of the 1996 letter of intent, however, the group had asserted that it was "the legally elected council" (JBB Newsletter 1/1995, 1) and started publishing its own newsletter. The two groups also hosted separate annual reunions that year.

Modena in 2001" (Wood 2/1/2004, 176).[172] The group also differs in that the Council travels to other areas and holds meetings with those who live in other towns in southern California.

The record contained a number of documents from 1996 to the present, including meeting minutes, election results, and newsletters. One issue that appears to have concerned the group was amending the group's constitution to change the required blood quantum of voting members from 1/8 to 1/16. Meeting minutes and newsletters in the record contained discussion of the issue (JBB Minutes 9/21/1996a, 5; JBB Newsletter 10/1996, 1-2; JBB Newsletter 11/1996, 1), and an amendment to amend the constitution did get a majority of votes in the January election. However, the amendment did not receive the percentage of votes required to modify the constitution. The evidence in the record also indicates that another topic routinely discussed at council meetings was Federal acknowledgement, as were issues related to cultural resource management issues, including reburials of human remains.

The JBB petitioner submitted a document entitled *Tribal Activities and Governance After the Election of December 17, 1994 to the Present* (JBB Tribal Activities and Governance 11/28/2005, 1-6), but the document contains only one paragraph related to the political the political activities of the JBB petitioner after the 1994 election. The majority of the document is devoted to describing the conduct of the other groups and the history of the conflicts between the JBA, the JBB, and the JBMI-IP. The JBB petitioner provided no other description of political issues which concerned the JBB itself or which demonstrate a bilateral relationship between the council and the members.

The JBB members OFA interviewed in 2006 expressed satisfaction with their current leadership, but expressed regret of the separation of the three organizations. Most members blamed the failure to unify on the leaders of the other organizations, while at the same time expressing confidence in their own group's leadership and how open their organization would be to having members of the other organizations join JBB.[173] No members gave the impression that they would have been amenable to belonging to an organization headed by either the leader of JBA or JBMI-IP. No member mentioned anyone who had left the JBB for one of the other organizations, although OFA identified 236 people who were members of JBB in 1997, but enrolled in JBA in 2005 (several members of JBA had mentioned that people had expressed dissatisfaction with the JBB, including two JBA members who had, themselves, formerly belonged to JBB). Several members emphasized that they believed the JBB was the legally-elected council, citing the organization's adherence to the original JBM constitution. Several people indicated that people would continue to make efforts to bring all of the groups under one leadership (both public unification attempts by the leadership, and private, one-on-one unification efforts with family and friends), but no one seemed optimistic about this unification happening any time soon.

[172] One member of the JBMI-IP group stated that some of his relatives who lived outside of San Juan Capistrano joined the JBB petitioner because of their proximity to them, rather than having to travel to Capistrano for everything (Jerry Nieblas 2006, JBMI-IP [61-62]) .

[173] The same can be said for the members of the JBA and JBMI-IP, who indicated that the problems were the other leaders' fault, but that their particular group would have no problem welcoming members from the other organizations.

Summary of Evidence Relevant to Political Influence , 1993-Present

The available evidence in the record is insufficient to demonstrate political influence within the JBB petitioner and does not satisfy criterion 83.7(c) between 1993 and the present. Drastic membership changes documented in membership lists indicate that the JBB is not the JBM petitioner by another name, but a new group that draws its members from the same "pool" of descendants as the JBA and JBMI-IP. A portion of the JBM was the foundation for the JBB, but the contemporary JBB group is now substantially new and different group from the JBM. The record indicates that the newly-enrolled JBB members did not compose a political subgroup or another group, nor does the evidence in the record demonstrate how the leadership maintained political influence over a rapidly changing membership.

Conclusions of Evidence Relevant to Political Influence, 1834-Present

The evidence currently available in the record does not indicate that the JBB petitioner satisfies criterion 83.7(c) at any time from 1834 to the present. The available evidence for the Spanish and Mexican periods (1776-1848) establishes by a reasonable likelihood that Spanish policy at the mission created a political structure for the Indian population. This policy made the combined groups a single political entity. However, evidence in the record demonstrates that only a small portion of the petitioner descends from individuals who were of SJC ancestry, and that these individuals appear to have left the historical SJC Indian tribe as individuals, often before 1834. There is also no available evidence from the early statehood period which demonstrates by a reasonable likelihood that representatives of a political entity of descendants from the historical SJC Indian tribe signed any of the 1852 unratified treaties. The petitioner did not present sufficient evidence of formal or informal leadership among its claimed ancestors during the late 19th century or early 20th century. The formation of the umbrella organization of the Mission Indian Federation (MIF) in 1920 appears to have served as a catalyst for the organization of the local San Juan Capistrano chapter. However, the information provided about the San Juan Capistrano MIF chapter indicates that it functioned predominantly as a claims organization, and does not indicate that, the claims were of importance to the petitioner's ancestors prior to the founding of the MIF. There is no evidence in the petition to indicate that, with the exception of claims, the leadership of the San Juan Capistrano chapter of the MIF addressed issues important to its membership (such as finding employment or securing medical treatment for members), though other MIF chapters addressed these issues. There is some evidence that the local leadership of the MIF helped members (and some others) file their applications for the 1928 Claims Act, but there is little evidence regarding any other activities of the San Juan Capistrano chapter of the MIF. There is insufficient evidence in the current record to demonstrate that the MIF SJC chapter mobilized significant numbers of members or significant resources for group purposes during this period, or that participants in the SJC MIF chapter had knowledge, communicated, and were involved in any political processes regarding issues other than claims.

The evidence in the record related to Clarence Lobo's activities in the late 1940's through the mid-1960's provides little evidence of a bilateral political relationship between Lobo and the claimed SJC Indian descendants. His activities also appear to focus almost exclusively on claims activities, and in this regard, his advocacy on behalf of pan-Indian organizations and a discrete

group of Indian descendants in the town of SJC is sometimes uncertain. The record included little evidence of Clarence Lobo's leadership outside of his involvement with a number of pan-Indian organizations and the California claims issues. There is little evidence of the involvement of other SJC claimants in Lobo's activites, although some claimants provided limited financial support for his work on behalf of the claims issue. There is also little evidence that SJC claimants influenced or informed Lobo's actions. In fact, it is not clear if the claimants knew what he was doing on their behalf.

In the years between the time illness sidelined Clarence Lobo's political activity and his move to northern California (1964-1975), the record presented almost no evidence of any formal political activity. There is also no indication of any informal leadership during this time. After the 1975 establishment of the Capistrano Indian Council (CIC), an organization which included non-Indians and non-SJC Indians, some information showed limited political organization among some of the claimed descendants living in the town of SJC. However, the evidence indicated very little participation in the organization from people who lived outside the immediate area, and there is no indication that the peopleoutside of SJC formed any parallel organizations of their own.

From 1978 through 1993, the JBM organization demonstrated some political influence, particularly in challenging the non-Indian leadership of the SJC Mission in 1990. However, the evidence as presented does not demonstrate that the JBM satisfied the criterion during this time period. The JBM was a very recent organization, and the issues JBM addressed appear to have been only issues that were new to the group (rather than, for example, long-standing disputes over resources, either among members of the organization, or between members and outsiders). The rates of participation in activities, decision-making, and organization were exceedingly low. Few people attended meetings, held office, and profited from archaeological monitoring employment in relation to the reported size of the group. The 1989 change in leadership and the JBM involvement in the Floyd Nieblas dispute with the SJC Mission does appear to have opened a door of membership to local CIC member who were not previously identified as members of the JBM organization. However, the evidence in this case raises many questions about the nature of member' political participation in the JBM organization.

The petition documentation includes information about the San Juan Capistrano chapter of the MIF, the various organizations of Clarence Lobo, the CIC, the JBM, and the JBB petitioner. However, the evidence about these organizations indicates that they are not a single organization continuously evolving and changing through time. Each organization,drew on the same potential "pool" of pre-1900 residents of the town of San Juan Capistrano and their descendants. However, each organization was a separate entity with a different structure and different aims. For example, records from the MIF during the 1920's show the involvement of a number of people from this "pool" on the group's Board of Directors and in other positions of leadership, while documents from Clarence Lobo's various organizations demonstrate very little participation from other people. Likewise, the contemporary JBB petitioner is not the JBM petitioner under another name. The Sonia Johnston-led organization began its separation in 1993, submitted its letter of intent in 1996, and subsequently altered the JBM membership. The current JBB membership lists indicate that a significant number of people now belong to the JBB who had no previous connection to any group of claimed San Juan Capistrano Indian descendants

prior to 1995. The JBB organization as it existed in 2005 differs so much from the JBM as it existed in 1995 that is is a different organization.

From 1996 until the present, the JBB organization has held elections and addressed a number of issues important to its members, as discussed in numerous sets of meeting minutes, newsletters, and newspaper arguments. These issues included the pursuit of Federal acknowledgment, archaeological monitoring, and changing the group's constitution. However, although there is some evidence of the governing body responding to the concerns of its members, and of the members' ability to influence the actions of the leadership, the evidence is insufficient to determine whether the petitioner meets the criterion.

The evidence available in the record does not demonstrate political influence from 1834 to the present. The historical SJC tribe would meet this criterion until 1834, but the JBB petitioner has not demonstrated that it meets the requirements of the criterion since 1834. Further, the petitioner has not demonstrated political authority within a continuously existing entity since 1834. Therefore, the JBB petitioner does not satisfy criterion 83.7(c) from 1834 to the present.

Criterion 83.7(d) requires that

> **a copy of the group's present governing document including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.**

Introduction

The disputed JBM election in 1994 resulted in the formation of two separate groups (Johnston 12/29/1994) (See discussion in Administrative History and under Criterion 83.7(c)). Both the JBB and the JBA petitioners claim that the original JBM petitioner's submitted materials apply to each of their own groups. Both petitioning groups use the same 1979 JBM governing document.[174]

The JBB petitioner has submitted a governing document that describes the group's governing procedures and membership criteria, thus meeting the requirement of criterion 83.7(d).

Governing Document

Current Governing Document

OFA received a governing document entitled "Constitution of the Juaneño Band of Mission Indians 1979" with the JBB submission in 1995 (JBM 1979). According to the JBM minutes, the general membership approved the governing document on October 21, 1979 (JBM Minutes 6/21/1980). The document contains a preamble and 12 articles addressing purpose, territory and jurisdiction, membership and enrollment, the general council, the "tribal council," powers of the "tribal council," administration, election and removal of officers, referenda, individual rights, ratification, and amendment. OFA also received on December 28, 2005, a 14-page collection of 8 membership ordinances that the JBB group adopted between January 20, 1996, and November 18, 2005 (JBB Ordinances 11/28/2005).

Previous Governing Documents

The JBB did not submit any previous governing documents.

[174] The JBB, the JBA, and the JBMI-IP submitted the identical 1979 constitution with the same title, although the JBMI-IP group later submitted an amended version of this same constitution.

Governance and Membership as Presented in Governing Documents

Governance

Article V of the 1979 constitution defines, eligibility, terms of office, meetings, and procedures and compensation for the group's five-person governing body, termed the "tribal council." Article VI outlines the governing powers of the "tribal council." This article also defines the officers (chairman, vice-chairman and secretary) of the general council (membership). Article VII addresses administration and sets forth the position description, qualifications, and responsibilities of the "tribal manager." Article VIII provides for election, inauguration, and removal of "council members," referring primarily to "tribal council" members, but sometimes including officers of the general council. Thus the governing document does describe governance procedures for the group.

The JBB petitioner submitted four ordinances addressing leadership policies and procedures (JBB Ordinances 11/28/2005). Ordinances I.4.2d and Ordinance II.4.2e approved March 17, 2000, present policies and procedures for the determination of a quorum and the agenda for meetings of the general council, relating to Article IV, Sections 2d and 2e respectively of the group's governing document. Ordinance I.5.2, approved June 14, 2002, defines the qualifications of "tribal council" members, relating to Article V, Section 2 of the group's constitution. Ordinance I.8.1, approved June 15, 2002, presents the policies and procedures for "tribal council" elections, relating to Article VIII of the group's governing document. The JBB petitioner did not submit information regarding the approval procedures for these ordinances, that is, whether the membership of the group at large or only the governing council approved the ordinances.

Membership

1) Membership Eligibility Criteria

Article III, Section 1, of the 1979 constitution that the JBB petitioner submitted states that "no person who is a member of any other nation, tribe, band or community shall at the same time be a member of the Juaneño Band" (JBM 1979). This same section requires that members of the petitioner shall be

(a) All persons of Juaneño blood whose names appear on the 1933 California Judgment roll;[175] and
(b) All persons including those persons born in the future who are direct lineal descendants of those persons whose names on the 1933 California Judgment Roll and who possess at least one-eighth (1/8) degree Juaneño Indian blood; and,
(c) All persons of Indian blood upon whom membership is conferred by adoption. (JBM 1979)

[175] The official name of this document is "Census Roll of the Indians of California under the Act of May 18, 1928 (45 Stat, p.602)," referred to in this PF as "1933 Census Roll."

It is not clear whether the 1/8 Juaneño blood requirement pertains to current members, or only those potential members "born in the future," presumably meaning after 1979 when the governing document was created. The Federal acknowledgment process does not require petitioners to have a blood quantum standard for membership. The minutes of the group's general council meeting of November 17, 2001, states under the heading of "Open Enrollment Criteria" that "[o]nly those with 1/16th blood or more can be enrolled" (JBB Minutes 11/17/2001a).

Article III, Section 2, describes various categories of membership: base enrollees, descendants of base enrollees, non-voting members, and voting members. Although the membership ordinance relies on blood quantum to define the voting and non-voting categories, it does not mention any age requirements for membership and voting. However, Article IV (General Council), Section 1 (Electorate), defines "tribal members eighteen (18) years old or older" as the members of the general council who are eligible to vote. Additionally, Ordinance I.3.3 specifies that applicants should be 18 years old or older, but the group may also enroll minor children (JBB Ordinances 11/28/2005). The current JBB membership list includes members under age 18.

2) Membership Application Process

Article III, Section 3, is entitled "Enrollment Procedures" but does not define procedures for enrollment. This section addresses only the powers of the group's council to regulate enrollment and removal of members. Ordinance I.3.3, approved on January 20, 1996, addresses enrollment policy and procedures, and Procedure I.3.3.1, approved on November 18, 2005, addresses enrollment requirements (JBB Ordinances 11/28/2005). These documents describe the procedures used for enrolling members and apply to Article III, Section 3, of the group's governing document. These ordinances, however, do not incorporate detailed information on documents required to demonstrate membership eligibility or maintenance of membership records or membership lists. The minutes and correspondence of the petitioner's "tribal council" do not contain any mention of the governing documents or ordinances being applied to the approval or denial of membership to any individuals.

Article III, Section 4, states, "No person shall be enrolled as an adopted member of the Juaneño Band except by a majority vote of the General Council."

With copies of 284 JBB membership files which the petitioner made available to OFA (see Genealogical Evidence: Records Reviewed (d) below), the JBB petitioner submitted blank sample application forms, including:

- an "Application Letter," which provides directions for completing five forms required for membership and instructions for sending a "Certification of Degree of Indian Blood" and a birth or baptismal certificate to the petitioner's office;
- a request form for obtaining a "Certification of Degree of Indian Blood" from the BIA;
- an "Application for Membership," which requires the applicant's signature, address and telephone number, and the names of the applicant's parents and grandparents;

- a "Family Chart" (pedigree chart), which the Application Letter states "requires official documents which must be verified by the office," but does not define the required official documents;
- a personal history form (family group sheet); and
- a "Letter of Support" (statement of voluntary membership).

3) Resignation, Termination, or Severance of Membership and Reinstatement of Membership

Article III, Section 3(a) of the 1979 governing document (JBM 1979), refers to "ordinances governing enrollment and disenrollment procedures and correction of the tribal roll." The petitioner submitted Ordinances II.3.3, III.3.3, and IV.3.3 (JBB Ordinances 11/28/2005) that define policies and procedures for the removal, disenrollment, and reinstatement of members, respectively. These ordinances all apply to Article III, Section 3 of the group's constitution.

Analysis

The first two JBB membership eligibility options require that a member be a direct descendant of a Juaneño on the 1933 California Indian Census Roll. As discussed in greater detail under criterion 83.7(e), the OFA's combined genealogical database shows that 565 (62 percent) of JBB's 908 members claim to have a direct ancestor or are themselves listed on the 1933 Census Roll, which would comport with the petitioner's membership requirements. However, another 276 members (30 percent) claim descent from a collateral relative on the 1933 Census Roll (including members who participated in the 1955 or 1972 enrollments), and assert descent from the same 1852 historical individuals claimed in 1933 as San Juan Capistrano Indians. Combining these 276 JBB members claiming "collateral descent" with the 565 members claiming "direct descent" (or personal enrollment), a total of 92 percent (841 of 908) of JBB members participated or claim to have near or distant relatives who participated in the 1933 enrollment as descendants of San Juan Capistrano Indians living in 1852. The percentage goes up to 97 percent (886 of 908) if one includes the 45 JBB members who appeared, or have forebears who appeared, on the 1972 Judgment Roll and claimed descent from an 1852 California Indian ancestor, but they are not related to any enrollee on the 1933 Census Roll.

Neither the JBB petitioner's documentation nor the Department's research identified the remaining 22 JBB members, or their ancestors, on the 1933 Census Roll or on the 1955 or 1972 Judgment Rolls. For the FD, the JBB petitioner will need to supply the birth dates and ancestry for these members so they may be evaluated..

The JBB governing document cites the 1933 Census Roll as the only list, census, or other document containing names of ancestral tribe members, from whom current members or eligible applicants may descend (California Indians 1933 Roll). The 1933 Census Roll identified individuals (not groups or tribal entities) as Indians of California, but did not establish any "requirements regarding tribal recognition and the maintenance of tribal relations" for those enumerated (Miller 1998, 1; Meritt to Baker 8/21/1928) (See the section entitled *Genealogical Evidence: Records Reviewed* under criterion 83.7(e) for a discussion of the 1933 Census Roll). Additionally, the petitioner's governing documents do not contain policies or procedures as to how members or applicants should document descent from individuals listed on the 1933 Census

Roll. Therefore, the petitioner's governing document lacks clarity on how applicants can meet the group's own membership criteria.

The JBB petitioner has not specified the documents required of group members to substantiate descent from a historical Indian tribe. The JBB petitioner submitted documents adequate to demonstrate how its membership meets the group's own membership criteria in most of the 284 JBB membership files submitted for audit, but the files represented only about a third of the individuals on the group's 2005 membership list. Although the record contains lineage and ancestry charts, U.S. Federal census records, and the 1933 Census Roll, and the petitioner submitted birth records verifying parentage in most of the 284 member files the petitioner submitted and the Department audited, the JBB petitioner submitted few birth records or other records to document complete generation-by-generation descent from either the historical Indian tribe of SJC or from individuals listed on the 1933 Census Roll (as the JBB petitioner's governing document requires).

Some clarification of persons eligible under the third category of membership (adoption) is recommended, that is, "[a]ll persons of Indian blood upon whom membership is conferred by adoption" (JBM 1979). The petitioner has not identified the number of members who have been adopted under this provision. The broad language of this category could allow for a large number of individuals to become members who do not descend from SJC Indians and do not have ties to the historical tribe that existed during the mission period. Adopted individuals who do not descend from the group's designated historical Indian tribe cannot be considered as descendants of the historical SJC Indian tribe in the evaluation of whether the petition descends from the historical SJC Indian tribe under criterion 83.7(e).

Federal acknowledgment regulations do not require petitioners to have a blood quantum standard for membership. However, the JBB petitioner's governing document requires all non-adopted members be of one-eighth (1/8) quantum of "Juaneño Indian blood" and requires all "regular" members to be "direct lineal descendants of those persons whose names appear on the 1933 Census Roll and who possess at least one-eighth (1/8) degree Juaneño Indian blood (Article III, Section 1(b)). This latter requirement for "regular" members is problematic as it could be read two ways: (1) that the ancestor on the 1933 Census Roll possesses at least 1/8 degree Juaneño Indian blood, or (2) that the descendant of the 1933 enrollee possesses 1/8 degree Juaneño Indian blood. The membership section of the JBB governing document also contains contradictory requirements regarding the blood quantum (Article III, Section 2(b) (1)); this section states that members may have a blood quantum of as low as 1/16. In addition, JBB's governing document does not state whether blood quantum information from the 1933 Census Roll forms the basis for current blood quantum calculations.[176] The governing document also does not define "Juaneño Indian" blood (a term that does not appear in the 1933 Census Roll), or state that it is equivalent to having ancestors who claim to be "SJC" Indians listed on the 1933 Census Roll (a term that does appear in the 1933 Census Roll).

[176] During analysis of the applications for descendants of "San Juan Capistrano Indians" on the 1933 Census Roll, OFA researchers noted that the applicants' asserted blood quantum would result in a blood quantum below the 1/8 specified in the current JBB governing document for most of the petitioner's members who descend from them. This aspect of the petitioner's criteria for membership appears to need clarification.

The group is encouraged to submit bylaws, regulations, ordinances, or resolutions that describe membership application procedures, genealogical documentation, maintenance of membership lists and membership files, and membership severance and appeal. OFA also requrests any governing documents that may identify specific individuals of the historical Indian tribe of SJC Mission from whom current members and eligible applicants descend.

Although criterion 83.7(d) does not require the petitioner to address the concerns outlined here, the JBB is advised that future problems with group administration and membership certification may arise if it does not address these questions in the governing document, bylaws, regulations, or official resolutions. The JBB should submit a written statement describing any existing practices used to demonstrate descent from the historical Indian tribe at SJC Mission and maintain membership records.

Conclusion

The JBB petitioner submitted a governing document that describes its governing procedures and its membership criteria. Therefore, the JBB petitioner meets the requirements of criterion 83.7(d).

Criterion 83.7(e) requires that

> **the petitioner's membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity. . . .[and] the petitioner must provide an official membership list, separately certified by the group's governing body, of all known current members of the group.**

Introduction

As discussed previously in the Historical Overview section of this PF, the JBB petitioner claims descent from the historical Indian tribe of San Juan Capistrano (SJC) Mission. For purposes of this evaluation under the criteria, this finding treats the Indian population at the San Juan Capistrano Mission in 1834 as the historical Indian tribe.

The historical Indian tribe includes individuals who are identified as Indians "of the San Juan Capistrano Mission" in the registers of Mission San Juan Capistrano (SJC) before secularization of the Mission in 1834, either by direct reference (such as *indio*) or by indirect reference (such as the lack of surname or the presence of ethnic identifiers in records for parents or offspring),[177] or who are identified as Indians of Mission SJC on Indian censuses or other historical documents during the early-to-middle 19th century. Indians from other missions (such as San Gabriel or San Diego) or from other identified Indian entities (such as Luiseño or Diegueño) are not included as "historical Indians of the SJC Mission" in this analysis. In the discussion below, the term "documented San Juan Capistrano Indian" is used to designate individuals identified on primary documents in the current record as Indians, or individuals descended from Indians, of the SJC Mission (as specified above).

Both the JBB petitioner and the JBA petitioner claim descent, indirectly and directly, from historical individuals who they assert were Indians and were part of an Indian entity at SJC Mission. These petitioners have some common ancestors and some ancestors who are distinct to each group. Some of the JBB and JBA petitioners' ancestors (including those in common) are historical Indians known to have resided at Mission SJC and some are not (see Appendix IV, Appendix V(a), and Appendix V(b)) for lists of claimed ancestors who were individuals from the historical Indian tribe of Mission SJC, Indians who were not originally from Mission SJC, and individuals who were not Indian).

[177] For a more detailed discussion of how the mission records indicate Indian ancestry, see the section "Marriage and Residential Patterns, 1776-1834" under criterion 83.7(b).

The JBB petitioner submitted a genealogical database[178] (JBB RootsMagic CD 12/1/2005), whereas both the JBA and JBMI-IP submitted Family Tree Maker™ (FTM) genealogical databases. Both the JBB and JBA petitioners and the JBMI-IP submitted numerous ancestry charts for their members as well as copies of Federal censuses, mission registers, and abstracts or copies of some of the 1928 California Indian Applications and the 1933 California Indian Census Roll. The JBB genealogical database linked most members to the 1933 Census Roll participants or historical SJC Indian ancestors in the mission period, but the JBB petitioner did not submit sufficient documentation to demonstrate the claimed links. On their 1928 Applications, applicants for the 1933 Census Roll identifies their Indian ancestors as Indians living in California in 1852, rather than during the earlier mission period (1776-1834). In some cases, the applications did name the earlier Indian ancestors.

Photocopies of membership files for 284 current JBB members and 53 "ancestors" were made available to Department staff on November 18, 2005, and January 4-5, 2007, at the Washington, D.C., office of the JBB petitioner's attorney of record. These files included primary records connecting members to their parents. Not all included enough documentary evidence to demonstrate descent from their claimed ancestors on the 1933 Census Roll (all three groups specify this as a requirement for membership) or from the historical Indian tribe of San Juan Capistrano Mission.[179]

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The available record demonstrates that a few of the JBB petitioner's members have documented their descent from the historical Indian tribe of San Juan Capistrano Mission, as defined in this PF. OFA analysis of the JBB petitioner's genealogical evidence, including the 284 membership files, as well as evidence that OFA gathered shows that 163 out of 908 current JBB members (18 percent) claim descent from 6 individuals documented as historical Indians of the San Juan Capistrano Mission (1776-1834). Only 4 percent (36 of 908 members, included in the 163 members described above) of the JBB petitioner's current members have actually demonstrated descent from these SJC Indian ancestors for this PF. The remaining 127 members (163 minus 36 equals 127), constituting 14 percent of the JBB membership, should be able to demonstrate descent from at least one of the Indians of the historical SJC Indian tribe. See Appendix V(a) for the list of documented SJC Indian ancestors and the number of descendants in the current membership of JBA, JBB, and JBMI-IP.

Approximately 5 percent (45 members) of the current JBB membership claim descent from one additional documented SJC Indian ancestor, Felis (b.1828-d.?), but the 19th century evidence casts doubt upon the parent-child relationship in the first generation following this individual as the JBB petitioner claimed and thus was insufficient to verify claimed descent. In total, about 82 percent (745 of 908) of the JBB members claim descent from individuals who have not been documented as members of the historical Indian tribe of Mission San Juan Capistrano based on evidence in the current record.

[178] The JBB petitioner submitted a genealogical database in GEDCOM format which OFA converted to a FTM database for ease in analyzing the data.

[179] The JBB petitioner's claimed San Juan Capistrano Indian ancestors, as well as the 1933 Census Roll, will be discussed below under this criterion. The JBB member and "ancestor" files are discussed further under *Analysis of Descent* below.

Membership Lists

Current Membership List for JBB

The JBB petitioner stated that, until its informal TA teleconference with the Department on September 6, 2005, it had not required "generation-by-generation proof of parentage" for each of its "nearly 1,500" members, and was unable to acquire that documentation for all of its members during the 60-day period following the beginning of active consideration for submission of additional documentation (JBB Narrative Extracts 12/1/2005, 60-61). However, the list of documented members (n=284), and the list of incompletely documented members (n=626) totals to 910 members (908 living members), or 590 members less than 1,500. The petitioner's submission does not provide the identities or status of the approximately 590 additional individuals whom it also considers its members.

The JBB petitioner stated that, as a result of not being able to obtain descent documentation for all of its members within the 60-day time constraint, "the core families, and lineages, identified in this report represent only a partial picture of the total membership" (JBB Narrative Extracts 12/1/2005, 62). Evaluation for Federal acknowledgment under all of the criteria relies upon the petitioner's identification of its members, regardless of whether their descent documentation is complete. Consideration for the FD will require the submission of a complete and separately certified list of all JBB members.

The current membership list for the JBB petitioner is dated November 28, 2005, and OFA received it on December 1, 2005 (JBB Membership List 11/28/2005). Corrected for duplicate entries and deceased members, the list contains 908 living individuals, including minor children, in two parts: one part entitled "Certified Membership List" with 284 names and a second part labeled "Supplemental Enrollment List" with 626 names. Both lists are separately certified by the petitioner. The list is in the format of a computer spreadsheet and covers 48 letter-sized pages. All entries have a unique "Roll" number. The "Certified" portion of the list contains the required names, maiden names, birth dates, and residential addresses as well as other information. The "Supplemental" portion contains the required names, maiden names, and residential addresses but provides no birth dates (626 members or 69 percent). Although many of these birth dates are provided in the petitioner's genealogical databases, the criterion requires this information to be contained on the membership list.

The comment period provides the JBB petitioner an opportunity to provide an updated membership list containing all living members (including minors) and all information required in criterion 83.7(e), such as any missing birth dates.

Previous Membership Lists for JBB

The JBB petitioner submitted six previous membership lists (see Appendix III for details on individual membership lists and see criterion 83.7(b) for analysis of membership changes). JBB claims the 1987 JBM list as one of these prior membership lists.

Analysis of Current Membership List

Of the 908 individuals named on the JBB petitioner's current (2005) membership list and in its database, 22 members (about 2 percent) are not connected to parents.

After noting the wide disparity between the JBM 1987 membership and the 1995 JBB membership, and between the 1995 JBB membership and the 2005 JBB membership, OFA compiled a comprehensive database containing the names of individuals listed on all the JBM, JBA, JBB, and JBMI-IP membership lists. Inclusion of birth dates, death dates, and parents' names helped to identify duplications and individuals who were enrolled concurrently in more than one petitioner, or who changed their membership affiliation between 1995 and 2005.

Comparison of membership history for the JBB and JBA revealed significant disparities in the JBB petitioner's membership (see discussion under criterion 83.7(b)). Some members have changed group affiliation, some more than once. Currently, 27 individuals included on the JBB petitioner's 2005 membership list are also included on the JBA petitioner's 2005 membership list. Members in both groups claim descent from some of the same documented SJC Indian ancestors and from some of the same individuals on the 1933 Census Roll.

The number of members in the JBB petitioner has fluctuated widely since 1995, with numerous members disappearing and reappearing from one membership list to the next and a large number of new members included in each subsequent list. For example, of the 908 JBB members on the current certified 2005 JBB membership list, 336 first appeared on the 1987 JBM list. All of these individuals appeared on the 1995 JBB membership list, but 516 individuals on the JBB's 1995 membership list were also on the 1987 JBM list but are not found on the current (2005) JBB membership list. In 1995, 27 percent (377 of 1,229) of JBB's members had not been enrolled in JBM. Further, in 2005, 63 percent (572 of 908) of JBB's members had not been on the 1995 membership list. The JBB petitioner is encouraged to submit a statement for the FD addressing these disparities in the composition of its membership over time.

Criterion 83.7(e)(2) states that "[t]he petitioner must also provide . . . a statement describing the circumstances surrounding the preparation of the current list and, insofar as possible, the circumstances surrounding the preparation of former lists." The JBB petitioner provided no statement describing the circumstances surrounding the preparation of the current (2005) list or former lists, as the regulations require.

For the FD, the JBB petitioner needs to explain the variation in the number of members from one list to another, that is the notation of births, deaths, new enrollments and disenrollments accounting for the increase or decrease in members through time. For example, a helpful explanation would include why members originally in the JBM group in 1987 do not appear on subsequent membership lists, but reappear on recent lists .

Between 1995 and 1996, JBB members submitted 405 individual letters of support directly to the Branch of Acknowledgment and Research (BAR), the predecessor of OFA. Some members sent more than one letter of support, and thus the total number of support letters submitted greatly exceeds the number of signers they represent. Since the JBB petitioner did not submit these

letters or certify them as part of its documented petition, the support letters remained in the group's administrative correspondence file. Nevertheless, to evaluate whether the support letters reflect current JBB members, OFA analyzed a sampling consisting of the 39 support letters signed in 1996, and identified 31 signers on the 2005 JBB membership list, 2 who may be individuals on the 2005 list, and 6 signers who do not appear on the 2005 list. Four of those six gave the same street address in Corona, California.

The analysis for this PF finds potential for significant increase in membership. The JBB petitioner's genealogical database includes many descendants who are siblings, children, or grandchildren of current members but who are not found on the most current membership list. It is not clear whether these are individuals who are in the "process of enrolling" or have declined membership or are members of another group. In addition there are 488 individuals listed on the 1933 Census Roll who claim San Juan Capistrano ancestry, at least 267 of whom are not members of and do not have any descendants enrolled in the JBA, the JBB, or the JBMI-IP. The JBB petitioner has not made any statement regarding growth of membership or expressed an intent to expand its members to include the descedants of these individuals.

Petitioner's Claims of Descent

The JBB petitioner claims its 908 current members descend from historical "Juaneño"[180] Indians who are known to have resided during the mission period (1776-1834) at Mission San Juan Capistrano, which is located in present-day Orange County, California (see Historical Overview and Background). The JBB petitioner submitted two lists of individuals presented as SJC Indians ancestral to its group.

The JBB petitioner also asserts that its members descend from the historical Indian tribe at Mission San Juan Capistrano through members and ancestors of members listed on the 1933 Census Roll.[181] The group asserts that its members meet the group's descent criteria as set forth in its constitution: "[a]ll persons of Juaneño blood" whose names appear on the 1933 Census Roll as well as direct lineal descendants of those persons whose names appear on the 1933 Census Roll, and "all persons of Indian blood" whom the group adopts (JBM 1979). The JBB petitioner also submitted genealogical databases that shows some of its members are linked to historical individuals not on either of the two lists of claimed SJC Indian ancestors or among the 1852 California Indians identified in the 1928 Applications.

[180] The term "Juaneño" is used, but not defined, by the petitioner in its governing document and petitioner materials. It is reminiscent of the derivative terms "Luiseño," used in publications for Indians associated with Mission San Luis Rey, and "Diegueño," used for Indians associated with Mission San Diego. The term "Juaneño" is not used in the 1928 Applications, in the 1933 Census Roll lists, or in any State or Federal census. For additional background on the origin of the term "Juaneño," see the Historical Overview and Background above, specifically the section title *The Indians of San Juan Capistrano Mission*.

[181] JBB membership criteria require descent from individuals on the 1933 Census Roll, thus indicating that its members descend from historical individuals identified as San Juan Capistrano Indians living in 1852.

JBB Claimed Ancestors

Historical Individuals from Two Submitted Lists

Although its 1979 constitution states that members must descend from "persons whose names appear on the 1933 Census Roll," the JBB petitioner submitted a list of what appears to be 13 individuals that they claim are the San Juan Capistrano Indian ancestors of the entire current membership. This list was presented under the heading "Genealogy for Petitioner 84b" (JBB 7/2004 TG-1). However, other than the list of names, the submission contained only an outline descendant chart for each of these 13 individuals, listing names of descendants generation by generation, some descendants having a birth year, marriage year, and/or death year, but most having no information other than a name. Current JBB members were not annotated on these charts and the JBB did not include an explanation, separate from their appearance in the petitioner's genealogical database, of who these 13 individuals were, when or where they lived and died, if they were identified as the Indian ancestors living in California in 1852 (Question 12 on the 1928 Applications), who they were related to, if they were also known by other names, or how many of the current membership descended from each one. The list included the names shown in Table 5 below.

In December 2005, the JBB petitioner submitted another list, dated November 29, 2005, of nine claimed ancestors as progenitors of "core families" (JBB 12/1/2005 Narrative Extracts, 66), as well as a summary of information on the ancestors and descendants associated with each "core family." The list included the names shown in Table 6 below.

These individuals are discussed in the JBB petitioner's "core families" submission only with regard to their ancestry and one or two succeeding generations. As with the first list, the petitioner did not identify descendants in the current JBB membership and did not include a comprehensive explanation, separate from their appearance in the petitioner's genealogical database, of who these nine individuals were, when or where they lived and died, if they were identified as the Indian ancestors living in California in 1852 (Question 12 on the 1928 Applications), who they were related to, or if they were also known by other names. The JBB petitioner's brief discussion includes some source citations on births, baptisms, marriages, and deaths, but copies of the original documents were not included in the submission. Some citations to the 1928 Applications for the 1933 Census Roll and for Federal censuses are also included, but again copies of the original documents were not submitted. Sources most commonly referenced are secondary sources such as regional histories and microfilm publications.

Table 5
Individuals Claimed as Historical Ancestors in JBB Submission Dated July 2004.

Name as Given on JBB List	# on JBB List	Dates on JBB List	Estimated Dates from FTM or Records	Identification by OFA	Ancestry Determined by OFA
Aguilar, Domingo	1	n.d.	b.abt.1853-d.unknown	Domingo Aguilar	Non-Indian
Amelli, Auronlena	2	n.d.	b.1838-d.abt.1910	Erculana [Morales]	Diegueño or Luiseño Indian
Apaicln, Joseph Ignacio	3	n.d.	b.bef.1764-d.aft.1783	Joseph Ignacio Apaichi, husband of Tecla Maria Huenauhuegen	SJC Indian
Caraquas, Solia	4	n.d.	b.abt.1849-d.1884	Solia Caraquas	Indian (tribe uncertain)
Chaquel	5	n.d.	b.1731-d.1788	Juan Gualberto Chahcuel, father of Tecla Maria Huenauhuegen	SJC Indian
Geronima	6	n.d.	b.1803-d.?	Geronima [Abudguem]	SJC Indian
Gorgina Maria	7	n.d.	b.1792-d.1854	Maria Gorgonia	San Carlos Mission Indian
Guauniet, Jose de la Cruz	8	n.d.	b.abt.1774-d.1810	Jose de la Cruz Guanniet	SJC Indian
Maria Gertrudes	9	n.d.	b.bef.1772-d.aft.1786	Maria Gertrudis	Santa Clara Mission Indian
Pabujaquim	10	d.1808	b.abt.1753-d.1808	Facunda Pabujaquim	SJC Indian
Manuel Valencia	11	b.1749	b.1749-d.aft.1776	Jose Manuel Valencia	Non-Indian
Tungo, Odorico Jose	12	b.1747-d.1801	b.abt.1747-d.1801	Odorico Jose Tungo	SJC Indian
Zoget	13	n.d.	b.unknown-d.aft.1762	Zoget, father of Maria Bernarda Chigila	SJC Indian

Table 6
Individuals Claimed as Progenitors of "Core Families" in
JBB Submission Dated December 1, 2005.

Name as Given on JBB List	# on JBB List	Identity Claimed by JBB	Estimated Dates from FTM or Records	Identification by OFA	Tribal Affiliation Determined by OFA
Felix Cruz	1	Descendant of Chaquel & Motaichi	b.1828-d.?	Felis; no evidence that SJC Felis was father of Tomas Cruz	SJC Indian of the SJC Mission pre-1834
Maria Antonia Marcela Cota	2	Descendant of Zoget & Zudut	b.1780-d.1848	Maria Antonia Marcela Cota, daughter of Maria Bernarda Chigila	SJC Indian of the Mission pre-1834
Reyes Manriquez	3 (a)	Granddaughter of Eustaquio Ricardes & Juana Bautista, "*neofitos*" of SJC Mission	b.1898-d.1955	Daughter of Ernesta Ynes Ricardes & granddaughter of Juana Bautista; spouse of Ralph A. Charles	SJC Indian descendant
Ralph Charles	3 (b)	Son of Maria de Jesus Bincol [Soilo]	b.1880-d.1964	Ralph A. Charles, spouse of Reyes Manriquez	Indian (tribe uncertain)
Francisco "Frank" Navarro a.k.a. Olivares	4 (a)	Parent (ancestor claimed as 1852 Indian) of Ascencion (Olivares) Ruiz on 1928 Application #	b.1790-d.?	Joseph Francisco Benito Xavier Olivares, spouse of Prudencia Morillo	Non-Indian – b.San Diego, parents & grandparents b.Guadalajara & Sinaloa Mexico
Prudencia Morillo	4 (b)	Parent (ancestor claimed as 1852 Indian) of Ascencion (Olivares) Ruiz on 1928 Application #	b.abt.1798-d.?	Maria Prudencia Lucia Morillo, spouse of Frank Navarro [Olivares]	Non-Indian – parents & grandparents all b.Baja Calif. [Mexico]
Ben/Basilio Aguilar	5 (a)	Claimed as SJC Indian on wife's 1928 Application #	b.1869-d.1926	Benjamin Aguilar, spouse of Amalia Rosa Ames	Non-Indian – parents & grandparents from Mexico
Rosa Ames	5 (b)	Accepted as SJC Indian on 1928 Application #	b.1886-d.1957	Amalia Rosa Ames, spouse of Benjamin Aguilar	Non-Indian – b.Mexico
Gorgonia Maria Espinosa Canedo	6	Indian from San Carlos Mission living at SJC in 1823	b.1792-d.1854	Maria Gorgonia	Indian of San Carlos Mission

Genealogical Evidence: Records Reviewed

The regulations describe types of evidence that are acceptable to the Secretary under 83.7(e)(1)(i-v). However, the acceptable evidence is not limited to the categories listed in the regulations. The OFA researchers reviewed numerous historical documents relating to the Indians from or residing at Mission San Juan Capistrano, some of which the JBB petitioner did not submit but which OFA located. These records included mission documents, composed of baptismal, marriage, and death registers for San Juan Capistrano Mission, San Gabriel Mission,

Los Angeles Parish, and San Diego Mission and Presidio, as well as baptismal records from selected Sonora missions. Federal and State documents included the 1850-1930 Federal censuses, the 1852 California State census, the 1928 Applications for enrollment of California Indians, the 1933 Census Roll, and 1955 and 1972 Judgment Rolls. OFA researchers also utilized online electronic databases, such as Ancestry.com (California Birth and Death Extracts, U.S. census indices) and Huntington Library (Early California Population Project), to verify or locate additional records.

Individuals found in these records and documented as Mission San Juan Capistrano Indians, probable Mission San Juan Capistrano Indians, or descendants of Mission San Juan Capistrano Indians are listed in Appendix I and discussed in Appendix IV, along with their birth dates, parents' names, and sources of information. The following section outlines the types of records used to verify and evaluate the JBB petitioner's claims.

(1) Rolls prepared by the Secretary on a descendancy basis.

The 1928 California Indian Act did not require participants to document their descent from a tribe, but instead required participants to assert their descent from a California Indian ancestor, or ancestors, living in 1852.[182] Therefore, in contrast to other descendancy rolls the Department prepared, the resulting 1933 Census Roll is not considered a tribal descendancy roll.

The 1928 California Indian Act which resulted in a 1933 Census Roll required the Secretary of the Interior to prepare two rolls, the first of which would identify Indians resident in California as of May 18, 1928, and whose Indian ancestors resided in California as of June 1, 1852. Later revisions of this original 1933 Census Roll were approved in 1955 and 1972. (See discussion below on instructions provided to the agent in charge.)

The 1928 Applications formed the basis for the 1933 Census Roll, which in turn formed the basis for later judgment rolls. Fred Baker, the government agent charged with collecting and evaluating applications, received a total of 11,253 applications, from which 10,719 applications were approved, and enumerated 23,585 individuals for the 1933 Census Roll. The most frequent reason given for rejection (365 applications) was non-residence in California on May 18, 1928, while another 121 applications were determined to have insufficient evidence of descent from California Indians. Other causes for rejection included not having been born on or before May 18, 1928, no evidence of descent, having tribal rights with other tribes outside of California, and applications filed after the May 18, 1928 [extended to 1932], deadline (Correspondence Regarding California Claims Enrollment 1928-1933, Baker 3/8/1933). The Department's research, conducted to evaluate the JBB and JBA petitioners, found that some qualified applicants were denied while other applicants with questionable ancestry were approved.

Applicants were required to fill out a six-page application and provide two witnesses. However, applicants did not have to fill out or submit their own application; a parent or grandparent, an adult child, or other close relative could do it. Applications required information on the names and tribal heritage of their ancestors living in 1852, the blood degree of themselves and parents

[182] Applications failing to identify the tribal heritage of the 1852 ancestors were, nevertheless, approved (Muwekma PF 2001, 47; FD 2002, 17).

or grandparents, as well as some other relatives living in 1852, family history and ancestry, where individuals were born and reared, their residence up to the present, including current mailing address, when and where married and to whom (including whether their spouse was non-Indian or Indian), and the names and ages of their children. Additional information requested, but seldom provided, included "the date of the treaties or treaty through which they claim, the name or names of the chiefs, captains, or headmen of the band to which applicants belong, and where they or their ancestors were residing June 1, 1852" (Correspondence Regarding California Claims Enrollment 1928-1933, Meritt 8/28/1928).

Agent Baker was instructed to rely primarily on applicants' self-identification.[183] Documentary evidence from birth or death records was requested only when individual claims denials were appealed. Agent Baker was also informed that he might obtain supporting statements from "old and reliable Indians well-versed in tribal genealogy" regarding the ancestry of applicants (Correspondence Regarding California Claims Enrollment 1928-1933, Meritt 8/18/1928). On about one-third of the applications claiming San Juan Capistrano descent, Marcos H. Forster, a non-Indian who was a leading figure in the local chapter of the MIF, affirmed Indian descent for applicants (see discussion under criterion 83.7(b)).

In some cases the applicant was the person living in 1852, and in many other cases the applicant's parents or grandparents were the 1852 residents at San Juan Capistrano. Frequently, when a family member, or person other than the applicant, submitted the application, ancestors are credited with a wide variety of "degree of Indian blood," in some cases varying from full blood to 1/4 or even 1/8 blood. Surnames of parents and grandparents are sometimes confused or generations conflated. Name spellings are diverse, sometimes omitting syllables (e.g., Martin for Martinez) and sometimes transposing vowels (Oliveras for Olivares), and the order of multiple given names is commonly shuffled. It is not unusual to find birth dates which do not agree with those found for the same individual in other sources.

The acknowledgment regulations list a variety of sources of acceptable evidence of descent, in addition to descendancy rolls the Department prepared and, in this case, the evidence in these sources was found often to outweigh the evidence from the 1928-1933 enrollment process. A previous Federal acknowledgment decision, on the Muwekma petitioner, stated, "appearance on the 1933 California Indian judgment roll is acceptable evidence of Indian ancestry under 83.7(e)(1)(i)," although the 1933 Census Roll itself did not provide evidence of descent from the historical band in that case (Muwekma PF 2001, 48). However, the other evidence in the Muwekma record corroborated the claims made on their 1928 Applications.

Because the evidence in the record for the Juaneño petitioners often contradicts the claims made in the 1928 Applications, appearance on the 1933 Census Roll in this case is not considered sufficient evidence of Indian descent, or of descent from the 1852 ancestor(s) claimed on the 1928 Applications. The JBA and JBB petitioners and the JBMI-IP did not provide copies of all the pertinent applications submitted for the 1933 Census Roll, but did provide photocopies of the San Juan Capistrano Mission registers. Those registers, and copies of other mission registers and

[183] "You are hereby authorized, for the purpose of enrollment under the said act, to take acknowledgments of such witnesses or applicants as may appear before you in connection with the work indicated" (Correspondence Regarding California Claims Enrollment 1928-1933, Meritt 8/21/1928, 4-5).

records available to the Department, contained contemporary evidence as to the non-Indian, "other" Indian(s), or Mexican origins of many of those 1852 historical individuals whom applicants claimed as San Juan Capistrano Indians in and after 1928 and whom the BIA accepted as San Juan Capistrano Indians in 1933. When other contemporary evidence supported a non-Indian, "other" Indian, or Mexican origin for the claimed 1852 San Juan Capistrano ancestor, the descendant's non-contemporary claims on the 1928 Applications could not be deemed acceptable evidence of Indian ancestry under 83.7(e)(1)(i).

Examples of individuals who claimed to be of Indian descent, and who were enrolled, but may not have been of California Indian descent are 12 individuals on the 1972 Judgment Roll who claimed descent from Thomas Cruz (b.1859-d.1939). No evidence has been found to demonstrate that Thomas Cruz descended from the historical Indian tribe of San Juan Capistrano, or from any Indian tribe. Numerous other lines of claimed San Juan Capistrano Indian descent for individuals appearing on the 1933 Census Roll and the 1955 and 1972 Judgment Rolls are also undocumented and are discussed in Appendix IV.

Overall, the 1933 Census Roll and its source applications are useful, contemporary sources for identifying living applicants, for directing the acquisition of primary documentation, and for baseline information on an applicant's offspring. While the 1933 Census Roll is an "acceptable" form of evidence, other forms of "acceptable" evidence, such as mission registers and censuses, often outweigh information in the applications and OFA used these sources to corroborate ancestry claims made in the 1928 Applications.[184]

The JBM petitioner submitted 36 pages of handwritten extracts of information appearing on the 1928 Applications of the group's forebears who claimed descent from "San Juan Capistrano Indians" (Anonymous 12/13/1929-12/11/1930). The Department obtained photocopies of those applications and did not need to rely upon these extracts.

(2) State, Federal or other official records or evidence.

The original JBM petitioner submitted "Statement of Degree of Indian Blood" forms issued by the BIA for some individuals whose names would appear later on the JBA 2005 membership list. Additionally, the JBB included "Statement of Degree of Indian Blood" forms in many of the JBB membership files audited by the Department, the JBA petitioner submitted "Certification of Degree of Indian Blood" forms in their 33 genealogical sample files, and the JBMI-IP submitted both "Certification of Degree of Indian Blood" and "Statement of Degree of Indian Blood" forms in their 235 member files. The BIA's Southern California Agency issued these forms after 1972 to individuals who demonstrated their relationship to someone who appeared on the 1933 Census Roll or on the 1955 or 1972 Judgment Rolls. Each statement included a computation of the individual's blood degree. Two versions of the form included language which implied that it was not necessarily the applicant who had provided the documentary evidence proving relationships and blood degrees, by citing "information shown in records in this Agency" or "other records in this office" (FAIR short cite withheld for privacy considerations).

[184] There are also errors in the filing and cross-referencing the information on the applications. On the 1928 Application of Antonia (Olivas) Reyes (Application #9355), reference for her father's parents was given as "See No. 5666, Frank Serrano." The correct application reference is actually #9202.

Previous acknowledgment petitions have not relied upon such "Statements of Degree of Indian Blood" or "Certifications of Degree of Indian Blood" as evidence under criterion 83.7(e) for descent from the historical Indian tribe or for descent from historical individuals. While the form language cites the existence of evidence relied upon for issuing these documents, that supporting evidence did not accompany the form as submitted in this record. The "Statement of Degree of Indian Blood" documents constitute one form of evidence, but, to be properly evaluated, evidence used to issue it or evidence that corroborates the individual's relationship to the family member who participated in the 1933, 1955, or 1972 enrollments should accompany each form. Because contemporary mission registers provided evidence that, in some cases, disproved 1852 claimed ancestors as Indians of the historical SJC Mission, the "Certification of Degree of Indian Blood" and "Statement of Degree of Indian Blood" documents will be evaluated as one form of evidence of descent from (or other relationship to) the named participant in the 1933, 1955, or 1972 enrollments (if supported by corroborating evidence) and not as evidence of descent from the historical Indian tribe.

Other Official Records: Mission and Post-Mission Censuses

"Other official records" are discussed first because the history of Spanish and Mexican settlement in California prior to statehood led to the creation of official records other than mission or church records. There were three types of population counts in the mission period (1776-1834) and immediate post-mission period (between 1834 and 184, prior to the United States' acquisition of California), which the Spanish colonial system in the Americas prepared for different purposes

Following the secularization of the missions in 1833 and 1834, governor-appointed civil administrators assumed responsibility for the management of the ex-missions. The civil administrators also prepared inventories, as well as population counts that enumerated only the total population of Indians still living on the ex-missions. In 1839, the governor of California appointed William Hartnell, an Englishman who settled in California and married into a prominent non-Indian settler family, as a special inspector to report on conditions in the ex-missions (Hartnell 1839). His report also enumerated the total number of Indians present when he visited the ex-missions. Of the 76 Indians still living at Mission SJC in 1839, only one or two are identified by name. These individuals could not be identified as ancestors of the JBB petitioner (see Historical Overview).

The JBMI-IP submitted the 1846 San Juan Capistrano *padron*, a census that the Mexican government conducted. It is a list of 113 persons resident at or near SJC Mission (Engelhardt 1922). Unlike *padrones* in other areas, the individuals on the SJC list were not identified as either Indian or non-Indian and there is no record of the reason for the compilation of the list. Although this document contains the names of three women known from mission records to be Indians who married non-Indian soldiers and some of their children, the document provided little new information regarding the petitioner's ancestors living at SJC (see discussion in 83.7(b) under Late Mexican – Early Statehood period).

The JBB submitted a report that listed 13 "identifiable members of the 1846 roll," and claimed that "[t]he 1846 Roll preserve es a record of at least some part of the population of ex-mission Juaneños who settled at SJC after the decline of the mission" (Wood 2004, 69). although JBB misidentified the neames on the *pardon* as "these enrollees," the 1846 *padron* was not a membership list and was not limited to Indians.

State and Federal Documents and Censuses

The JBA petitioner and the JBMI-IP submitted photocopies of several State and county marriage and death records for individuals the petitioner claims are members or ancestors of members. These included 6 marriage records for unions recorded between 1788 and 1968, and 9 death records for individuals who died between 1909 and 2001.

In addition, the petitioner and the JBMI-IP submitted and OFA researchers obtained some historical California records, State birth and death extracts (via Ancestry.com), Orange County records, and land transaction records, for the colonial Spanish, Mexican, and U.S. periods, dealing with the historical Indian tribe living at San Juan Capistrano. OFA researchers examined them. These documents assisted in the verification of other records and provided information helpful in building a database of historical San Juan Capistrano Indian individuals (see Appendix I) and the JBB petitioner's claimed ancestors living at San Juan Capistrano from the beginning of the mission period in 1776 to the present.

Eight decennial U.S. censuses taken in 1850, 1860, 1870, 1880, 1900, 1910, 1920, and 1930 (U.S. census 1850-1880, 1900-1930) provide information on persons residing in Los Angeles County and in what is now Orange County, California, and other areas where some of the petitioner's ancestors lived. The JBA petitioner submitted copies of portions of some census records for selected towns and counties as well as copies of census indexes compiled from Family Quest (Heritage Quest™) and Ancestry.com websites. The JBB petitioner did not provide similar records or information identifying members of the JBB petitioner or ancestors of the petitioner's members or ancestors on the censuses. The OFA researchers examined the submitted documents, as well as full copies of these censuses available at the National Archives and Records Administration (NARA) and on websites such as Ancestry.com. However, due to the large number of members in the JBB petitioner, the OFA researchers were unable to reach a reliable determination of the number of individuals whom the petitioner claimed as members or ancestors of members who were enumerated in each of these records (see also discussion of censuses under criterion 83.7(b)).

The 1850 and later censuses enumerated some of the petitioner's claimed ancestors, some recorded as "Indian," in Los Angeles County (or later Orange County), California. Census records provided genealogical information, such as age, year of birth, place of birth, relationships, and parents' birthplaces, for some of petitioner's members and ancestors, both Indian and non-Indian, which was useful in verifying lineage information for the petitioner's members.

(3) Church, school, and other similar enrollment records.

Mission Document Sources Related to Genealogical Claims: Sacramental Registers

The Franciscans stationed in the California missions generated different sets of documents that provide information on the Indians living at the missions. The level of detail in these records varied from mission to mission and from priest to priest. The first set of records were the sacramental registers of baptisms, marriages, and burials, which are useful for verifying names, ages, place of birth or origin, and for reconstructing family units. Each record included an entry number that was often carried from record to record so that a child's baptismal entry number appeared later on his marriage record or burial record. In many cases, the parents' and godparents' entry numbers were recorded along with their names in the child's baptismal record. Such careful tracking of individuals helped to clarify the family connections and distinguish individuals with the same or similar names and ages.

The SJC Mission recorded, in the same registers, entries for two separate populations. The first population was the Indians settled on the mission (*indios* or *gentiles*). The second population was the non-Indian settlers and soldiers known as *gente de razon* ("people of reason," often abbreviated as "*de razon*" or simply "*razon*"), a term that appeared frequently in the sacramental registers and censuses and was used usually, but not always, to distinguish non-Indians from Indians. Children of Indian and non-Indian marriages were sometimes noted as "*de razon*," sometimes as "*mestizo*," and sometimes as "*indio*." Entries recording the baptism, marriage, or burial of an Indian recorded a Spanish given name, and sometimes the Indian name, that the petitioner sometimes interpreted to be a surname. The Franciscans and later parish priests generally did not assign a Spanish surname to Indians.

There were examples in the registers of compound names assigned to Indians, such as Jose de la Cruz. De la Cruz formed a part of the given name, but was not a surname. Both de la Cruz and Cruz appear as surnames in later records. The Franciscan missionaries and later parish priests followed this practice of recording information in entries for Indians until the end of the 19th century, with only a handful of exceptions. In 1885, for example, the parish priest at SJC recorded the burial of "Basilia India," and did not record a surname for the Indian woman (SJC Burials [no #, p.395], 3/19/1885).

There were some instances of soldiers or settlers marrying local Indian women. In the instances of these mixed marriages, the missionaries/priests consistently followed the practice of recording the Indians with only a Spanish given name, and the non-Indians by a Spanish given name and surname. In 1778, Antonio de Cota, a San Diego Presidio soldier stationed at SJC Mission as a member of the *escolta* (guard assigned to protect the mission), married an Indian woman identified in the record as "Maria Bernarda Chigila India natural del Rancher[i]a de Pritude o Acaptiru" (SJC Marriages #26, 8/30/1778). Chigila was her Indian name, and was not a proper surname as understood in the Spanish naming system. Their children were known by the Cota surname. Similarly, in 1851, Jose Uribes married an Indian woman identified in the marriage register as "Maria Clara India" (SJC Marriages #1475, 2/14/1851). In 1854, for example, Maria Clara gave birth to a daughter at SJC. The register entry identified her husband as Jose M[ari]a Uribes with both his name and surname, but recorded her name as only Maria Clara (SJC Baptisms #4739, 3/11/1854). Children of these unions usually were given their father's surname

and usually designated as "*de razon*," even if the parents were not married, whereas children with two Indian parents were seldom assigned a patronym, even if the parents were married.

A second important social marker used in the church records related to legitimacy, since under Spanish, Spanish colonial, and Mexican law illegitimacy stigmatized children born out of wedlock. The commonly employed convention used in baptismal registers to record the births of legitimate and illegitimate children was the use of the words *hijo/hija legitimo/legitima* (legitimate son or daughter). When the father of a child was not known or chose not to recognize the child or accept paternity, the priest would note that the child was the offspring of a *padre no conocido* (unknown father).

An example of a non-Indian father recognizing his illegitimate child by an Indian mother regards Henry Charles,[185] a native of Russia, married to Carmen Parra in 1872 (SJC Marriages #1771, 9/3/1872). Charles and Parra had had at least one child born prior to marriage that Charles acknowledged as his child. Carmen Parra died in 1878, and Henry Charles initiated a liaison with another woman.[186] The 1880 baptism of Rafael Charles registered the child as the *hijo N[atural*] of Henrique Carlos and Maria de Jesus Soilo (SJC Baptisms #1767, 11/4/1880).

In addition to submitting 42 baptismal records for individuals born between 1794 and 1943, the JBA petitioner submitted copies of original Mission SJC baptismal registers for the period 1776-1910, matrimonial registers for the period 1777-1915, and burial registers for the period 1777-1916, as well as the registers for San Diego Mission and Presidio, San Gabriel Mission, and Los Angeles Mission/Presidio.[187] The OFA staff examined original records as well as some transcriptions to verify the JBB petitioner's claims (see discussion above under Claimed Ancestors). Original mission records are often difficult to read and frequently use different spellings and even different names for the same individual.

The JBA petitioner also submitted printed data sets of information transcribed from the baptismal, marriage, and burial records from Mission SJC, that Sarah Estes and others compiled (Baptismal Names 12/1776-12/1910; Index of Names 12/1776-12/1910 [11 separate files for 8 different consecutive time periods]). This compilation also included information on some of JBB's ancestors. These data sets include an alphabetical index and a compilation, arranged by individual, summarizing information on parents, baptism, marriage, spouses, offspring, burial,

[185] Henry Charles was also identified in the Mission SJC sacramental register as Henrique Carlos.

[186] The baptismal record of her daughter (Felipa Avila) identifies her as "Maria de Jesus Soila "*india de esta mission*" (SJC Baptisms #1427, 12/8/1872).

[187] The record contains two pages of transcriptions from Mission San Juan Capistrano for individuals married during the periods 1860-1902 and 1916-1924 (Marriages 1660-6/5/1924), five pages of record transcriptions from Mission San Juan Capistrano for baptisms during the periods 1853-1854 and 1893-1906 (Pearlman 1970 Baptisms), and two pages of transcribed death records from Mission San Juan Capistrano during the period 1916-1928 (Pearlman 1970 Burials). These Mission records generally provide name, date of event (baptism, marriage, or death), name of parents (for baptisms and some marriages), age (for marriages and deaths), and place of birth (for deaths). None of the individuals is specifically identified as an Indian or as a Juaneño Indian, although many are identified as Indians of San Juan Capistrano Mission. The names of the petitioner's ancestors are not identified; however, some of the information provided by these documents proved useful in verifying genealogical information submitted by the petitioner.

lifespan, approximate birth year and location of records in original registers. Persons identified as Indian or SJC Indian in the original records are usually annotated thus in this index. The village or rancheria of origin often appears in this index, but not always. Although it contains some errors, the Estes compilation was a useful tool for locating the entries involving petitioner's ancestors who appeared in the original mission registers.

The JBB and JBA petitioners and the JBMI-IP submitted copies of marriage records for five couples from SJC Church (1), Mission SJC (1), Orange County (2), and Los Angeles County (1). Although used for genealogical analysis, none of these records identify the participants as Indian or as Mission SJC Indians.

(4) Other records or evidence.

(a) County, City and Family Histories and Commentaries, and Personal Records

The JBA petitioner and the JBMI-IP submitted a number of articles and extracts from local histories, professional journals, and personal records, but these documents contained very little genealogical information regarding family relationships or information useful for verifying descent from the historical Indians living at Mission San Juan Capistrano.

Several academic studies in the current record describe the individuals and groups in the vicinity of or associated with Mission SJC. Two articles by historian Robert G. Shafer, that the JBA petitioner and the JBMI-IP submitted, profile persons and groups at SJC during the period of 1776-1848 (Shafer 2002 and 2004). These articles were general and did not discuss individuals or ancestors linked to the JBB and JBA petitioners. In *Descendants of Native Communities in the Vicinity Of Marine Corps Base Camp Pendleton: An Ethnohistoric Study of Luiseno and Juaneno Cultural Affiliation* (Johnson et al. 12/2001), that the JBA petitioner and the JBMI-IP submitted, the authors utilized the data they collected from Mission records to link 13 individuals from various historical villages to members of living families; three of these lines link to Mission SJC neophytes Primitiva, Maria Bernarda Chigila, and Odorico Jose Tungo. The OFA merged[188] genealogical database shows that the latter two Mission SJC neophytes are claimed as ancestors of JBB members. The Johnson report contains no information linking the other 10 individuals to historical Indians of Mission SJC.

The JBB petitioner derived much of the information used in its historical narrative from academic publications on the history of Mission San Juan Capistrano (see also discussion under criteria 83.7(a) and 83.7(b). Only two of these publications, the Johnson-O'Neil study of Camp Pendleton and Schaeffer's short study of San Juan Capistrano Mission Indians, provided names of individuals living in the United States or colonial California, who were identified as Indians of the historical tribe of San Juan Capistrano Mission in other records (Johnson et al. 9/1998; Schafer 2004).

(b) Oral Histories

[188] OFA merged the genealogical databases submitted by the JBB and JBA petitioners and the JBMI-IP interested party to allow analysis of information on all groups in one database (see discussion below under this criterion).

The JBB and JBA petitioners and the JBMI-IP submitted a total of 26 transcripts of interviews or summaries of interview (see discussion under criterion 83.7(b) for additional analysis). All informants claimed descent from one of the 16 specific historical individuals whom JBB claimed as SJC Indians (seven of whom are documented as Indians of Mission SJC). All informants were born in the early part of the 20th century in Orange County, California. These interview transcripts included a discussion of individual ancestors, relatives and kinship relationships, and memories of neighbors and schoolmates. These records provide some limited insight into the petitioner's claimed relationships and activities (see discussion under criterion 83.7(b)), and contained some genealogical information on parents, grandparents, siblings, and cousins. However, what little information was obtained about ancestors was primarily anecdotal "family tradition." The JBB petitioner needs to provide photocopies of birth, marriage, and death records, or other reliable evidence to substantiate claims made in the oral histories that other sources in the record do not already document. An OFA anthropologist also interviewed 17 members of the JBA petitioner, 17 members of the JBB petitioner, and 14 members of the JBMI-IP to confirm and expand information addressed in the oral histories and other documents in the record.

(c) Personal Information

In its petition, the JBB petitioner names 20 specific ancestors on 2 lists which the petitioner claims are Mission San Juan Capistrano Indians (see discussion under this same criterion and Tables 5 and 6 above). These 20 individuals can be distilled into a list of 16 ancestors, 7 of whom are documented as San Juan Capistrano Indians on historical documents and 4 of whom are documented as other California Indians, or Indians from other Mission populations. Five of the 16 claimed JBB ancestors are not demonstrated to be of Indian descent based on evidence in the record. The JBB petitioner submitted outline descendant charts for 10 of these ancestral lines, and member information compiled in a genealogical database (JBB RootsMagic 12/1/2005).

The JBB petitioner submitted 1,591 ancestry charts, many of which were duplicates, 13 outline descendant charts for claimed ancestors with family group sheets for each, and member information compiled in a genealogical database (JBB RootsMagic 12/1/2005). The pedigree charts diagrammed multiple family lines through 4 to 5 generations over a period of approximately 120 years and included contemporary heads of household. The 13 descendancy charts were outline descendant charts produced with the petitioner's genealogical database. Descendants who are current members of the JBB petitioner are not annotated on these descendant charts or in the genealogical database. Although these charts were useful in evaluating genealogical relationships, the JBB petitioner did not support them with copies of vital records documenting birth, parentage, marriage, or ancestry. The family group sheets were standard genealogical forms, which contained the name of an individual, the name of the individual's parents, and (in a few cases) the name of the individual's spouse, children, and siblings. OFA researchers confirmed some of the dates and relationships through examination of census records. Nevertheless, this PF advises the JBB petitioner to send documentation verifying the date of birth, date of death, and parentage of its current members and the birth, marriage, death, or other documents that connect the current generation to the 16 claimed San

Juan Capistrano Indian ancestors above, or other documented San Juan Capistrano Indian ancestors.

The JBB petitioner submitted membership files for 284 of its 908 members, 53 "ancestor" files, and a genealogical database. The database included numerous other ancestors and individuals without specifically claiming that they were Indian, or descended from or affiliated with Indians resident at San Juan Capistrano. The JBB petitioner made the 284 membership files available to the Department and OFA staff reviewed these folders at the offices of the petitioner's attorney of record, Monteau and Peebles, in Washington, D.C., evaluated their documentary evidence, and annotated the merged FTM genealogical database OFA used for this PF (see below under Analysis of Claimed Ancestors) to show whether generational connections were successfully documented.

The JBMI-IP submitted copies of 235 member files containing membership applications, signed letters of affiliation and support, "Certification of Degree of Indian Blood" and "Statement of Degree of Indian Blood" forms that the BIA issued, birth records, baptismal records, marriage records, death records, ancestry charts, powers of attorney, and family group records. These documents provided useful information for verifying information on claimed ancestors common to both the JBB and JBA petitioners and the JBMI-IP.

(d) Other Sources

Numerous newspaper articles dated from 1936 to 2005 are found in the record, including 17 obituaries, which provided some confirmation of information. However, the reliability of newspaper accounts varies according to the type of event, the source of information, and the perspective of the writer. For example, contemporary notices of marriages, births, or deaths are generally more reliable than reminiscences of genealogical connections to historical figures. The obituaries provided some useful genealogical information on the individuals discussed, such as birth or death dates, and names of spouses, children, siblings, and parents.

Analysis of Descent from a Historical Indian Tribe

Of the 908 members of the JBB petitioner, 18 percent (163 of 908) are linked in the OFA's merged genealogical database to individuals who were part of the historical Indian tribe of San Juan Capistrano Mission, based on information in the record. However, only 4 percent of JBB members (36 of 908, included in the 163 members above) have actually demonstrated descent from a "documented San Juan Capistrano Indian" based on evidence in the record, that is, an individual identified in contemporary historical records as an Indian of the historical SJC Indian tribe.

Of the remaining 745 members, 31 members (3 percent of 908 total members) are linked in OFA's genealogical database to other California Indian ancestors, that were part of the historical Indian tribe of the Mission SJC. The vast majority, 714 members (79 percent of 908 total members), descend from non-Indian ancestors who lived at SJC after the mission era. Most of the JBB petitioner's current members descend only from non-Indian ancestors (see discussion below under this criterion for details).

Analysis of Claimed Ancestors

The JBB petitioner submitted two lists identifying historical individuals claimed as SJC Indians ancestral to the group. In order to analyze the group's connection to these historical individuals, and to analyze whether the historical individuals were SJC Indians, OFA reviewed the petitioner's materials linking current members to their forebears. This included a review of the petitioner's genealogical database, documents in the 284 membership files and 53 ancestor files, as well as descent charts and ancestry charts that the petitioner submitted.

OFA also examined the 1928 Applications for the 1933 Census Roll for the names of the SJC Indians the applicants claimed were living in 1852 and checked those names in OFA's combined genealogical database to see how they were related to any of the 16 ancestors claimed by JBB or to any of the JBB petitioner's members. OFA also examined the SJC mission registers for dates of baptism, marriage, or burial of the 1852 individuals, and for their connections to parents, spouses, or children.

Merged Genealogical Database

The first step in the analysis of the JBB petitioner's membership and ancestry required merging its genealogical database with those that the JBA petitioner and the JBMI-IP third party submitted (JBB RootsMagic CD 12/1/2005; JBA Genealogy CD 11/30/2005, JBMI Genealogy CD 11/29/2005). All of these groups have some ancestors in common, and merging the databases allowed OFA to analyze information on all groups in one database. Changes, additions, or corrections to FTM data could also be made in just one database. The three databases varied in how names were spelled, in life event dates, in the number of marriages entered for each historical individual, and in the parents ascribed to each individual. Thus, the next step required the merging of duplicate or triplicate entries resulting from the combining of all three databases.

Then the staff consulted the evidence, including an earlier JBB genealogical database,[189] to resolve conflicts in the merged genealogical database over claimed parents, spouses, and children. Additionally, the staff entered into the merged database the membership numbers of all current members of JBA, JBB, and JBMI-IP, 1928 California Indian Act application numbers, 1933 California Indian Census roll numbers, and blood quantum as listed on the 1933 Census Roll as well as on "Statement of Degree of Indian Blood" and "Certification of Degree of Indian Blood" forms issued by the BIA. Later in the analysis process, staff added additional information such as whether an individual's parentage had been verified, whether an individual's generation-by-generation links were verified back to the 1933 Census Roll, and whether an individual's ancestry was verified back to a historical Indian of Mission SJC during the mission period (1776-1834). The descent conclusions presented in this PF were calculated from this merged FTM genealogical database.

[189] OFA also utilized information from a previously submitted JBB genealogical database (JBB TGP-PAF 7/30/2004), which contained family relationships and dates not provided in JBB's 2005 database (JBB RootsMagic 12/1/2005).

The JBB Petitioner's Genealogical Database

The JBB petitioner's 2005 genealogical database (JBB RootsMagic CD 12/1/2005) included information on the ancestry of only those current members for whom the petitioner was able to complete the "genealogical verification process" (JBB Narrative Extracts 12/1/2005, 62). The database, which included a total of only 555 modern and historical individuals, included source citations for births for more than two-thirds of those in the database, and source citations for marriages and deaths in lesser abounts. However, photocopies of the evidence cited were not provided except in the 284 membership folders audited fort his PF. The Department found ancestry information for most of the JBB members not appearing in the JBB 2005 genealogical database in an earlier genealogical database that the JBB petitioner submitted in 2005 (JBB TGP-PAF 7/30/2004).

The JBB petitioner's genealogical database included numerous additional historical individuals whom its members claim as ancestors but who were not specifically claimed as Indian, or descended from or affiliated with the historical Indian tribe at San Juan Capistrano Mission (JBB RootsMagic CD 12/1/2005). The JBB petitioner did submit a narrative describing or explaining some of the petitioner's claims, their connection to the historical Indians of SJC Mission, their connection to the individuals on the two "ancestor lists," and their connection to the JBB's current membership (JBB Narrative Extracts 12/1/2005, 66-75).

The comment period provides the JBB petitioner the opportunity to submit documentation that verifies dates and relationships, historical "primary" ancestor(s), and membership status for each member, and ensure that copies of all source documents are included in the group's petition materials. The 2005 JBB genealogical database (see discussion under criterion 83.7(e)(2)) did not contain a number of individuals listed on the JBB petitioner's 2005 membership list (particularly children); however, OFA researchers were able to locate information to connect most of these individuals using a genealogical database previously submitted by the JBB petitioner and by separate evidence contained in the record. OFA could not determine the ancestry for 2 percent (22 of 908) of the individuals named on the petitioner's 2005 membership list, none of whom could be connected to parents). The JBB petitioner did not annotate its current members as such in the genealogical database.

The 1933 Census Roll

The second step in the analysis of the JBB petitioner required the Department to identify, obtain, and review the successful applications under the 1928 California Indian Act that were filed by the petitioner's ancestors, who appeared on the resulting 1933 Census Roll. These applications identify the applicants' ancestors claimed as Indians living in California on June 1, 1852. OFA attempted to identify all the 1933 Census Roll participants in the petitioner's genealogical database, and then annotated the merged FTM used for this PF with the application and roll numbers for all participants.

After reviewing the 1928 Applications and 1933 Census Roll, and adding these annotations to the merged FTM database, the Department calculated that a total of 488 individuals listed on the 1933 Census Roll claimed San Juan Capistrano ancestry. Of these, 68 enrollees, many of whom

are actually offspring of parents also enumerated on the 1933 Census Roll, have descendants who are alive and on the current JBB membership list. Twelve of the 1933 enrollees are also current members of JBB.

The merged and annotated genealogical database used for this PF depicts 565 JBB members as participants, or as descendants of participants, on the 1933 Census Roll. The genealogical database also connects 276 other JBB members to collateral relatives on the 1933 Census Roll.[190] Thus, 92 percent (565 plus 276 equals 841 of 908 total members) of JBB members claim to be related somehow to 1933 enrollees and, therefore, assert descent from the 1852 historical individuals that the 1933 enrollment process identified as San Juan Capistrano Indians.

The percentage of members asserting descent from the 1852 historical individuals goes up to 97 percent if 45 JBB members are included who appeared, or have forebears who appeared, on the 1972 Judgment Roll and have no relatives on the 1933 Census Roll (839 plus 45 equals 884 of 908 total members). The 45 JBB members linked to the 1972 Judgment Roll, with no relatives on the 1933 Census Roll, all claim descent from an 1852 San Juan Capistrano Indian (Felis, whom the JBB petitioner identified as Felix Cruz) who was not claimed on any 1933 or 1955 Application. The folder containing the earliest 1972 application approved on this "new" 1852 ancestor, and the documentation that accompanied it, was not among the collection of 1972 applications at the San Bruno regional branch of the National Archives, and may yet be in the custody of the BIA Southern California Agency. The evidence in the record did not support the claimed link between the SJC Indian Felis [—?—](b.1828-d.?) and the Thomas Cruz (b.1859-d.?) baptized in Anaheim whom the JBB petitioner asserts is the son of Felis. The Appendix IV entry on "Felis" provides more detail on this claimed ancestor.

Historical Individuals Claimed as 1852 SJC Ancestors by JBB[191]

By claiming descent from individuals on the 1933 Census Roll, the JBB petitioner also claims descent from individuals identified on 1928 Applications as SJC Indians living in California in 1852 (Question #12 on the 1928 Applications). Several different 1852 individuals often represent each historical family.

Successful 1928 California Indian Act participants ancestral to JBB members claimed mostly San Juan Capistrano ancestry, but some also claimed other Indian ancestry. Of the 48 historical individuals living in 1852 claimed on these applications, 43 were claimed as San Juan Capistrano, 1 Volcan, and 4 "Mission." Analysis concluded that 8 of those 1852 individuals were historical Indians, or descendants of historical Indians, of Mission San Juan Capistrano. Five of the 48 claimed historical individuals living in 1852 were claimed as historical Indians but do not appear to be Indians of Mission San Juan Capistrano. The remaining 43 (48 minus 5) individuals who were claimed as 1852 San Juan Capistrano Indians could not be traced to any Indian ancestor.

[190] These members include 20 individuals who appeared on the 1955 or 1972 Judgment Rolls.

[191] The following relates to the JBB's ancestors on the 1928 applications, who identified their 1852 Indian ancestors. It does not include all of the SJC Indians claimed on other 1928 applications.

1852 Individuals Documented as San Juan Capistrano Indians on 1928 Applications of Claimed JBB Ancestors:

Ayoubenet, Maria Materna (b.1828-d.1868) – daughter of Peregrino Ayoubenet
Castegura, Magdalena (b.1808-d.1876)
Rios, (Matilde) Valeriana (b.1846-d.1912) – daughter of Magdalena Castengura
Rios, Gregorio (b.bef.1829-d.1900) – son of Magdalena Castengura
Rios, Mariano de Jesus (b.1835-d.abt.1906) – son of Magdalena Castengura
Rios, Venancio (b.1827-d.1886) – great-grandson of Maria Bernardo Chigila
Tacupa, Maria Clara "Yujunivit" (Clara Sitales) (b.1829-d.abt.1914) – great-granddaughter of Odorico Jose Tungo
Uribes, Maria Joaquina (b.abt.1846-d.1888) – great-great-granddaughter of Odorico Jose Tungo

1852 Individuals Claimed as Indians, But Not Documented as SJC Indians on 1928 Applications of Claimed JBB Ancestors:

Canedo, Maria del Rosario (b.abt.1830-d.1884) – granddaughter of Maria Gorgonia
Canedo, Maria Fernanda (b.1831-d.1905) – granddaughter of Maria Gorgonia
Erculana (claimed SJC but Diegueño) (b.1838-d.abt.1910)
Soilo, Maria de Jesus (claimed SJC but not proven) (b.abt.1849-d.1884)
Estones, Maria del Rosario (Volcan) (b.1828-d.1890) – mother of Bernarda Escudisa Cabachichi

1852 Individuals Without Known California Indian Ancestry on 1928 Applications of Claimed JBB Ancestors:

Evidence in the record demonstrates that the 35 individuals listed below do not have Indian ancestry or specifically ancestry from the historical Indian tribe at SJC Mission. Most of these individuals descend from Spanish and Mexican immigrants who arrived in California during and after the 1776-1834 mission era. Forebears of the JBB petitioner who were on the 1933 Census Roll specifically claimed some of these individuals as Indian ancestors. Descendants of some of these non-Indian ancestors have intermarried with descendants of documented Mission SJC Indian ancestors or with descendants of other California (non-SJC) Indian ancestors. Thus, some of the JBB petitioner's members may descend from a documented Mission SJC Indian ancestor as well as from a non-Indian ancestor. Details on these individuals are provided in Appendix IV. Most of them did not live at SJC Mission during the mission period (1776-1834) or they descended from parents or grandparents who were born in Mexico.

Ames, [father of Frank] (n.d.)
Ames, [mother of Frank] (n.d.)
Avila, Maria Guadalupe (b.1839-d.1902)
Bermudez, Maria Juana Dolores (b.1829-d.1873)
Castillo, Maria Antonia (b.1805-d.1865)
Contreras, Eugenia (b. bef.1845-d.1876)
Godinez, Maria Catarina (b.1860-d.1922)

Gutierrez, Francisco (b.abt.1834-d.1876)
Higuera, Jose Doroteo (b.1826-d.1865)
Manriquez, Juan Capistrano (b.1835-d.1915)
Manriquez, Maria Delfina Ester de los Santos (b.1852-d.1901)
Olivares, Antonio Maria (b.abt.1827-d.1872)
Olivares [Oliveras], Maria de Jesus (b.1860-d.1929)
Olivares, Maria de la Encarnacion (b.abt.1837-d.1900)
Olivares/Navarro, Maria Ascencion (b.1836-d.1924)
Osuna, Barbara ("Mission") (n.d.)
Parra, Jose Ricardo de Jesus (b.1850-d.1918)
Parra, Miguel [Sr.] (b.abt.1789-d.1869)
Rios, Silverio Antonio Juan (b.1794-d.1872)
Rodriguez, Ramon (n.d.)
Ruiz, Benedita Santa Ana (b.1855-d.1916)
Ruiz, Jose Guadalupe (b.1827-d.1891)
Sepulveda, Jose Joaquin Marcos (b.abt.1838-d.1885)
Sepulveda, Maria Andrea Ramona (b.1832-d.abt.1911)
Serrano, Francisco Julian (b.1861-d.1935)
Silvas, Jose Maria (b.1836-d.1883)
Silvas, Maria de los Angeles (b.1827-d.aft.1860)
Smith, Marcelino (b.1835-d.aft.1860)
Smith, Tula (Gertrudis) (b.1835-d.aft.1860)
Suarez, Maria Concepcion Domingues (b.bef.1831-d.1857)
Velasquez, Josef Silvestre de Jesus (b.1852-d.1904)
Yorba, Domingo Resurracion (b.1826-d.1889)
Yorba, Jose Antonio (b.1856-d.1922)
Yorba, Jose Miguel (b.1818-d.1896)
Yorba, Maria Presentation (b.1839-d.1865)

JBB Members Without 1933 Census Roll Ancestry

The merged genealogical database includes 22 JBB members (2 percent of the group) who are not linked to 1852 individuals claimed as Indians under the 1928 California Indian Act.. Evidence in the record did not identify their earlier generations. Until the petitioner provides ancestry information for these 22 members, OFA cannot determine if and how these 22 members are related to 1928 participants in the 1928 California Indian Act.

Analysis of JBB's Claimed SJC Indian Ancestors

The JBB petitioner submitted two lists of claimed SJC Indian ancestors. Some of the individuals presented on these two lists (see Tables 5 and 6) descend from the same individuals or appear on both lists. Thus, the OFA staff was able to combine the two lists into a unified list of 16 individuals whom the JBB petitioner claims as SJC Indian ancestors:

- [—?—], Felis (b.1828-d.?) brother of Primitiva, great-grandson of Joseph Ignacio Apaichi (listed as Joseph Ignacio Apaicln) and great-great-grandson of Juan

Gualberto Chahcuel (listed as Chaquel), granddaughter of Jose de la Cruz Guanniet (listed as Jose de la Cruz Guauniet), listed as "Felix Cruz" and claimed to be the father of Thomas Cruz;

- [—?—][192], Juana Bautista (b.abt.1835-d.1876) grandmother of Reyes Manriquez;
- [—?—], Maria Gertrudis (b.bef.1772-d.aft.1786) listed as Maria Gertrudes;
- [—?—], Maria Gorgonia (b.1792-d.1854) listed as Gorgina Maria and Gorgonia Maria Espinosa Canedo;
- [—?—], Erculana (b.1838-d.abt. 1910) listed as Auronlena Amelli;
- [—?—], Primitiva (b.1821-d.1862) great-granddaughter of Joseph Ignacio Apaichi (named as Joseph Ignacio Apaicln) and great-great-granddaughter of Juan Gualberto Chahcuel (named as Chaquel), granddaughter of Jose de la Cruz Guanniet (listed as Jose de la Cruz Guauniet);
- [Abudguem], Geronima (b.abt.1803-d.?) listed as Geronima;
- Aguilar, Benjamin (b.1869-d.1926) claimed as son [actually nephew] of Domingo Aguilar, listed as Ben/Basilio Aguilar, spouse of Rosa Ames;
- Ames, Amalia Rosa (b.1887-d.1957) listed as Rosa Ames;
- Charles, Ralph, (b.1880-d.1964) spouse of Reyes Manriquez;
- Chigila, Maria Bernarda (b.abt.1732-d.aft.1790) mother of Maria Antonia Marcela Cota (b.1780-d.1848) and daughter of Zoget (n.d.);
- Olivares/Navarro, Maria Ascencion (b.1836-d.1924) daughter of Joseph Francisco Benito Xavier Olivares (listed as Francisco Navarro aka Olivares) and Maria Prudencia Lucia Morillo (listed as Prudencia Morillo), married descendant of Jose Manuel Valencia (listed as Manuel Valencia);
- Pabujaquim, Facunda (b.abt. 1753-d.1808) listed as Pabujaquim;
- Soilo, Maria de Jesus (b.abt.1849-d-1884) listed as Soila Caraquas, claimed as grandmother of Ralph Charles (b.1880-d.1964);
- Tungo, Odorico Jose Tungo (b.abt.1747-d.1801) grandfather of Diego Junjunivit (b.1797-d.?) and great-grandfather of Maria Clara Tucupan Sitales; and
- Valencia, Jose Manuel (b.abt.1749-d.aft.1776) listed as Manuel Valencia, great-grandfather to spouse of Maria Ascencion Olivares/Navarro.

A detailed discussion of these 16 individuals and the historical documents that reveal their ancestry, places of residence, and relationship to each other is provided in Appendix IV. Because some members of the JBB and JBA petitioners claim common ancestors, Appendix IV contains biographical profiles and ancestry analysis on all individuals whom both the JBB and JBA petitioners claim as ancestors (both on specific lists and in the petitioners' genealogical databases), individuals named as SJC Indian ancestors on 1928 Applications, and individuals known to have been members of or descendants of the historical Indian tribe of Mission SJC. Some of the names are spelled differently on various documents in the record. This PF uses the spelling found on the earliest primary document. The number of JBB members claiming and documenting descent from the ancestors known to be members of or descendants of the historical Indian tribe of Mission SJC ancestors and from other Indian ancestors is presented in Appendices V(a) and V(b), respectively.

[192] The notation "[—?—]" indicates that the record did not present a surname used by this individual, or the surname is questionable.

An analysis of the 16 individuals named on the two lists of JBB claimed ancestors found that six of them could be documented as members of the historical Indian tribe at San Juan Capistrano Mission (1776-1834). These six documented historical Mission San Juan Capistrano Indians appear in the claimed ancestry of some of the JBB petitioner's members, and 36 JBB members have documented descent from two of them (Juana Bautista and Maria Bernarda Chigila). The six SJC Indians are:

- [—?—], Juana Bautista (b.1829-d.1876) grandmother of Reyes Manriquez (listed in Table 6), seven descendants in JBB current membership;
- Allam , Maria Rufina (b.1761-d.aft.1800) identified by OFA researchers, one descendant in JBB current membership;
- Ayoubenet , Peregrino (b.1786-d.aft.1832) identified by OFA researchers, five descendants in JBB current membership;
- Castengura, Magdalena (b.1808-d.abt.1876 identified by OFA researchers, 64 descendants in JBB current membership;
- Chigila, Maria Bernarda (b.abt.1762-d.aft.1787) descendant of Joseph Ignacio Apaicln [Apaichi] and Chahcuel (both listed in Table 5), 87 descendants in JBB current membership; and
- Tungo, Odorico Jose (b.1747-d.1801) (listed in Table 5), three descendants in JBB current membership.

Appendices V(a) and V(b) show the number of current members of each petitioners and JBMI-IP who claim descent from these ancestors. Evidence in the record indicates that approximately 18 percent (163 percent of 908) of the members listed on the JBB petitioner's 2005 membership list claim descent from at least 1 of the 6 documented historical Mission San Juan Capistrano Indians named above.

Only 4 percent (36 of 908 members, included in the 163 members described above) of the JBB group's current members have demonstrated complete generation-to-generation descent from a SJC Mission Indian. This evaluation estimates that another 14 percent (127 of 908) of JBA members should be able to demonstrate descent from at least one of the Indians of the historical SJC Indian tribe. However, at present, 96 percent (872) percent of the JBB's 908 total members have not documented their descent from a historical SJC Mission Indian ancestor.[193] .

The JBB and JBA petitioners and the JBMI-IP interested party make genealogical claims for several families who had one or perhaps several Indian ancestors and the additional claim that the majority of their ancestors were children of mixed Indian-non-Indian unions. The analysis above and in Appendix IV shows, however, that evidence from church registers of baptisms, marriages, and burials at San Juan Capistrano, San Diego Presidio, San Gabriel Mission, or Los Angeles does not support many of the petitioners' and the JBMI-IP's genealogical claims. OFA staff created an extensive data set of census data from San Diego Presidio and of baptisms of

[193] Further, 22 (about 2 percent of total JBB membership) of these 872 JBB members cannot be connected to parents, and have no dates and no obvious connection to either someone else on the membership list or on the 1928 Applications. A total of 45 members (5 percent) claim descent from Thomas Cruz but cannot be connected to the claimed SJC Indian ancestor.

Indians and non-Indians from San Juan Capistrano, San Diego Presidio, and Los Angeles, which OFA used to verify the validity of the petitioners' and interested party's genealogical claims.

The JBB Petitioner's Membership Files

The membership files for 284 of 908 members, that the JBB petitioner made available for audit, typically contained copies of enrollment applications and vital records, such as birth or baptismal certificates linking the member to his or her parents. However, folders seldom contained evidence verifying the parents' or grandparents' connections to the previous generations. The folders often included "Statement of Degree of Indian Blood" forms issued by the BIA for the member or for the member's parent, which identified the relative through whom the applicant's blood degree was determined. Any "Statement" that did not have accompanying documentary evidence verifying the claimed genealogical relationship was not deemed sufficient evidence in itself to verify those genealogical claims.

These membership folders did not include photocopies of the 1928 Application forms, or photocopies of successful applications for inclusion in the later 1955 or 1972 Judgment Rolls; however, the Department obtained copies of the 1928 Applications for individuals claimed in the petitioner's genealogical database as ancestors of JBB members. OFA identified the petitioner's forebears living in 1852 who they claim were Mission San Juan Capistrano Indians.

The JBA petitioner supplied SJC mission register photocopies, and OFA obtained other mission register extracts and Federal census data during the evaluation for this PF, which enabled the Department to determine whether each 1928 participant asserted his or her descent accurately, and further enabled the Department to determine whether each claimed 1852 "California Indian" could be documented as an Indian, or as a descendant of Indians, of the historical Indian tribe of the San Juan Capistrano Mission as it existed between 1776 and 1834.

Only 4 percent (36 of 908) of JBB members could be verified back to a Mission SJC Indian. For the FD, the JBB petitioner will need to make available to the Department the membership folders for all of its members or other evidence that documents the current members' descent from the historical Indian tribe of Mission SJC as it existed between 1776 and 1834.

Other Issues

The JBB petitioner stated that it lacked enough time to complete its genealogical verification process for its "current membership of nearly 1,500" members (JBB Narrative Extracts 12/1/2005, 60-61). "As a result, a majority of tribal members' names have been placed on a Supplemental Roll until all of the documentation can be completed for their lineage" (JBB Narrative Estracts 12/1/2005, 61). However, together the JBB petitioner's "Certified" membership list and "Supplemental" membership list total 908 members, not 1,500, and no listing of the nearly 600 other members appears in the record. Analysis for the FD will rely upon a complete listing of all individuals considered, and certified, by the JBB petitioner as members of its group.

The comment period provides the petitioner and interested parties the opportunity to better document their claims. The JBB petitioner may wish to provide an analysis of document which it claims contains the names of members or ancestors of members, including highlighting or flagging the names of members or ancestors of members shown in each document, or creating a separate list of the specific names in the document. If the identity of a person on the list is uncertain or incomplete, such as having only initials, or the wrong initials, or naming a person identified on another document in a different place at the same time, the JBB petitioner should include in its analysis supporting documents or information to substantiate the identity of the claimed members or ancestor in question. The evidence in the current record does not demonstrate that the majority of the petitioner's members have documented descent from the historical Indians at Mission San Juan Capistrano. Moreover, most of the group claims descent from historical individuals who were shown to be non-Indians or other California Indians, but not from Mission SJC.

Contemporary, primary documentation or other reliable evidence identifying the individual family ancestors submitted in the petition may enable the JBB petitioner to trace some of its historical ancestors. The parish registers from San Juan Capistrano, or any other parish any where JBB ancestors lived, should be thoroughly searched for evidence of birth, death, marriage, and parentage of the claimed ancestors, as well as the documentation of their descendants. The petitioner should include full citations to the entries, or otherwise specifically identify the individual and the substantiating document. Other church records at Los Angeles or San Diego should also be consulted. California county court records, contemporary newspaper accounts, and historical colonial California records are possible sources of evidence. Although deeds are limited in the amount of individual identification they provide, they can be used to locate ancestors, and confirm some parent-child or marital relationships. These types of records are readily available from a variety of sources. The petitioner should also submit the photocopies of the records it previously submitted as abstracts.

The JBB petitioner's own genealogical database showed that some of their claimed ancestors who lived as San Juan Capistrano in the 19th century were from Mexico or elsewhere. The mere fact of birth at San Juan Capistrano or of having a Spanish surname is not evidence of descent from historical Indians from San Juan Capistrano Mission. Non-Indians from San Diego Presidio and from Los Angeles settled at San Juan Capistrano or on nearby ranches in the 1830's and 1840's, and new immigrants came to the area from Mexico (particularly Sonora) in the second half of the 19th century. Some of these immigrants married SJC Indians or married into SJC Indian descendant families; however, some of the petitioner's claimed ancestors apparently married into other immigrant families and they have no evidence of descent from Mission SJC Indians.

To meet criterion 83.7(e), the JBB petitioner must demonstrate descent from a historical Indian tribe, or from tribes which combined and functioned as a single, autonomous political entity. As stated in the Historical Overview for this PF,

> This PF treats the Indian population at the SJC Mission in 1834 as the "historical Indian tribe." . . . The evidence in the record establishes by a reasonable likelihood that as a result of Spanish policy, the Indian population of the mission

> became an entity consisting of Indian tribes or groups that had combined. . . . Therefore, the petitioner may meet the acknowledgment criteria by demonstrating that it is a continuation of the Indian tribes that historically combined at the mission by 1834.

Therefore, when it is documenting descent, the JBB petitioner must show that its known or claimed ancestors were a part of the historical Indian tribe at Mission SJC between 1776 and 1834, not merely living at SJC Mission in 1852 as the 1928 applications asked. The JBB petitioner has the opportunity during the comment period to provide the evidence that links the current members to the preceding generations back in time to the historical SJC Indian tribe.

Conclusion

The JBB petitioner's two-part November 28, 2005, membership list names 908 living members. The part of the list entitled "Supplemental Enrollment List" does not include birth dates as required under the regulations. The JBB petitioner indicated that nearly 600 of its members do not appear on the membership list submitted for this PF.

The evidence in the record demonstrates that most of the JBB petitioner's 908 members claim descent only from individuals who were not part of the historical Indian tribe at SJC Mission as it existed between 1776 and 1834. This PF finds that only 4 percent (36 of 908) of JBB members have actually demonstrated descent from one of the Indians of the historical SJC Indian tribe. This evaluation estimates that another 14 percent (127 of 908) of JBB members should be able to demonstrate descent from at least one of the Indians of the historical SJC Indian tribe.

For these reasons, the JBB petitioner does not meet the requirements of criterion 83.7(e).

Criterion 83.7(f) requires that

> **the membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe.**

With the assistance of the Bureau of Indian Affairs' Southern California Agency in Riverside, California, OFA compared the JBB membership list to the current membership rolls of the following California Mission bands:

- Pala Band of Luiseño Mission Indians of the Pala Reservation
- Pauma Band of Luiseño Mission Indians of the Pauma & Yuima Reservation
- Rincon Bank of Luiseño Mission Indians of the Rincon Reservation
- San Pasqual Band of Diegueño Mission Indians.

No evidence has been found to indicate that any of the JBB petitioner's members are enrolled in any federally recognized tribe.

Conclusion

A review of the membership rolls of those Mission Tribes in California that would mosts likely include the petitioner's members revealed that the JBB membership is composed principally of persons who are not members of any acknowledged North American Indian tribe. Therefore, the JBB meets the requirements of criterion 83.7(f).

Criterion 83.7(g) requires that

> **neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.**

A review of the available documentation revealed no evidence that the JBB was the subject of congressional legislation to terminate or prohibit a Federal relationship as an Indian tribe.

Conclusion

No evidence has been found to indicate that the JBB petitioner was the subject of congressional legislation to terminate or prohibit a Federal relationship as an Indian tribe. Therefore, the JBB meets the requirements of criterion 83.7(g).

Appendices

Appendix I

Indians on the 1860 Federal Census Likely Identified from the San Juan Capistrano Mission Registers as San Juan Capistrano Neophytes or Children of San Juan Capistrano Neophytes

Name on Census, Age	Dwelling No.	Baptismal Name	Baptismal Number, Date	Other Record, if no Baptism	Descendants in Petitioners
Gregorio Rios, 35	1523	Gregorio Humiliano	SJC #4186, 7/20/1829		JBA –Yes JBB – Yes JBMI-IP - Yes
Yguacis, 40	1564	Ignacio Maria [Tosaut]	SJC #3444, 2/26/1814		No
Leona, 38	1564	Leona [Giaubinit]	SJC #3648, 4/12/1818		No
Juan de Dios, 60	1565	Juan de Dios	SJC #3067, 3/3/1811		No
Delfina, 50	1565	Delfina [Naquinat]	SJC #3477, 11/26/1814		No
Matilda Sol, 26	1571			Own Marriage, #1471 (1850), Harrington Notes	No
Ambrosio Sol, 32	1571			Own Marriage #1471 (1850), Harrington Notes	No
Eustaguio, 35	1588			Son's baptism; daughter's baptism	JBA –Yes JBB – Yes JBMI-IP - Yes
Juana, 25	1588			Son's baptism; son's marriage (daughter's baptism?)	JBA –Yes JBB – Yes JBMI-IP - Yes
Patricio, 7	1588	Patricio de Jesus	SJC #4698, 2/3/1851	Own marriage #1822	JBA –Yes JBB – No JBMI-IP - Yes
Inez, 9 months	1588	Ignez	SJC #1360, 1/25/1860		JBA –Yes JBB – Yes JBMI-IP - Yes
Diego, 40	1604	Diego [Yujunivit]	SJC #977, 6/11/1819		JBA –Yes JBB – Yes JBMI-IP - Yes
Clara, 45	1604	Clara [Tobocbam]	SJC #3515, 8/26/1815		JBA –Yes JBB – Yes JBMI-IP - Yes s
Victor, 25	1604	Victor	SJC #3746, 6/15/1820		No
Sefarino Tanequi, 50	1638	Zefarino (son of Raymond and Segia)	SJC #3517, 8/16/1815		No
Aquida Tanequi, 43	1638	Agueda [Nure]	SJC #3592, 2/9/1817		No
Jose A. Tanequi, 20	1638	Jose Agustin	SJC #4542, 2/16/1841		No
Jose B. Tanequi, 16	1638	Jorge	SJC #4674, 11/20/1849		No
Maria T. Tanequi, 5	1638	Maria Tranquilina de Jesus	SJC #4740, 1/13/1852		No

Fremativa Serrano, 40	1640	Primativa	SJC #3825, 11/29/1821		JBA –Yes JBB – No JBMI-IP - Yes
Manuel Serrano, 20	1640	Jose Manuel Apolonio Rios	Los Angeles Parish Church #968, 2/17/1840		JBA –Yes JBB – No JBMI-IP - Yes s

Later records identified other neophytes, including Juan (widower of Magdalena) and Leona (widow of Soilo) married in 1867 (SJC Marriages #1717, 11/12/1867).

Appendix II
JBM Council Members, 1979–1994

Date	Spokesman	V. Chair/ V. Spokesman	Sec/Treas.	At-Large	Treasurer	Historian	Sgt. At Arms
1979	R. Belardes	n/a	n/a	n/a	XXX	XXX	XXX
6/21/1980	"	"	J. Frietze	D. Belardes, J. Frietze	"	"	"
1981	"	"	"	"	"	"	"
8/13/1982	"	F. Estrada	"	D. Belardes, J. Romero	"	"	"
1/21/1984	"	D. Bracamontes	S. Zucker	F. Lopez, S. Trujillo	"	"	"
10/12/1984	"	"	"	"	"	G. Felix[1]	"
12/16/1985	"	"	F. Estrada	"	"		"
7/1985	"	"	S. Zucker	"	"		"
8/17/1985	"	"	"	"	A. Williams[2]		"
11/16/1985	"	"	F. Estrada	"	"		"
1/18/1986	"	"	"	"	"		A. Lopez[3]
8/1986	"	"	S. Trujillo, acting	"	"		"
1986-87	"	"	"	D. Belardes, F. Lopez	"		"
2/18/1989	D. Belardes	"	"	S. Zucker, G. Carillo	"		"
3/16/1989	"	"	"	"	"		"
1/20/1990	"	"	"	R. Martinez, M. Velardes	"		"
10/1/1992	"	J. Frietze	M. Frances	R. Martinez, M. Velardes, A. Ollivares	"		"
12/18/1993	"	"	M. Lux Acting	"	"		"
8/23/1993	"	"	M. Frances suspended	"	"		"
2/25/1994	"	"	"	R. Martinez, M. Velardes	A. Ollivares		"

[1] It is not clear if this position was elected or appointed, or if anyone else ever served in this position.

[2] This position was split off from that of the Secretary/Treasurer.

[3] Meeting minutes dated 5/15/1993 indicate that Rudy Martinez was named Historian, but there is no mention whether this position was elected or appointed (JBM Minutes 1993.05.15, 1).

Appendix III
Membership Lists Submitted by the JBB Petitioner

Dated	Received By OFA	# Members	# Also on JBA	#Also on JBMI-IP	Data Information & Comments
11/28/2005	12/1/2005	Certified 284 Supplement 626 Combined 910 Total Living 908	26 (1 deceased)	1 (deceased)	Missing all birth dates on "Supplemental" portion; includes minors on "Certified" portion but not on "Supplemental"; all entries have unique "Roll" number; not separately certified JBB Membership List 11/28/2005
7/2004	n.d.	1,479	n/a	n/a	Missing all birth dates; includes minors JBB 7/2004 OML
7/6/2004	7/6/2004	855	n/a	n/a	Missing some birth dates, all residential addresses; minors not included No FAIR ref.
4/12/1997	4/24/1997	1,201	150 (1999)	n/a	Missing a few birth dates and maiden names; includes minors JBB 4/12/1997 Membership List
2/1995	2/24/1995	Base 844 Supplement 401 Combined 1,228	443	n/a	Missing some birth dates, some residential addresses, all maiden names; includes minors JBB 2/19/1995
1987	5/28/2005	863	863	863	Missing some birth dates, residential addresses and maiden names; includes minors JBM 1987 Membership List

Membership Lists Prior to the Current List:

The JBB petitioner submitted a 1987 JBM membership list that is identical to the one that JBM and JBA submitted (JBM 1987 Roll). It enumerates 863 members and includes thirteen persons labeled "deceased" on the JBM 1979 list. A second membership list, dated February 1995, contains 844 members on the "Base Roll" and 401 members on the "Supplemental Roll," totaling 1,228 members when corrected for duplicate entries and deceased members (JBB 2/19/1995 Membership List, JBB 12/19/1995 Supplement A). The JBB membership list dated April 12, 1997, contains 1,201 members (JBB 4/12/1997 Membership List, JBB 4/12/1997 SuppA). A fourth JBB membership list, undated but certified on July 6, 2004, enumerates 855 members (JBB 7/2004), and unlike all other lists, does not include minor children. A membership list dated July 2004, lists 1,479 members (JBB 7/2004 OML), nearly twice number on the July 6, 2004, membership list, for which minor children on the larger list may account.

The 1995 JBB membership list is the first membership list that the JBB petitioner submitted that differs significantly from JBA membership lists. Of the 1,228 individuals enumerated, 443 are also on the 1995 JBA membership lists (119 "new member" duplicates and 324 "JBM member" duplicates. The 1995 list includes 844 individuals who were listed on the 1987 JBM list and 384 individuals who were not on the 1987 JBM list.

Appendix IV
Analysis of the Petitioner's Genealogical Claims

OFA staff conducted research in the SJC Mission baptismal, marriage, and burial registers supplied by JBA as well as the registers for San Diego Mission/Presidio, San Gabriel Mission, and Los Angeles parish to verify the JBA and JBB petitioners' genealogical claims. The JBA and JBB petitioners presented claims of descent from specific individuals claimed as historical Indians of Mission San Juan Capistrano who lived during the mission era or in 1852.

This appendix summarizes in detail the findings of OFA staff analysis of the record regarding these claims. Information and analysis is presented for ancestors in three categories: documented Indians of SJC Mission, documented Indians not of SJC, and non-Indian ancestors. Each category is arranged in alphabetical order by the surname of the ancestor. Lists of these individuals and the number of members in JBA, JBB, and JBMI-IP claiming descent from each individual are provided in Appendices V(a) and V(b).

Documented SJC Indian Ancestors

Evidence in the record demonstrates that the 15 individuals listed below are historical Indians of Mission SJC or descendants of the historical Indian population of Mission SJC. Most of these individuals are specifically claimed by the JBA and/or JBB petitioner as SJC Indian ancestors of their current membership. Descendants of some of these ancestors have intermarried with each other so that some members of the JBA and JBB petitioners descend from more than one documented SJC Indian ancestor. The number of members claiming descent from each of these SJC Indian ancestors is provided in Appendix V(a).

[—?—],[4] Felis (b.1828-d.?) (documented SJC Indian)
[—?—], Juana Bautista (b.abt.1835-d.1876) (documented SJC Indian)
[—?—], Leona (b.1813-d.?) (documented SJC Indian)
[—?—], Primitiva (b.1821-d.1862) (documented SJC Indian)
[—?—], Ynez (b.abt.1840 d.1873) (documented SJC Indian)
[Abudguem], Geronima (b.abt.1803-d.?) (documented SJC Indian)
[Yorba], Antonio Maria (b.1835-d.abt.1915) (documented SJC Indian)
Allam, Maria Rufina (b.abt.1761-d.aft.1800) (documented SJC Indian)
Ayoubenet, Peregrino (b.abt.1786-d.aft.1832) (documented SJC Indian)
Castengura, Magdalena (b.1808-d.1876) (documented SJC Indian)
Chigila, Maria Bernarda (b.abt.1732-d.aft.1790) (documented SJC Indian)
Cruz, Jose de Gracia "Acu" (b.1845-d.aft.1910) (documented SJC Indian)
Erehaquela, Claudio (b.abt.1767-d.?) (documented SJC Indian
Pabujaquim, Facunda (b.abt.1753-d.1808) (documented SJC Indian)
Tungo, Odorico Jose (b.abt.1747-d.1801) (documented SJC Indian)

[—?—], Felis (b.1828-d.?) (documented SJC Indian)

The JBB petitioner claims to link its descent from "Felis," an Indian born and baptized at SJC Mission in 1828, and a brother of Primitiva (see Primitiva below). The JBB petitioner gives Felis' name as "Josef Felix De la Cruz" and assumes that "De la Cruz" was a surname instead of a simple compound name.[5] The baptismal entry actually

[4] The notation "[—?—]" indicates that the record did not present a surname used by this individual, or the surname is questionable,

[5] In giving names to the hundreds of Indians settled at SJC Mission, the Franciscans often assigned compound names such as Josee de la Cruz, or Joseeph of the Cross. The "de la Cruz" segment of the compound name was not a surname, but rather was a part of the given name. The JBB petitioner claims descent from an adult Indian named "Guaumnryaut" given the compound name of Josee de la Cruz when he was baptized at Mission SJC in 1799 by Josee de la Cruz Espi, O.F.M. (SJC Baptisms #1903, 11/22/1799). OFA staff reviewed the baptismal records from Mission SJC for the period 1777 to 1800 and identified five other unrelated Indians given similar

identified the child by the name "Felis" [no surname] and listed his parents as Josef de la Cruz Cusychi and his "*esposa*" as Maria de Jesus Coromm [*sic*, Coronni] (SJC Baptisms # 4121, 2/22/1828). Felis' godparents were Silverio Rios and Maria Soledad Rios.[6]

The JBB petitioner traces Felis' maternal ancestry to Joseph [or Jose] Ignacio Apaichi [or Paichi] (b.bef.1764-d.?) and his wife Tecla Maria Huenauhuegen (b.1765-d.1832), through their son Manuel Romano [or Roman] Apaichi (b.1783-d.1819), and to Regulo Yeguagua (1757-1820) and his wife Natalia Asil (b.1763-d.1811), through their daughter Antonina Ayaneque (b.abt. 1787-d.1832). All of these people are documented Indians associated with Mission SJC (SJC Baptisms #7, 1/15/1777; #176, 3/24/1779; #1342, 1793; SJC Marriages #47, 8/24/1779). Manuel Romano Apaichi married Antonina Yeguagua in 1801 at Mission SJC (SJC Marriages #523, 6/20/1801). Her baptism took place at SJC in 1793 when she was 6 years old (SJC Baptisms #1342, 1793). The couple is reported to have had seven children between 1802 and 1820, the first six reputedly born in SJC and the last in El Toro, California (JBA Genealogy CD 11/30/2005). Their second child, Maria de Jesus (b.1805-d.aft.1828), was the mother of Felis (SJC Baptisms # 2609, 6/20/1805).

Maria de Jesus married Jose de la Cruz Guauniet (b.1802-d.1834) at Mission SJC in 1821 (SJC Marriages #1001, 1/21/1821); Jose's 1802 baptismal and 1821 marriage records both identify his parents as Jose de la Cruz Guiuniet (b.abt.1776-d.aft.1802) and Antonia Tiaram [or Tiram] (b.bef.1789-d.aft.1802) (SJC Baptisms #2144, 12/9/1802). The baptismal and marriage records for SJC confirm the assertion in the 2005 FTM genealogical database submitted by the JBB (JBB RootsMagic CD 12/1/2005) and the JBMI-IP (JBMI-IP Genealogy CD 11/29/2005) that Jose de la Cruz and Maria de Jesus (or "Maria Jesus Serrano") had three children: Primitiva [de la Cruz] (b.1821-d.1862), Lazaro Cruz (b.abt.1824-d.abt.1870), and Felis (b.1828-d.?). This last child is the one JBB members claim as the father of their ancestor named Thomas Cruz.

The JBB petitioner claims that Felis married Maria Micaela Lobo, an alleged Luiseño woman born or baptized at Mission SJC on December 23, 1825 (JBB RootsMagic CD 12/1/2005; JBB 11/28/2005a [PetNarr], 12). OFA staff reviewed the SJC baptismal register and did not find a record of the baptism of a Maria Micaela Lobo. The only baptism on December 23, 1825, was of a girl named Nicolasa, who was the daughter of an Indian couple from Mission San Luis Rey, but was recorded in Mission San Diego's "Book II" (JBMI-IP Genealogy CD 11/29/2005 - Notes). A descendant's ancestry chart in the record listed a death date and place for "Micaela Lobo Cruz Oyos" as August 31, 1893, in Pomona, Los Angeles County (Espinoza, Anita V. 4/12/1928 [PC]).[7]

OFA has not found a Felis or Felix Cruz or de la Cruz on the 1850 or 1860 censuses of San Juan Capistrano, which would not be unusual if he was an Indian. The JBB petitioner claims one of its ancestors was a son of Felis de la Cruz called Jose Tomas de la Cruz or Thomas Cruz, supposedly born about October 1859 in SJC and baptized in 1860 in Anaheim (JBB RootsMagic CD 12/1/2005). However the JBB petitioner did not submit documentation to support this claim and OFA has not been able to verify the connection using the available record. The JBB petitioner claims that Thomas Cruz married Leopolda (Ruiz) Vasquez, who was born in San Francisco and died in Fullerton, but there is no information in the record regarding the marriage of the couple, or any other information linking the couple to SJC or showing descent from SJC Mission Indians.

There is insufficient evidence in the record to demonstrate that the Indian Felis, born in 1828 at SJC, was the same person as the Felix who married Maria Micaela Lobo and was the father of Jose Tomas de la Cruz. Thus, there is no evidence that Jose Tomas de la Cruz (a.k.a Thomas Cruz) descended from Indians from Mission SJC. The JBB

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compound names that incorporated "de la Cruz." A common compound name that included "de la Cruz" does not provide evidence of ancestry for individuals surnamed "Cruz" of a later generation, such as Thomas Victor Cruz, whom the JBB petitioner claims was born around 1898.

[6] The JBB petitioner cited the December 12, 1863, burial register entry for a "Felix" as pertaining to this man. However, that burial entry described the decedent as five years old (b.abt.1858), and his parents' names as Felix and Mariia de Jesuus (SJC Burials #5209, 12/12/1863); therefore, the child who died in 1863 could not be the Felis who was baptized in 1828.

[7] The JBB petitioner needs to provide the evidence of this ancestor's birth date and place.

petitioner needs to start with the more recent generations and document back through time the origins of the members who claim descent from Thomas Cruz and Leopolda (Ruiz) Vasquez.

[—?—], Juana Bautista (b.abt.1835-d.1876) (documented SJC Indian)

Juana Bautista ["Maria Teresa" per JBB] was an Indian born at SJC Mission in about 1835 and the mother of at least two children born at SJC: Jose Patricio de Jesus Ricardes (b.1851-d.abt.1890) (SJC Baptisms #4698, 2/3/1851) and Ernesta Ynes Ricardes (b.1860-d.1910) (SJC Baptisms #260, 1/28/1860). The baptismal records for both children confirm that their parents were SJC Mission Indians who were both born during the mission period (SJC Baptisms #4698, 2/3/1851, and #260, 1/28/1860). The baptismal record for Patricio identifies him as an Indian and confirms that both of his parents, Eustaquio and Juana, were SJC Mission Indians (*neofitos*), both born during the mission period. The record of Patricio Ricardes' marriage in 1880 to Custodia Manriquez identified his parents as Eustaquio Ricardes and Juana Bautista, both deceased (SJC Marriages #1822, 10/30/1880). The marriage record does not identify Patricio Ricardes as being an Indian even though this was a period during which the priests stationed at SJC still recorded the ethnic identifier "*indio*" in the records of baptisms, marriages, and burials. However, the JBA petitioner cited the 1860 Federal census entry for the "Indian" family of "Eustaquio" (no surname) (35), "Juana" (26), "Patricio" (7) [actually 9], and "Inez" (9/12) (1860 Census, Los Angeles Co., San Juan Twp., p.176-177[468-469], dw. 1588, fam. 1557).[8] Further, the burial record for Patricio and Inez Ricardes' mother, "Juana Bautista," identifies her as an Indian from SJC and the widow of Eustaquio Ricardes (SJC Burials [no #, p.368], 9/12/1876).

The 1880 Federal census enumerated a single, 30-year-old Indian named "Patricio Ricardo" living at SJC, which is the approximate age expected for Juana's son Patricio. This census was taken two months before Patricio Ricardes married Custodia Manriquez. The 1880 census enumerated Custodia as living with her parents (see discussion below). Based on Patricio's baptismal record which identified him as an Indian son of *neofites* (SJC Baptisms #4698, 2/3/1851), on the record of his marriage naming his parents (SJC Marriages #1822, 10/30/1880), and on the record of his mother's burial identifying her as an Indian from SJC (SJC Burials [no #, p. 369], 9/12/1876), there is sufficient evidence to show that Patricio Ricardes was the son of Juana Bautista, an Indian woman from SJC.

The record shows that Patricio Ricardes was in a long-term relationship with Custodia Manriquez before they married in 1880. In 1876, Patricio fathered a child with Custodia, recorded in the baptismal entry as the *hija n*[*atural*] or illegitimate child of Patricio Ricardes and Custodia Manriquez (SJC Baptisms #1518, 4/24/1876). The child, named Maria Magdalena Cleofes Ricardes, is not listed on the 1880 census with her mother, Custodia. In 1880, Custodia was enumerated in the household of her own father Juan Manriquez and was described as being single, 23 years old (born around 1857), and "White" (which was the same designation given for her parents and siblings) (1880 Census, Los Angeles County, San Juan Township, page 2 [234], dw. 10, fam. 10).[9] After the couple married, they had at least six more children, all baptized at Mission SJC: Delfina Federica (Natividad?), Josepha Ventura (Josephine), Viviana Victoria, Maria Terese Eulalia, Marie Anita, and Santos Eustaquio. Patricio Ricardes died some time between 1886 and 1890.

In 1890, Custodia bore a child with a James Roy, from Pennsylvania. Custodia appears on the 1900 census under the name "Costoria" as the wife of James Roy, and then she had 4 children with her new husband. The census also listed James Roy's seven step-children in the household by the surname "Ricardo": Magdalena (b. 1875), Marcos (b. 1876), Natividad (b. 1880), Josephine (b. 1882), Biviana (b.1883), Theresa (b. 1886), and Ustacio (b.1889) (1900 Census, Orange County, San Juan Township, page 4A [131], dw. 68, fam. 68).

[8] As Juana Bautista and Eustaquio Ricardes were both Indians, they likely were not enumerated in 1850. They were not located on the 1870 census.

[9] The 1860 Federal census lists Custodia as "Custodio" (female, age 4) in the household of her father Juan Manriquez, along with a brother named Trinidad who was recorded as 5 years of age (1860 Census, Los Angeles Co., San Juan Twp., p. 184[476], dw. 1654, fam. 1608). However, the census enumerated Custodia's mother Fernanda Cañedo in the house of Fernanda's father Josee Mariia Cañedo, rather than next door in the household of her husband and Custodia's father Juan Manriquez (1860 Census, Los Angeles Co., San Juan Twp., p. 183[475], dw. 1653, fam. 1607). Juan Manriquez and Fernanda Cañedo were listed in the same household in 1880.

A number of the petitioners' and interested party's members (20 in JBA, 6 in JBB, and 19 in JBMI-IP) claim descent from Juana Bautista's daughter Ernesta Ynes [Inez] Ricardes. The January 1860 baptism of Inez identifies her parents as Eustaquio and "Maria Juana," who are identified, without surnames, as *neófitos* (baptized Indians) from Mission SJC (SJC Baptisms #260, 1/28/1860). Inez also appeared as a 7-month-old child in Eustaquio and Juana's 1860 census entry (1860 Census, Los Angeles Co., San Juan Twp., p.176-177 [468-469], dwelling #1558, family #1557). Thus there is sufficient evidence in the record to show that Ernesta Ynes Ricardes was a daughter of the SJC Indian woman Juana Bautista.

The JBA petitioner relied upon the 1928 California Indian Application of Reyes Manriquez (Application #9151) for genealogical information about Ernesta Ynes Ricardes, but photocopies of those applications were not provided by the JBA petitioner. Custodia Manriquez' brother, Augustine Manriquez, stated on his 1928 Application (#9144) that his wife, "Inez Ricardes," was not of Indian descent. However, the evidence does show that she was a daughter of SJC Indian Juana Bautista (shown on Ernesta's baptismal record as "Maria Juana") and Eustaquio Ricardes (SJC Baptisms #260, 1/28/1860).

The 1900 Federal census lists Augustine Manriquez with "Ernersta" and four children: Levarta? (23); Juana (18); Carolina (17); and Rayas (2) (1900 Census, Orange County, San Juan Township, page 3B [68], dwelling 361, family #62). Augustine Manriquez was the older brother of Custodia Manriquez, and thus Ernesta Inez Ricardes married her sister-in-law's brother (1870 Census, Los Angeles Co., San Juan Twp., p.8 [627], dw. 62, fam. 63).

There is sufficient evidence in the record to show that Patricio Ricardes and his sister Ernesta Inez Ricardes were the children of Juana Bautista, who was identified as an Indian from Mission SJC. There is no evidence in the record that their spouses, Custodia Manriquez and her brother Augustine Manriquez, were SJC Indians;[10] therefore, SJC Indian descent for Ricardes descendants comes only through Patricio Ricardes or his sister Ernesta Inez Ricardes, and not their spouses.

[—?—], Leona (b.1813-d.?) (documented SJC Indian)

Leona was an Indian woman born at SJC on June 25, 1813, to parents Pio Sereguinam (b.1782-d.aft.1813) and M. Yasparguim (b.bef.1800-d.aft.1813), who were both said to be born at Rancheria Tobe (now Camp Pendleton) (SJC Baptisms #3427, 6/27/1813). Leona had a daughter, Maria de los Angeles, born in July 1834 at SJC and designated as an Indian child in the SJC Baptismal Register (SJC Baptisms #4395, 9/3/1834). Maria's father was listed in her baptismal record as Jose Joaquin, an Indian baptized at Mission SJC as an adult in 1821 (SJC Baptisms #3777, 1/16/1821). The JBA petitioner states that Maria de los Angeles Chavez married Andres Avelino Robles and had three children: Jose Juan de Jesus Robles (b.1852-d.?), Juana Robles (b.1871-d.1876), and Maria Tomasa Robles (b.1878-d.?). Members of the JBA petitioner claim descent only from Jose Juan de Jesus Robles (SJC Baptisms #4737, 1/13/1852). Mission baptismal and marriage records, submitted by the JBA petitioner and located by OFA, verified these relationships.

An ethnohistorical study of Luiseño and Juaneño in the Camp Pendleton area (Johnson et al. 12/2001, 93, 100) discussed the descendants of Leona, the daughter of Pio Maria Ziruinit and Dominga Pangojobam (SJC Marriages #699, 12/15/1809), and her husband Jose Joaquin Yayourem of "Pimix" (Pimixga). This study provides additional evidence to support the JBA petitioner's claims. They were married in 1831 in SJC (SJC Marriages #1142, 2/14/1831). This couple had a daughter, Maria de los Angeles, who married an Indian from San Diego Mission named "Andres Avelina" (SJC Marriages #1464, 8/3/1850), and the study asserts that this couple was later known by the name of Robles. It also claims that in 1873 at SJC Mission Juan Robles, the son of [Andres] Avelino and Maria de los Angeles, married a Luiseño girl, Maria de la Luz from Pala (SJC Marriages #1775, 5/16/1873).

[10] There is evidence in the record that Custodia Manriquez and her brother Augustin Manriquez were Indians. However, they were descendants of Mariia Gorgonia (b.abt.1792-d.abt.1854) who was from San Carlos Mission, not SJC.

Jose Juan de Jesus Robles (b.1852-d.aft.1930), identified as the son of "Indio Avelino" and his wife Maria de los Angeles of Mission SJC in his 1852 baptismal record (SJC Baptisms #4737, 1/13/1852), appears to be the same Jose Juan de Jesus Robles born to Maria de los Angeles Chavez and Andres Avelino Robles. This Juan Robles married Maria de la Luz at SJC in May 1873 (SJC Marriages #1775, 5/16/1873), although there was another Juan Robles (b.abt.1837 in Mexico) residing and marrying at SJC at this same time. Mission and Federal census records record the name of Juan Robles' wife with various spellings. The SJC baptismal register identifies eight children born to this couple, including Adelaida Esperanza "Hope" [Esperanzia Aldehaidum] Robles (b.1893-d.1940), an ancestor claimed by members of the JBA petitioner (SJC Baptisms #2083, 4/1/1893). When Esperanza married Juan Lobo, her parents were identified in the marriage register as Juan Robles and Lucia Lugo (SJC Marriages #1900, 7/27/1910). The 1900 and 1930 Federal censuses identify Esperanza's mother as Lucy (1900 Census, Orange Co., San Juan Twp., page 1B, dw. 22, fam. 22); 1930 Census, Orange Co., San Juan Twp., page 10A [18], dw. 181, fam. 196), whereas the 1910 and 1920 Federal censuses identify her mother as Luz (1910 Census, Orange Co., San Juan Twp., page 3A, dw. 46, fam. 48; 1920 Census, Orange County, San Juan Township, page 3A, dw. 51, fam. 54). Together these censuses identify Esperanza, her parents, and her siblings (Andrew and Francisca) in the same household with reasonable consistency. The ages for Juan Robles, Luz/Lucy Robles, and their children approximate their expected ages from decade to decade, falling within one to five years of their estimated real age.

Several of the children born to Maria de la Luz (or Luz Lugo) died young, but several apparently did not or at least do not appear in the SJC burial register. These include two children of the woman identified as "Luz Lugo:" Antonio (born in 1887) and Reina Catalina (born in 1896). Neither of these children appeared in the 1900 Federal census in the same household as Esperanza of Juan Robles and Luz/Lucy.

It is reasonable to conclude that Juan Robles, the father of Adelaida Esperanza (Hope) Robles, was Jose Juan de Jesus Robles, an Indian baptized at SJC in 1852. There is also sufficient evidence to reasonably conclude that he was the same Juan Robles who married Maria de la Luz in 1872. Therefore, individuals demonstrating descent from this couple, Juan Robles and Maria de la Luz Lugo, are descendants both of Leona, a documented SJC Indian, and of Maria de la Luz Lugo, a documented Indian from Pala.[11]

[—?—], Primitiva (b.abt.1821-d.1862) (documented SJC Indian)

Primitiva's baptismal record lists her parents as Jose de la Cruz and Maria de Jesus, *neofitos* of Mission SJC (SJC Baptisms #3825, 11/27/1821). The baptismal record for her brother, Lazaro, lists his parents as Josef de la Cruz and Maria de Jesus, *Indios* of Mission SJC (SJC Baptisms #3921, 12/17/1823) and the baptismal record for her other brother, Felis, named his parents as Josef de la Cruz Cusychi and Maria de Jesus Coromm [*sic*, Coronni] (SJC Baptisms #4121, 2/22/1828). Other children of Jose de la Cruz and Maria de Jesus appear in the SJC baptismal register, but none of these others are claimed as ancestors by the petitioner.

Primitiva married [Jose] Severiano Rios (b.1813-d.1853) (SJC Marriages #1165, 9/7/1834). The marriage entry identified [Jose] Severiano Rios as born in San Diego Presidio in 1813, and the son of Feliciano Rios and Catalina Romero, both deceased, and identified Primitiva as an Indian, daughter of Jose de la Cruz and Maria de Jesus. Severiano's baptismal entry noted that his father was already dead when he was baptized in 1813 (San Diego Baptisms #4062, 8/29/1813). Jose Severiano Rios was the younger brother of Silverio Antonio Rios (see Magdalena Castengura) and Jose Santiago Rios (see Maria Bernarda Chigila). Jose Severiano Rios died at SJC in 1853 (SJC Burials #4949, 1/2/1853). Primitiva died nine years later in 1862 at about age 40 (SJC Burials #5073, 6/26/1862), and her burial record identifies her as an Indian and names her parents, who were identified as *Indios* of Mission SJC in the baptismal record of Lazaro, Primitiva's brother (SJC Baptisms #3921, 12/17/1823).

The available record shows that Primitiva and Jose Severiano Rios had at least three children: Nicolas born in 1835 and Margarita de Jesus born in 1837, who were baptized in SJC, and Jose Manuel Apolonio, who was baptized in Los Angeles in 1840 (Los Angeles Baptisms #968, 2/17/1840). However, Jose Manuel Apolonio Rios was confirmed at SJC in 1850 (SJC Confirmations, 9/2/1850). He was identified as the son of Severiano Rios and Primitiva in his 1861 marriage at Pala to a woman named Maria del Refugio (SJC Marriages #1571, 8/11/1861).

[11] On her 1928 California Indians Application (#9189), "Hope" (Robles) Lobo claimed Indian ancestry only through her mother, "Louise Lugo" [Mariia de la Luz Lugo], a documented Indian from Pala.

In their 2005 FTM files the JBA and JBMI-IP claimed that Jose Manuel Apolonio Rios' wife, Maria del Refugio [Calixta/Keinge – see below], was baptized in 1850 at SJC. A review of the SJC baptismal register shows that there was a baptism registered in November 1850 of an adult Indian named Maria Magdalena del Refugio (SJC Baptisms #4687, 1/24/1850). However, there is insufficient evidence to show that this was the same woman that Jose Manuel Apolonio Rios married in 1861. Another Indian woman named Maria Dolores del Refugio was baptized as an adult (age 20) at SJC in 1853, but again there is insufficient evidence that this was the woman that Jose Manuel Apolonio Rios married (SJC Baptisms #4820, 10/25/1853).

The entry that recorded the marriage of Jose Manuel Apolonio Rios identifies his bride as Maria del Refugio, the daughter of Jeronimo and Maria Calixta (SJC Marriages #1571, 8/11/1861) (see also Maria del Refugio [Keinge]). There is no indication in the entry that Maria del Refugio's surname or Indian name was Ardillo, as the JBA petitioner claims. In fact, at least one of her children's baptismal records included the name "Keinge" after Maria de Refugio, not "Ardillo." The fact that the marriage took place at Pala and not at SJC suggests that Maria del Refugio was born at Pala or in a neighboring Luiseño community, and was not an Indian from SJC. The couple later moved to SJC, and had at least six children baptized there between 1865 and 1877 (see IV-13 in this appendix under Maria del Refugio [Keinge] for additional information on these children). However, any descent from SJC Mission Indians comes through Jose Manuel Apolonio Rios' mother, Primitiva, who was identified as an "*india*" of SJC Mission in her SJC baptismal, marriage, and burial records (SJC Baptisms #3825, 11/27/1821; SJC Marriages #1165, 9/7/1834; SJC Burials #5073, 6/26/1862). Therefore, there is sufficient documentation in the record to show that Jose Manuel Apolonio Rios was an Indian from SJC through his mother, Primitiva.[12]

[—?—], Ynez (b.abt.1840-d.1873) (documented SJC Indian)
See spouse Antonio Maria [Yorba] for information on this individual.

[Abudguem], Geronima (b.abt.1803-d.?) (documented SJC Indian)

Geronima was an Indian woman ("*gentile*" name Abudguem) who was baptized at age 23 and married to "Leonardo" at San Juan Capistrano (SJC Baptisms #3516, 8/26/1815; #2115, 5/25/1802; SJC Marriages #990, 2/3/1820). The JBA petitioner claims descent through a woman named "Saturnina Feliz," born at SJC Mission in 1820, and later the wife of "Juan Jose Lobo" (identified as Juan Jose Villalobo in baptismal and marriage records). The JBA petitioner asserts that this "Saturnina Feliz" is the daughter of Geronima Agudguem. There was an Indian girl named Saturnina born and baptized at SJC Mission in November 1820. Her parents were Leonardo and Geronima Abudguem (SJC Baptisms #3769, 11/20/1820). However, this child died in 1834 at age 14 (SJC Burials #3198, 1834), and therefore she could not be the Maria Saturnina Feliz who married Juan Jose Lobo/Villalobo in 1836 at San Gabriel. Juan Jose Villalobo was born at San Diego Presidio in 1816 (San Diego Baptisms #4252, 1/14/1816). His parents were Jose Cecilio Villalobo, a non-Indian soldier at San Diego Presidio, and Casilda Soto, also a non-Indian. The Saturnina Feliz who married Juan Jose Cecilio Villalobo in April 1836 was Maria Saturnina Feliz, baptized in 1820 at Mission San Gabriel, the daughter of Joseph Francisco Feliz and Maria Josefa de Cota (San Gabriel Marriages [no #], 6/4/1836). Maria Saturnina Feliz' baptismal record identifying these same parents is also recorded at San Gabriel Mission. There is no evidence at this time that Juan Jose Cecilio Villalobo or his wife, Maria Josefa de Cota, were SJC Indians (San Gabriel Baptisms #7372, 9/30/1820).

There is no evidence that members of the Villalobo/Lobo family lived at SJC before the late 19th century. In 1878, Felipe Lobo married Marcelina Gutierrez at SJC (SJC Marriages #1813, 12/31/1878). The marriage record noted that Lobo was baptized at San Gabriel Mission, and was the son of Jose Lobo and Saturnina Feliz.

The name Feliz appears a few times in the Mission SJC records as early as 1832, and there are records of a Saturnina but she is not the Maria Saturnina Feliz who married Juan Jose Lobo at San Gabriel and these Felizes are not identified as Indians from SJC.

Another member of the Feliz family, Geronima, appeared in the San Diego Presidio record. She was married to Joaquin Verdugo and had at least 3 children with him in 1805, 1807, and 1810. She could not be the SJC Indian Geronima, who was born in 1803 and who married Leonardo in SJC in 1820. Although Geronima was a SJC Indian

[12] The members of the JBA and the JBMI-IP, who currently claim descent from Primitiva, claim descent only through her son Josee Manuel Apolonio Rios.

and she had a daughter Maria Saturnina, the JBA petitioner's and JBMI-IP's members who descend from Juan Jose Cecilio Villalobo and Maria Saturnina Feliz are not descendants of SJC Indians.

[Yorba], Antonio Maria (b.1835-d.abt.1915) (documented SJC Indian)

Antonio Maria (b.1835-d.abt.1915), son of Marcelina, and his spouse Ynez (b.abt.1840-d.1873), daughter of Florentino and Felipe, were described as "*natural de esta mission*" when they were married at Mission SJC in November 1863 (SJC Marriages #1597, 11/7/1863). Two years later, the baptismal record of their daughter, Maria de los Nieves ("Maria Nieves" in margin), identifies her as "*India*," born on August 19 of that year, and names both of her parents (SJC Baptisms #891, 9/7/1865). There are no surnames entered for Antonio Maria, Ynez, or Maria Nieves in this baptismal record, which is typical of mission records for Indians.

The JBA petitioner claims descent from a couple identified as 1852 California Indians in two 1928 Applications as "Antonio Maria Yorba" and "Inez Manriquez Flores," through their daughter Nieves (Yorba) Gomez (JBA Genealogy CD 11/30/2005; 1928 Applications #9131 and #11154). On the 1880 Federal Census, a Maria N. (aged 14) and her brother, Tomas (aged 11), are enumerated in the household of Leo Yorba, aged 38; Maria N. and Tomas are identified as the daughter and son of Leo Yorba so the "Maria N. Yorba" on this census may not be the same person as Maria Nieves baptized in 1865, although her age is about the same (1880 Census, Los Angeles Co., Wilmington Twp, p.27C [370], dw. 274, fam. 319, all "White," all born in California). In her 1928 Application (#9131), Maria Nieves (Yorba) Gomez claimed her parents, Antonio Maria Yorba and Ynez, as her 1852 California Indian ancestors. She gave her birth date as August 29, 1865, so she is claiming the same parents listed in the 1865 baptismal record for Maria de los Nieves. Her brother, Thomas Yorba, also named their parents on his 1928 Application (#11154) but identified his mother's name differently (Enez [Manriquez crossed out] Flores) and gave different dates for both parents' deaths. Thomas Yorba's 1928 Application also identifies the parents of Antonio Maria Yorba as Domingo Yorba and Maria de Jesus Yorba. However, the contemporary SJC Mission registers provide different evidence.

There is sufficient evidence in the record to demonstrate that Antonio Maria [Yorba] and his spouse, Ynez, were identified as Indians from Mission SJC.

Allam, Rufina Maria (b.abt.1761-d.aft.1800) (documented SJC Indian)

The JBA petitioner claims descent from an Indian woman named Rufina Maria Allam, who was baptized at age 18 in April 1779 at SJC Mission (SJC Baptisms #177, 4/13/1779)[13] and who married Pio Quinto Zuñiga, a soldier in the San Diego Presidio garrison stationed at SJC Mission as a member of the *escolta* (SJC Marriages #54, 10/30/1779). Their marriage record identified "Rufina Allam" as an *India* of Mission SJC. The couple baptized their first child Pedro Buenaventura at SJC Mission in 1780 (SJC Baptisms #272, 8/2/1780). In this baptismal record, "Maria Allam" was again identified as an *India* of Mission SJC. The family then moved to San Diego Presidio and subsequently to Los Angeles. Altogether, the couple had ten children, nine of whom survived early childhood, including Guillermo Polonio Zuñiga (see Table IV-1). Pio Quinto Zuñiga died at Los Angeles in 1805 (San Gabriel Burials #2406, 6/17/1805).

[13] The baptismal entry noted that Rufina Mariia, whose Indian name was Allam, was about 18 years of age, and originally came from the Rancheria named Huchinipa. Her father was a non-Christian Indian named Axalap. Brigida, an Indian woman from Baja California, served as the godmother.

Table IV-1. Children of Rufina Maria Allam and Pio Quinto Zuñiga

Baptismal Record	Date of Baptism	Name of Child	Burial Record	Date of Burial
SJC #272	8/2/1780	Pedro Buenaventura		
San Diego #966	4/29/1783	Maria Anasthasia		
San Diego #1064	12/8/1784	Serapio	SJC #2506	6/26/1822
San Diego #1181	2/18/1786	Joseph Balentin	San Diego #324	9/11/1786
San Gabriel #1527	1/2/1788	Jose Manuel	San Gabriel #3692	12/11/1815
San Gabriel #2008	2/15/1791	Jose Valentin		
San Gabriel #2266	9/12/1792	Maria de los Angeles	San Gabriel #3411	12/21/1813
San Gabriel #2421	2/10/1794	Guillermo Polonio		
San Gabriel #2978	10/30/1798	Simon Tadeo	Santa Barbara Presidio #128	4/21/1809
San Gabriel #3152	9/8/1800	Aniceto Rufino		

Guillermo Polonio Zuñiga[14] married Maria Agustina Elizalde at Los Angeles in 1825 (San Gabriel Marriage Investigations, 1/30/1825; San Gabriel Marriages #1733, 2/15/1825). The couple had a daughter born at Los Angeles in 1825 named Maria Felipa (San Gabriel Baptisms #7324, 5/27/1825). Maria Felipa married Pedro Domingues y Sotelo at Los Angeles in 1847 (San Gabriel Marriages #2021, 4/11/1847). Maria Felipa gave birth to at least seven children between 1844 and 1867 based on Federal census records.

The JBA petitioner claims descent through Teofilo Dominguez, born about 1856, who the JBA petitioner claims was one of the children of Pedro Domingues y Sotelo and Maria Felipa Zuñiga (daughter of Guillermo Polonio Zuñiga, see Table IV-1). This claim is implied, based on the appearance of Teofilo's name on printed ancestry charts and in the JBA petitioner's genealogical database; however, the record for the PF does not have a specific or direct claim by the JBA petitioner regarding this line. OFA review of the 1850, 1860, and 1870 Federal censuses did not provide evidence to substantiate the claim that Teofilo Dominguez was the son of Pedro Dominguez and Maria Felipa Zuñiga; that is, a minor or son named "Teofilo" does not appear in their household on any of these censuses. The 1850 census listed three children in the household of Pedro Domingo Zotelo [*sic*] and Felipe: Maria (6); Frederico (4); and Francisca (3) (1850 Census, Los Angeles County, City of Los Angeles, p. 18 [35], dw/fam #247). The 1860 Federal census listed six children in the household of Pedro S. Dominguez and Felipa: Maria J. (15); Francisca (13); Frederico (12); Josefina (8); Maria G. (6); and Juan P. (2) (1860 Census, Los Angeles County, City of Los Angeles, p. 92 [384], dwelling #882, family #915). The 1870 Federal census listed four children in the household of Pedro S. Dominguez and Felipa: Maria (15); John (12); Guadalupe (10); and Andres (3) (1870 Census, Los Angeles County, Los Angeles Twp., p. 487 [47], dwelling #384, family #389). None of these names could be reasonably interpreted as "Teofilo."

No Teofilo Dominguez appears as the head of a household on the 1880 nor the 1900 Federal censuses when he would have been an adult with children. The 1940-1997 California Death Index (Ancestry.com) records the death of Manuel Michael Dominguez who the petitioner claims to have been the son of Teofilo Dominguez. The death record does show the father and mother's surnames to have been Dominguez and Higaera [*sic*], but provides only their surnames. There is insufficient evidence to link Manuel Michael Dominguez to Pedro Dominguez and Maria Felipa Zuñiga, or to demonstrate descent from thie SJC Indian woman Rufina Maria Allam.

The members of JBA and JBB who claim descent from Maria Rufina Allam all claim descent through Teofilo Dominguez. Additional documentation is required to demonstrate SJC Indian descent from this line for the JBA and JBB petitioners' members. The evidence concerning Teofilo Dominguez was not in any of the sample files submitted for the PF. If this evidence is in some other file or record in the petitioner's files, it should be submitted for review for the FD. In order to document the claimed lineage to Maria Rufina Allam, the JBA and JBB petitioners should start with the evidence concerning Mercedez G. Dominguez, claimed granddaughter of Teofilo Dominguez, and, using baptismal, birth, marriage, and burial or burial records, confirm the names of her parents and

[14] The 1850 Federal census listed a Guillermo Quinto living alone in Los Angeles (1850 Census, Los Angeles Co., p. 39-40, dw./fam. #485). Quinto appears in some sacramental register entries as an alternative surname to Zuñiga.

grandparents. If "Teofilo" was a nickname or if he was also known by another name, the petitioner must provide evidence documenting the correct name.

Ayoubenet, Peregrino (b.abt.1786-d.aft.1832) (documented SJC Indian)

An ethnohistorical study of Luiseño and Juaneño in the Camp Pendleton area (Johnson et al. 12/2001, 93, 100) discussed the descendants of Sergia Xiguiguividam, paternal grandmother of Peregrino Ayoubenet (a.k.a. Peregrino Giaubenet). That study does not discuss in detail the documentation which resulted in the conclusion that Sergia Xiguiguividam and Peregrino Ayoubenet were SJC Indians. However, OFA'a analysis of SJC Mission registers verified that Peregrino and his parents were from Rancheria Tobe. Peregrino's baptismal record stated that he and his parents were from the same Rancheria as the boys previously baptized, whose baptismal records noted they were from Rancheria Tobe (SJC Baptisms #1948 4/29/1800; #1946 and #1947, 4/29/1800). Therefore, it is reasonable to assume Peregrino was from Tobe.

Peregrino Ayoubenet (SJC Baptisms #1948, 4/29/1800) and his wife, Materna Teminavan (or Timabamde) (b.abt.1797-d.1842) (SJC Baptisms #2260, 2/24/1804), were both SJC Indians and were the parents of Maria Materna (b.1828-d.1868), an Indian baptized at SJC Mission in 1828 (SJC Marriages #596, 7/10/1804; SJC Baptisms #4156, 11/22/1828). In 1864, Maria Materna gave birth to Jose Candelario Doram (or Dorame) at SJC (SJC Baptisms #703, 2/7/1864). The father was Jose Jesus Doram, born in Mexico. Therefore, the SJC Indian descent comes only through Maria Materna.

In 1911, Jose Candelario Doram (b.1864-d.1940) married Maria Victoria Romero (b.1890-d.1962) (SJC Marriages #1903, 4/8/1911). Maria Victoria Romero, born at SJC in 1890 (SJC Baptisms #1987, 12/22/1890), was the daughter of Mateo Romero and his wife Bernarda Romero. The godparents were Jose de Gracia Cruz ("Acu"), a SJC Indian, and his spouse, Maria de la Cruz, a Luiseño Indian, with whom Maria Victoria later lived when her parents died. The petitioner claims Maria Victoria Romero was Volcan (Diegueño); she claimed it on her 1928 Application and was accepted as such. This provides some evidence that she was of Indian descent, but not that she was a SJC Mission Indian.

Jose Doram (b.1864-d.1940) and Maria Victoria Romero (b.1890-d.1962) had several children born and/or baptized at SJC. The first was Maria Bernice Bernarda baptized in 1911 (SJC Baptisms #9, 6/22/1911). Two years later Maria Victoria gave birth to Petra Veronica (SJC Baptisms #46, 4/29/1913). A third child Domingo Flavio Jose was born in May 1917 (SJC Baptisms #1304, 5/12/1917). Maria Tomasa Adelfida was born in 1920, and Dionisio two years later in 1922 (SJC Baptisms #1375, 9/18/1920; #1432, 10/9/1922). Both Bernice and Petra Doram attended Sherman Indian School in 1930 and were enumerated on the Federal census in residence at the school that year.

The evidence in the record documents descent from an Indian from SJC for the descendants of Peregrino Ayoubenet and his wife, Materna Teminavan, through his daughter Maria Materna Doram, and his grandson Jose Candelario Doram.

Castengura, Magdalena (b.1808-d.1876) (documented SJC Indian)

In 1808, a recently born Indian girl named Magdalena, legitimate daughter of neophytes Nicosanto and Crispiniana, was baptized at SJC Mission (SJC Baptisms #2863, 4/13/1808). Her parents were also identified on their marriage record and children's baptismal records as Nicostrato Agude or Singromvit from the village Gevet and Crispiniana Iriguibam or Sancaibedam from Trabuco Rancheria (SJC Marriages #553, 1/4/1802; Baptisms #2644, abt.Oct.1805; #2225, 7/31/1803; #2863, 4/13/1808; #1327, 3/15/1793; #934, 2/28/1789). On August 19, 1823, Magdalena, now identified as "Magdalena Castenseguininam," but with the same baptismal number #2863, married an Indian neophyte named Urbano (SJC Marriages #1034, 8/19/1823). There is a record of one child born to the couple in 1824, a girl named Jacoba (SJC Baptisms #3972, 11/22/1824).[15] Urbano died in April 1827 (SJC Burials #2742, 4/6/1827). Throughout her lifetime, this same Magdalena was referred to by various surnames: Castenseguininam, Agude, Fanador, and more commonly, Castengura. Her name at the time of her death in 1876 in SJC was "Magdalena Fanador" (SJC Burials [no #, p. 366], 5/8/1876). The continued use of the baptismal number and

[15] Jacoba married Josee Ramon Silvas in 1841 and had at least one child; however, neither petitioner claims descent from Jacoba Chenene Silvas (SJC Marriages #1206; SJC Baptisms #4561, 3/19/1842).

descriptive phrases, such as "Indian of this mission," and "widow of Urbano," in various historical documents help to document the life of Magdalena. This report will use Magdalena Castengura as the preferred name except when quoting historical documents.

Over the next several years after Urbano's death, the widow Magdalena Castengura gave birth to several children (see Table IV-2). At least three of the children were identified by the term "*indio*," or Indian. This notation suggests that either the priest knew or believed that the children were fathered by another Indian, or that he followed the ethnic identifier of the mother if the father was unknown. In most instances each child was identified as the "*hijo natural*" of Magdalena Castengura and a "*padre no conocido*" or unknown father on the baptismal records. However, it appears that at some later date, and in some instances, but not all, "Silverio Rios" was added as the father's name.

Table IV-2. Baptisms at SJC of the Children of Magdalena Castengura, all Documented SJC Mission Indians

Date	Entry #	Father	"Silverio Rios" inserted later as fatherr	Mother	Child Baptized
11/29/1824	3972	Urbano		Magdalena	Jacoba
7/20/1829	4186	Unknown	Yes	Magdalena Castengura	Gregorio Humiliano
10/20/1832	4330	Unknown	No	Magdalena	Jose Dolores
3/31/1835	4412	Unknown	Yes	Magdalena Caniemguin	Mariano de Jesus
2/9/1840	4526	Unknown	No	Magdalena	Juan Bautista
9/12/1842	4580	Unknown	Yes	Magdalena Agude	Jose Macedonio
6/6/1845	4609	Silverio		Magdalena	Matilde Valeriana
1/27/1848	4640	Silverio Rios		Magdalena	Jose Maria
unknown	N/A	Silverio		Magdalena	Guadalupe
unknown	N/A	Silverio		Magdalena	Jose Avelino/Evelino

Source: SJC Baptismal Register, Orange Diocese Archive, SJC, California.

Silverio Antonio Rios (1794-1872) was a non-Indian soldier in the San Diego Presidio garrison, who also spent time at SJC as a member of the mission guard. He was baptized at San Diego in 1794, the son of Feliciano Rios from Tepic, Mexico, and Catalina Garcia from San Diego Presidio (San Diego Baptisms #1655, 6/22/1794). In 1815 Silverio Rios married Juana Barreras, also a non-Indian from San Diego, and had at least nine children (San Diego Marriages #1132, 1/22/1815) (see Table IV-3 below). Their children do not have SJC Indian ancestry.

Table IV-3. Baptisms at San Diego Presidio and San Juan Capistrano of the Children of Silverio Rios and Juana Barreras

Date	Entry #	Father	Mother	Child Baptized
12/17/1814	SD 4161	Silverio Rios	Juana Barreras	Juan Bautista
4/7/1816	SD 4263	Silverio Rios	Juana Barreras	Jose Irenio
2/11/1819	SD 4756	Silverio Rios	Juana Barreras	Juan
9/3/1820	SJC 3770	Silverio Rios	Juana Barreras	Jose Antonio
12/15/1823	SD 5644	Silverio Rios	Juana Barreras	Francisco Xavier
4/23/1826	SD 6014	Silverio Rios	Juana Barreras	Maria Petra Fulgencia
7/24/1828	SD 6236	Silverio Rios	Juana Barreras	Cipriano Lugardo
1/25/1831	SJC 4248	Silverio Rios	Juana Barreras	Maria Isabel
4/1/1837	SJC 4463	Silverio Rios	Juana Barreras	Maria Ygnacia Xista

Source: San Diego Mission Baptismal Register, San Diego Diocesan Archive, San Diego, California; San Juan Capistrano Baptismal Register, Orange Diocese Archive, San Juan Capistrano, California.

There are at least four documented references to the Silverio Rios - Juana Barreras family in SJC before 1828: the burial of their child Jose Irenio in 1818, the birth of Jose Antonio in 1820, and Silverio and Juana serving as godparents in 1827 and 1829 (SJC Burials #2247, 1/14/1818; SJC Baptisms #3770, 11/30/1820; # 4108, 10/24/1827; and #4121, 8/15/1829). Their last two children, Maria Isabel and Maria Ignacia Xista, were baptized at SJC in 1831 and 1837 respectively. It appears that Silverio Rios remained in SJC after that date. When Silverio Rios died at SJC

in 1872, the burial entry identified his wife as Juana Barreras, not Magdalena Castengura/Fanador (SJC Burials [no #, p. 352], 7/20/1872). OFA staff reviewed the SJC marriage registers between 1820 and 1870 and did not find a record of a marriage between Silverio Rios and Magdalena Castengura.

It is from Magdalena Castengura, through at least some of her children who were also the children of Silverio Rios or who were known by the Rios surname, that the petitioners can document descent from historical Indians at SJC. The following summary describes the evidence used to determine the children of Magdalena Castengura.

a) Gregorio Rios (a.k.a. Gregorio Humiliano) (1829-1900), son of Magdalena Castengura

The first child of Magdalena Castengura born after Urbano's death was Gregorio Humiliano, baptized at SJC Mission on July 20, 1829 (SJC Baptisms #4186, 7/20/1829). The entry identified the child as the "*hijo natural*" of Magdalena Castengura,, the widow of Urbano, and an unknown father ("*padre no conocido*"). At a later unknown date and in what appears to be a different handwriting, the name "Silverio Rios" was inserted above "*padre no conocido*." The surname "Rios" was also added later in the margin summary.[16] Gregorio Humiliano was identified as an "*indio*." The second element of his compound name was "Humiliano" or "small humble one." Gregorio Humiliano's godparents were Mariano Arce[17] and Soledad Rios, the sister of Silverio Rios. The petitioners claim that "Gregorio Humiliano" is the same person as "Gregorio Rios" in later records, and that Magdalena Castengura and Silverio Rios were his parents.

The current record provides evidence that the man known as Gregorio Rios throughout his adult life was the Indian child whose baptismal name was "Gregorio Humiliano," son of the SJC Indian woman, Magdalena Castengura. This evidence includes the SJC church burial record in 1900 for Gregorio Rios, in which the priest calculated his age based on the baptismal record of Gregorio Humiliano (SJC Burials [no #, p. 408], 11/6/1900). The name "Silverio Rios" was written on the page with the calculations for Gregorio's age at, which may imply the parental relationship was known (or assumed) in 1900. OFA has not found a separate burial record for a "Gregorio Humiliano" and it seems reasonable to assume that he was the Gregorio who was later known as Gregorio Rios.

Other evidence is that Gregorio, age 19, a male laborer, was enumerated in the household of Silverio Rios, age 57, in 1850 (1850 Census, Los Angeles Co., page [40], dw. 488, fam. 488). Silverio's legal wife, Juana Barreras, and several children, almost all of whom were apparently born to Magdalena Castengura, were also in Silverio's

[16] Although it is hard to make a meaningful comparison of handwriting based on just the two words "Silverio Rios," there are some very strong similarities between the handwriting of Father Blas Ordaz, who baptized Magdalena's last known child, Josee Mariia Rios, in 1848 and listed him as the son of Silverio Rios, married to Juana Barreras, and Magdalena, widow of Urbano, and the handwriting of the individual who added "Silverio Rios" as the father of Gregorio, Mariano, and Macedonio Rios.

In a letter dated November 17, 2005, Rev. William Krekelberg, the archivist of the Roman Catholic Diocese of Orange, noted that:

> The addition of 'Silverio Rios' is a later substitution and in what appears to be a different hand. It is possible that this was added later by a different priest at the request of some family member. However, if this is so, he should have made some notation regarding it.

Rev. Krekelberg went on to state:

> For many years these registers were made available to various people working on genealogies. In some cases it is known that they worked for long periods of time alone and unsupervised. For whatever reason, it is entirely possible that this addition could have been made by one of them. (Krekelberg 1998)

[17] Mariano Arce was the corporal assigned to the *escolta* at SJC Mission in 1829. He replaced Silverio Rios in that position.

household. His children with Juana Barreras, with the possible exception of one daughter called Maria Ignacia Xista, were adults not living at home in 1850.

The available transcript of the 1852 California census provides some information that both clarifies and conflicts with the 1850 census. The transcript of the 1852 census does not have original page numbers or dwelling numbers and includes several editorial comments that names could not be read.[18] However, comparing it with the 1850 census for neighboring dwellings and similar names and ages of individuals can help to identify which households on the 1852 census appear to be the same as those households in dwellings numbered on the 1850 census. Table IV-4 below shows what appears to be the households of Silverio Rios in 1850 and 1852, and another 1852 household that appears to consist primarily of the children of Magdalena Castengura who were enumerated in Silverio's household in 1850. All residents in both censuses were listed as "white" [or color/race field left blank] and born in California. Spelling in the original [or typescript] is retained. Names marked with an asterisk appear to be the children identified in the SJC baptismal records as children of Magdalena Castengura.

Silverio Rios was not found listed on the 1860 Federal census, suggesting he may have moved away from SJC before 1860. However, he was enumerated there in the 1870 census, and according the SJC Church records he died in SJC in 1872 (SJC Burials [no #, p. 352], 7/20/1872).

Table IV-4. Silverio Rios Households in SJC: 1850 and 1852 Federal Censuses

1850: page 95, Dwelling 488	**1852: [typescript page 122]**
Silverio Rios, 57, male, farmer	Silverio Rios, 48, male, [occupation blank]
Juana, 56, female	*Gregorio Rios, 21, male, [occupation blank]
*Gregorio, 19, male laborer	Simon Rios, 10 male, [occupation blank]
*Jose Dolores, 17, male, laborer	
*Mariano, 15, male, laborer	**[typescript page 119]**
Maria, 12, female	Madaline Rios, 45, male, [sic], laborer
*Juan B., 10, male	*Gregorio Rios, 23, male, laborer
*Macedonio, 8, male	*Jose Dolores Rios, 18, male, laborer
*Baleriana, 5, female	*Mariano Rios, 16, male, laborer
	*Juan Rios, 12, male, laborer
	*Jose M. Rios, 10, male, laborer
	Aniceto Rios, 9, male, laborer[19]
	Antonio Rios, 8, male, laborer
	Maria B. Rios, 15, female, laborer
	*Valenena Rios, 7, female

The assumption that at least some of Magdalena Castengura's children were also the children of Silverio Rios is supported by a court case that was summarized in Engelhardt's history. The case, reportedly begun in 1840, involved a complaint from Dionisio, on behalf of his sister Magdalena;[20] Dionisio and Magdalena were identified as emancipated Indians of SJC. She was identified as a widow who had had six children since she was widowed ("her youngest child but two months old") and whom the priest had tried in vain to "reform." According to this summary of the case, "the prefect gave orders that Silverio (apparently the fellow with whom Magdalena had consorted) appear before the justice of the peace. The latter reproved him for living with another woman and neglecting his

[18] A microfilm copy of the transcript of the 1852 census was the only complete version of the census that was readily available at the time of the PF. OFA copied the pages that appear to coincide with the SJC area of Los Angeles County. OFA has a photocopy of both the NARA copy of the 1850 census and a typed transcript.

[19] According the SJC church records, Silverio Rios and Magdalena Castengura had a son Josee Avelino/Evelino who was confirmed in 1850. It is possible that either Antonio or Aniceto in this transcript is actually the Avelino in the confirmation records.

[20] The SJC baptismal register identified at least four children belonging to the Indians Nicostrato Singromovit and Crispiniana Iriguibam: Dionisia (SJC Baptisms #2644), Ignacio (SJC Baptisms #2225, 7/31/1803), Magdalena (SJC Baptism #2863, 4/13/1808), and Dionisio (SJC Baptisms #3168, 1/12/1812).

lawful wife and then commanded that he either return to his lawful wife or take a punishment" [citing to Santiago Argüello, on July 25, 1840, in Cal. Arch., Dep. St. Pap., Angeles, Decrees, Dispatches, etc. Vol IV, pp. 524-528] (Engelhardt 1922, 125). The petitioner is encouraged to obtain additional information about this case in order to provide evidence concerning the identities of Magdalena's children.

Gregorio Rios married Maria Ignacia Gutierrez in about 1857 and had a large family; however, a review of the SJC marriage register did not produce a marriage record for the couple. The petitioner is encouraged to locate this marriage record if possible, since the marriage records typically included the names of the parents of both the bride and groom. The name "Gregorio Rios" appeared in the record of the SJC sacramental registers in the late 1850's. Maria Ignacia Gutierrez was not an Indian and probably not from SJC since there is no baptismal record for her in the register. See Table IV-5 for baptisms of the known children of Gregorio Rios and Maria Ignacia Gutierrez.

Table IV-5. Baptisms at SJC of the Children of Gregorio Rios and Maria Ignacia Gutierrez

Date	Entry #	Father	Mother	Child Baptized
4/23/1858	177	Gregorio Rios	Maria Gutierrez	Maria Manuela
11/30/1859	352	Gregorio Rios	Ign Gutierrez	Maria Tomaida Andrea
10/10/1861	551	Gregorio Rios	Maria Ign Gutierrez	Jose Gregorio Cosme Damian
3/10/1864	706	Gregorio Rios	Maria Ign Gutierrez	Jose Antonio
3/15/1866	1044	Gregorio Rios	Maria Ign Gutierrez	Maria Juliana Brigida
6/19/1871	1393	Gregorio Rios	Maria Ign Gutierrez	Jose Ramon y Pedro

Source: SJC Baptismal Register, Orange Diocese Archive, SJC, California.

Between 1858 and 1871, the couple is documented as having at least six children, including Jose Gregorio Cosme Damian Rios born in 1861 (SJC Baptisms #551, 10/10/1861). Harrington's notes in 1917 identified "Magdalena, grandmother of Alamian Rios" [*sic*: Damian], as one of the "few Indian families who remained on the Trabuco side because they had roots there" after families came from San Diego to settle at SJC (Harrington 1836-1927, p. 1-3). There is sufficient evidence in the record that Jose Gregorio Cosme Damian Rios (a.k.a. Damian Rios), one of the petitioners' ancestors, descended from Indians from SJC Mission.

The godparents or "*padrino*s" for the children of Gregorio Rios and Maria Ignacia Gutierrez also provide supporting evidence for a close family relationship between Gregorio Rios, Magdalena Castengura, and Silverio Rios. Godparents for Maria Manuel Rios (SJC Baptisms #177, 4/23/1858), and Jose Gregorio Cosme Damian (SJC Baptisms #551, 10/10/1861), were Salvador Cañedo, son of Silverio Rios' sister, Rosaria Rios, and Rosa Avila, a cousin of Maria Ignacia Gutierrez. The godparents for Antonio Jesus Rios (SJC Baptisms #706, 3/10/1864) were Pablo Pryor and Rosa Ruiz (Maria Rosaria Ruiz), the wife of Jose Antonio Rios, who was the son of Silverio Rios and Juana Barreras and thus likely the half-brother of Gregorio. The *padrinos* for Maria Eulalia Brigida Rios (SJC Baptisms #1044, 3/15/1866) were Josefa Serrano (wife of Jose Macedonia Rios, the son of Magdalena Castengura, and Gregorio's brother or half-brother) and her brother, Reyes Serrano. The *padrinos* for Jose Ramon y Pedro Rios (SJC Baptisms #1393, 6/19/1871) were Joaquin [Jose Joaquin Marcos] Sepulveda, who was another first cousin of Josefa Serrano, wife of Jose Macedonia Rios, and his wife Eloiza Martinez. The copy of baptismal record for Maria Tomaida (SJC Baptisms #352, 11/30/1859) was not clear enough to read the godparents' names.

The 1860 Federal census of SJC included two households headed by men named Gregorio Rios (1860 Census, Los Angeles, Co., San Juan Twp., p. 169, dw. 1523, fam. 1510 and p.180, dw. 1625, fam. 1682). The enumerations were taken by the same enumerator only two days apart, on July 21 and July 23, 1860, but it is not clear that there were actually two men with the same name and similar household compositions. It is likely that the same man was enumerated twice since the SJC baptismal records do not indicate that there were two separate families. Only one Gregorio Rios was found on the 1850 and 1870 censuses. Table IV-6 below shows the composition of the two Gregorio Rios households in 1860. All residents in both households were born in California.

Table IV-6. Gregorio Rios Households in SJC: 1860 Federal Census

Los Angeles County, SJC, page 169, dw. 1523	Los Angeles County, SJC, page 180, dw./fam. 1625/1682
Gregorio Rios, 35, male farm laborer, $500 personal estate	Gregorio Rios, 32, male vaquero, $150 personal estate
Maria Y. Rios, female, 28	Maria Y. B. Rios, female, 29
Madelena Rios, 3 female	Marieta Rios, 9 months, female
Tomaida, 8 months, female	
Desiderio Galindo, 26, male farm laborer	**dw. 1625/fam. 1683: same house/separate family.**
	Salvadore Bermudez, 29, male vaquero
	Petra B. Bermudez, 23, female [i.e., Petra Gutierrez, sister of Maria Ignacia]
	Maria del los Z., 11 months, female
	Maria A. C. Buteros, 66 female
	Francisco Buteros, 22, male, vaquero
	Ramon Buteros, 16, male, vaquero

The 1870 Federal census listed only one Gregorio Rios, age 43, or born about 1827, with a wife Maria E. Gutierrez, age 38, in the same dwelling. Five children are also listed in this household, which confirms the evidence from the SJC baptismal registers: Manuela Rios (12), Tomaida (10), Damian (8), Jose A. (6), and Maria (4) (1870 Census, Los Angeles Co., San Juan Twp., page 6, dw. 47, fam. 48). The names and ages of the two oldest children in 1870 correspond with the names and ages of the two little girls (Madalena, age 3, and the more unusual, "Tomaida," age 8 months) in dwelling 1523 in 1860 (See Table 12). Even if there were two separate Gregorio Rioses in 1860, the Gregorio Rios household in the 1870 Federal census, which includes the petitioners' ancestor, Damian Rios, can be linked to a Gregorio Rios household in 1860.

On the same day that the Gregorio Rios household was enumerated (July 14, 1870) and in the same neighborhood (about 8 dwellings from Gregorio) the census enumerated dwelling 39, occupied and headed by Madelena Afornado (or Afomado?), 63, female, "White," $100 in real estate and $100 personal estate, who was born in California. Zoila Rios, 13, female; Ysidor Rios, 17, male; and Ramon Rios, 11, male, were also in this household. Although the name and age are similar, and this may be the Indian woman, Magdalena Castengura who was also called Fanador in some of the historical records, this census identified "Madelena Afonado" as "White" and OFA has not been able to identify the Rios children in the household as either children or grandchildren of Magdalena Castengura.

The 1870 census also includes in the household of Silverio Rios a 9-year-old child named Jose Ignacio, whose relationship to Silverio Rios is unclear (1870 Census, Los Angeles Co., San Juan Twp., page 11, dw. 98, fam. 101). His wife, Juana Barreras, apparently died at some point between 1850 and 1870, since she is not listed on the 1870 census with her husband.

b) Mariano de Jesus Rios (1835-1906), son of Magdalena Castengura

In 1835, Mariano de Jesus, the son of "Magdalena Caniemguim" and "*padre no conocido*" (unknown father), was baptized at SJC. Again, the name Silverio Rios was inserted in the entry in a different handwriting and "Rios" was added as the surname in the left margin of the page (SJC Baptisms #4412, 3/31/1835). This handwriting appears to be the same found in the addition to Gregorio Rios' baptismal record. The entry also identified the child Mariano de Jesus by the ethnic identifier "*indio*." Mariano, age 15, and a laborer was listed in Silverio Rios' household on the 1850 census and Mariano Rios, age 16, was a laborer in the "Madaline Rios" household in 1852. According to the JBA petitioner's genealogical database, Mariano de Jesus Rios married Maria Andrea Ramona Sepulveda in 1863 in SJC; however, this marriage record has not been found. They had at least two children born at SJC. The baptismal records for two children provide supporting evidence of the family relationship between Mariano de Jesus and Gregorio Rios. Gregorio's wife, Maria Ignacia Guitierrez, was the godmother to Maria de la Concepcion y Martina Rios, baptized in 1876 (SJC Baptisms #1570, 11/11/1876). Manuela Rios, who may have been Gregorio's daughter Maria Manuela (born in 1858), was godmother to Maria Eularia Albertina (born in 1879) (SJC Baptisms #1717, 3/17/1879). Santiago Rios, brother of Silverio, and thus probably the uncle of Mariano de Jesus, also had a daughter named Maria Manuela Rios (born in 1842), who may have been the godmother in the 1879 record.

c) Maria Matilda (a.k.a. Clotilda) Valeriana Rios (1846-1912): daughter of Magdalena Castengura

There is an 1845 baptismal record of a girl named Matilda Valeriana, who was identified as the [illegible word, but possibly "*espurria*" or illegitimate] daughter of "Magdalena and Silverio" [no surnames] (SJC Baptisms #4609, 6/5/1846). However, the surname "Rios" apparently was added at a later date and in what appears to be a different handwriting above the word "*la*" in the entry. The 1850 census listed a 5-year-old girl named Baleriana living in the household of Silverio Rios and his wife Juana (1850 Federal census, Los Angeles County, page 79, dwelling 488). In 1852, "Valenena," age 7, was in the household of Madaline Rios.

Matilda Valeriana apparently married Jose Serri (or Serrey/Sereira); however, no copy of the marriage record was found for the PF, which might include the names of the bride's parents. Baptismal records for three of her children provide significant evidence to confirm that Magdalena Castengura and Magdalena Fanador were the same woman and the mother of Matilda Valeriana Rios. When Matilda Valeriana's son, Delfin Guimesindo Serey, was baptized in 1871, Juan Bautista Rios (Matilda Valeriana's brother or half-brother and the baby's uncle) and "Magdalena Fanador" (Matilda Valeriana's mother and the baby's grandmother) were the godparents (SJC Baptisms #1381, 2/27/1871). In 1872, when Maria Petra de la Luz Sereira [*sic*] was born, Magdalena Fanadoro [the grandmother] is the "*madrina*," but no other godparent was named (SJC Baptisms #1416, 6/16/1872). In 1877 Venancia y Fidel Sereira was baptized and Matilda Valeriana's brother (or half-brother) Gregorio Rios, and his wife Maria Ignacia Gutierrez, were the godparents (SJC Baptisms #1580, 4/2/1877).

d) Jose Dolores Rios (1832-aft.1856), son of Magdalena Castengura

Jose Dolores, "*Indio,*" was baptized October 20, 1832, as the young child or infant, but not specifically "recently born," son of Magdalena, widow of Urbano, and "*padre no conocido*" (SJC Baptisms #4330, 10/20/1832). A father's name was not added later as in some of the other records. The godparents were Francisco Ruiz and his wife Manuela Lopez. Jose Dolores, 17, male, laborer, was in Silverio Rios' household in 1850, and Jose Dolores Rios, 18, male, laborer, was in the Madaline Rios household in 1852.

OFA obtained the September 24, 1856, marriage record for Jose Dolores Rios and Juana Francisca Marquez at Los Angeles Plaza (Los Angeles Plaza Marriages #382, 9/24/1856) which provided some conflicting information. It stated that Jose Dolores Rios was the "H.L." [a frequently used abbreviation for "legitimate son"] of Silverio Rios and "Manuela Maria Rivas" [*sic*] of SJC. The photocopy of the marriage record was very dark and the Christian name[s] of the mother were difficult to read. However, "Rivas" was fairly distinct.

e) Juan Bautista Rios (1840- aft.1876), son of Magdalena Castengura

"Juan Bautista" [no surname] was baptized February 9, 1840, as "*Indio*," son of the "*neófita*" Magdalena, widow of Urbano, and a "*padre no conocido*." No correction or addition was made to this record to add a father's name. The godparents were Miguel Yorba and Maria Rios (Silverio Rios' sister), who lived with "Jose Ra Cañedo." There is also an entry in the confirmation register for Juan, the son of Silverio Rios and Magdalena (SJC Confirmations, n.d.). The child, Juan B., age 10, was enumerated in Silverio Rios' household in the 1850 census, and Juan Rios, age 12, laborer, was in Madaline Rios' household in 1852.

A marriage record from 1876 identified the groom as Juan Bautista Rios, the son of Silverio Rios and Magdalena Fanador, "*finados*" (deceased), and the bride as Eloiza Vega, the single daughter of Miguel Vega and his wife Concepcion Ocampo (SJC Marriages #1798, 8/21/1876). The marriage record used the language "*soltera natural y vecino de este Pueblo*…" to identify Juan Bautista. This passage can be interpreted in two ways. One interpretation is that it identified Juan Bautista Rios as having been an illegitimate child. The other interpretation is that it identified Juan Bautista Rios as having been born at SJC ("*natural*") and having been a resident ("*vecino*") of the town (SJC Marriages #1798, 8/21/1876).

f) Jose Macedonio Rios (1842-aft.1889), son of Magdelena Castengura

Jose Macedonio, son of "Magdalena Agude, widow of Urbano," and "*neófita de esta mission*" was born in 1842 (SJC Baptisms #4580, 9/12/1842). The entry also recorded the father as "*padre no conocido*," although the name

"Silverio Rios" was added in what appears to be a different handwriting and at a later date, over the original words "*no conocido*." Jose Macedonio was also identified by the ethnic identifier "*indio.*" The style of the handwriting appears to be the same in the other instances when "Silverio Rios" was added as the father's name.

Macedonio, age 8, was in the Silverio Rios household in 1850 and Jose M. Rios, age 10, laborer, was in the Madaline Rios household in 1852. The 1889 marriage record for Macedonio Rios and Josefa Serrano identified him as "*natural de este lugar hijo legitimo de Silverio Rios y Madalena Fanador*" [or the native of this place and legitimate son of Silverio Rios and Madalena Fanador] (SJC Marriages #1850, 1/14/1889). There is no evidence in the current record that Silverio Rios married Magdalena Castengura/Fanador, nor has OFA found evidence that Silverio legitimized his children by Magdalena. However, whether or not Macedonia was legitimate, this record along with Macedonio's baptismal record shows that his mother was Magdalena Agude, widow of Urbano, who was later known as Magdalena Fanador.

g) Jose Maria Rios (1848-probably bef.1852): son of Magdalena Castengura

Jose Maria Rios was baptized on January 27, 1848, as "*hijo of Silverio Rios casada con Juana Barreras y de Magdalena, vuida de Urbano*" [son of Silverio Rios who lives with Juana Barreras and of Magdelena, widow of Urbano] (SJC Baptisms #4640, 1/27/1848), leaving no doubt concerning the names of the child's parents. The handwriting for this entry, that of the priest Blas Ordas, appears to be the same writing as that for the additions/corrections made to the Gregorio, Mariano, and Macedonia's records. Although the priests still used the ethnic identifier "*indio*" for the children of Indian parents, this entry did not identify Jose Maria Rios as an Indian, unlike the other children of Magdalena Castengura. OFA's review of the SJC burial register for the years 1847 to 1851 did not find a death or burial record for Jose Maria Rios; however he was not in the Silverio Rios household in 1850 or the Madaline Rios household in 1852. It is likely that he was deceased before 1852.

Summary for Magdalena Castengura

The last four children of Magdalena Castengura (and probably Silverio Rios) listed above, that is, Jose Dolores, Juan Bautista, Jose Macedonio, and Jose Maria, do not have descendants in either of the petitioning groups. However, the records concerning them help form a body of evidence that confirms family relationships and the various names used by Magdalena Castengura. Two other children of Magdalena Castengura and Silverio Rios identified in the SJC confirmation records, Guadalupe Rios and Jose Avelino/Evilino Rios, were confirmed in 1850 and OFA estimated they were born before 1845, or at least 5 years old when confirmed (SJC Confirmations, 1850).

Chigila, Maria Bernarda (b.abt.1732-d.aft.1790) (documented SJC Indian)

Maria Bernarda Chigila was identified as an Indian by the use of the word *gentile* in the Mission register when she was baptized as an adult at about age 40 at SJC Mission on August 16, 1778 (SJC Baptisms #104, 8/16/1778). Two weeks later on August 30, 1778, she married Antonio de Cota, a non-Indian soldier originally from El Fuerte, Sinaloa, Mexico, who was stationed at San Diego Presidio and was also a member of the mission guard (*escolta*) at Mission SJC (SJC Marriages #26, 8/30/1778). In the record of her marriage, Maria Bernarda was again identified as an Indian by the use of the word "*India*," and "native to the village of Puitiude or Acaptivit . . ." (SJC Marriages #26, 8/30/1778).

Maria Bernarda Chigila and Antonio de Cota had three children: 1) a daughter named Maria Antonia Marcela Cota (b.1780-d.1848) who was born at SJC; 2) a second daughter named Maria Gregoria Matilde Cota (b. 1785-d.1863) baptized at San Gabriel Mission; and 3) and a son Nabor Antonio Cota (b.1787-d.1788) who was born and later died as an infant at San Diego (San Diego Baptisms #1278, 7/17/1787). Antonio de Cota and Maria Bernarda Chigila and their family left SJC in the early 1780's as indicated by their children's baptismal records and because and a 1790 Mission SJC baptismal record shows Maria Bernarda as a godparent and names her husband, Antonio Cota (SJC Baptisms #1019, 3/5/1790).

The members of the JBA and JBB petitioners and the JBMI-IP claim descent from Maria Bernarda Chigila only through her daughter, Maria Antonia Marcela Cota, and five of Maria Antonia Marcela Cota's children.

Maria Antonia Marcela Cota (b. 1780-d. 1848), daughter of Maria Bernarda Chigila

Maria Antonia Marcela Cota was the eldest surviving child of Antonio de Cota and Maria Bernarda Chigila. She was born at SJC Mission on June 1, 1780, and was baptized on the following day (SJC Baptisms #264, 6/2/1780). Her family left SJC in the early 1780's. Mission records do not reflect that Maria Marcela ever returned to SJC. In 1794, Maria Antonia Marcela Cota lived in Los Angeles with her parents, where she married Tomas Casimiro Uribes (or Oribes) (see Table IV-7 below) (San Gabriel Marriages #512, 6/29/1794). The JBB petitioner claims that Uribes was an Indian, but he was a soldier in the garrison of Santa Barbara Presidio. His parents were Marcelo Uribes and Antonia Lopez, both born in Tepic, Nayarit, Mexico (San Gabriel Marriage Investigations, 5/14/1794). There is no evidence that he or either of his parents were SJC Indians or other California Indians.

The JBB petitioner's 2005 FTM genealogical file indicates that Maria Antonia Marcela Cota and Tomas Casimiro Uribes had eight children (see Table 13) (JBB RootsMagic CD 12/1/2005). JBA, JBB, and JBMI-IP members claim descent from five of these offspring: Maria Guadalupe Uribes (b.1795-d.1858) (Santa Barbara Baptisms #136, 12/15/1795), Juana Maria Antonia Uribes (b.1799-d.1858), Jose Maria Uribes (b.1804-d.?); Ricardo Uribes (b.1807-d.?) (San Gabriel Baptisms #4120, 4/4/1807), and Maria Isabel Uribes (b.1810-d.1859). Maria Antonia Marcela (Cota) Uribes died May 1, 1848, in Los Angeles (Los Angeles Plaza Church Burials #357, 5/1/1848).

Table IV-7. Children of Tomas Casimiro Uribes and Maria Antonia Marcela Cota.

Date of Baptism	Place of Baptism	Entry Number	Child
12/15/1795	Santa Barbara Presidio	136	Maria Guadalupe
11/29/1799	San Gabriel Mission	3009	Juana Maria
7/29/1804	San Gabriel Mission	3788	Jose Maria
4/4/1807	San Gabriel Mission	4120	Ricardo
5/11/1810	San Gabriel Mission	4538	Maria Ysabel
1/30/1813	San Gabriel Mission	5239	Francisca Petra*
10/5/1815	San Gabriel Mission	5767	Maria Francisca
7/12/1823	San Gabriel Mission	7051	Maria Carlota

* Buried at San Gabriel Mission on 11/6/1816 (San Gabriel Burials #3784).

a) Maria Guadalupe Uribes (b.1795-d.1858), daughter of Maria Antonia Marcela Cota

Maria Guadalupe Uribes was born at Santa Barbara Presidio in 1795 (Santa Barbara Baptisms #136, 12/15/1795) and she married Jose Antonio Estevan Garcia, a non-Indian born at San Diego Presidio (San Gabriel Marriages #1260, 2/9/1813). One child of the couple was Jose Dolores Garcia, who married the non-Indian Maria del Refugio Yorba at SJC in January 1862 (SJC Marriages #1586, 1/4/1862). In 1864, Jose Dolores Garcia and Maria del Refugio Yorba had a child named Jose Felipe Garcia (SJC Baptisms #705, 3/4/1864). In 1890, Jose Felipe Garcia married the non-Indian Florencia Sanchez (SJC Marriages #1854, 9/16/1890).

There is sufficient evidence in the record to document that Maria Guadalupe Uribes, her son Jose Dolores Garcia, and grandson Jose Felipe Garcia all descend from the SJC Indian Maria Bernarda Chigila.

b) Juana Maria Antonia Uribes (b.1799-d-1858), daughter of Maria Antonia Marcela Cota

The JBA petitioner's genealogical database identified a daughter, Juana Maria Antonia Uribes, baptized at San Gabriel Mission (San Gabriel Baptisms #3009, 1799), who married Francisco Pantoja, a non-Indian. The JBA petitioner submitted no other records to document her birth, marriage, or descendants.

OFA staff did identify the baptismal records of four of her children. In 1819, Juana Uribes gave birth to Juana Cesarea. The baptismal entry identified Juana Uribes' parents as Tomas Uribes and Maria Marcela Cota, but did not record the name of the child's father (the entry noted "*padre no conocido*"). In 1831, Juana Uribes gave birth to a son named Domingo, and in 1837 to another son named Jose Antonio. Neither baptismal record recorded the father's name (Los Angeles Baptisms #290, 8/6/1831; #693, 11/21/1837). However, an 1829 baptism did identify the father of one of her children. The entry recorded the baptism of a son named Pedro and used the notation "*padre*

no conocido," but the presiding priest added "alias Miguel Cota" following the "*padre no conocido*" (San Gabriel Baptisms #7579, 4/29/1829).

The JBA petitioner claims that Juana Maria Antonia Uribes married Emanuel Carpenter and had a son named Jose Antonio Carpenter. Eight JBA members claim descent from this union. However, there is no evidence in the record to support this claim. The JBA petitioner is encouraged to submit documentation to support its claim.

There is sufficient evidence in the record to document SJC Indian descent from Maria Bernarda Chigila for Juana Maria Antonia Uribes, but not for descent from Juana Maria Antonia Uribes and "Emanuel Carpenter."

c) Jose Maria Uribes (b.1804-d.?), son of Maria Antonia Marcela Cota

The JBA petitioner and the JBMI-IP identified Jose Maria Uribes, son of Maria Antonia Marcela Cota, as the Jose Maria Uribes who married Marie Clara *India* (b.abt.1810-d.abt.1914)[21] at Mission SJC in 1851 (SJC Marriages #1475, 2/24/1851). The JBA and JBB petitioners assert that Joaquina Uribes, born about 1848 at SJC, was the daughter of Jose Maria Uribes and the SJC Mission Indian Maria Clara. This Maria Clara was the Clara Junjunavit identified as a San Juan Capistrano Indian who descends from Odorico Jose Tungo.[22]

OFA staff located the Los Angeles baptismal record of Maria Joaquina, the daughter of Jose Maria Uribes and Maria Clara, identified as an Indian from SJC Mission (Los Angeles Baptisms #1621, 12/18/1846). The JBMI-IP submitted the 1865 marriage record for Jose Maria Garcia and Maria Joaquina Uribes (Los Angeles Plaza Church Marriage Register #728, 9/1/1865). The marriage record gave her age as 17, indicating that she was born around 1848. The marriage record also noted that her father was the deceased Jose Maria and her mother was Maria Clara, which confirms the information in the baptismal record. The evidence in the record demonstrates that Maria Joaquina Uribes (b.1846-d.1888) descended from Maria Bernarda Chigila through Chigila's grandson Jose Maria Uribes.

The 1850 Federal census lists a Jose Maria Uribes (age 47) and Maria Clara (age 24), with a 10-year-old child Jose Antonio Uribes in Los Angeles County living in the household of Santiago Rios and Maria Ysabel Uribes, who was Jose Maria Uribes' sister. However, a Joaquina Uribes was not listed with them (1850 Census, Los Angeles Co., San Juan Twp., pages 40A-40B, dw 49, fam. 49). The 1852 California State census did list a Joaquina living in the household of Jose Maria Uribes (1852 California State census). (See the discussion under Odorico Jose Tungo for the evidence that documents Joaquina Uribes as the child of Jose Maria Uribes and Maria Clara Junjunivit.)

The 1852 and 1860 censuses and baptismal records at San Juan Capistrano identified children born to Jose Maria Uribes and Clara (Cacilda) Junjunivit. There is a record of one child born to the couple in 1854, a girl named Maria Encarnacion (SJC Baptisms #11, 3/6/1854). The 1852 baptismal record of Jose Cresencio identified Jose Maria Uribes' wife by the name "Cacilda," and not "Maria Clara" or "Clara" as shown in their marriage record (SJC Baptisms #4139, 1/12/1852; SJC Marriages #1475, 2/24/1851). There was also a Cresencio listed as living with Jose Maria Uribes on the 1860 Federal census. There is also an 1853 baptismal record of a girl named Maria del Refugio, who was the daughter of Jesus Chaves and a "Maria Cacilda" (SJC Baptisms #4822, November 1853), but it is not known if she is the same woman as Maria Clara (Cacilda) Jujunivit.

d) Ricardo Uribes (b.1807-d.?), son of Maria Marcela Cota

Ricardo Uribes was born at Los Angeles in 1807 (San Gabriel Baptisms #4120, 4/4/1807). Two marriage records submitted by the JBA petitioner document that Maria Dolores Uribes was the daughter ("*hija natural*") of Ricardo

[21] Marie Clara *India* (b.1829-d.abt.1914), a.k.a. Mariia Clara [Yujunivit] Tacupa, a.k.a. Clara Sitales, was the daughter of Diego Yujunivit (b.abt.1820-d.?), documented SJC Indian who was the grandson of Odorico Josee Tungo (b.1747-d.1801) (see also discussion in this section under Odorico Josee Tungo).

[22] The JBA FTM genealogical database cites the 1928 California Indian Application for Margarita (Garcia) Quiros (Application #9282) as the only evidence for this claim (JBA Genealogy CD 11/30/2005). (See discussion of the 1933 California Indian Census Roll and 1928 Applications under criterion 83.7(e).)

Uribes and the non-Indian woman Maria Luisa Perez (Los Angeles Marriages #165, 10/7/1848; #419, 3/13/1857). Maria Dolores Uribes married Jose Maria Morales, a native of Sonora, Mexico, in 1848.[23] Maria Dolores Uribes had at least three children by Jose Maria Morales, including the Jose Martin baptized in 1854 (Los Angeles Baptisms #1084, 9/27/1854).

Ricardo Uribes fathered at least one other child with a woman named Maria Andrea Marques. Their child, named Maria de Jesus, was baptized in January 1848 (Los Angeles Baptisms #1792, 1/11/1848). However, there are no documented descendants of this child.

There is sufficient evidence demonstrating that Ricardo Uribes and his daughter Maria Dolores Uribes are descendants of SJC Indian Maria Bernarda Chigila.

e) Maria Ysabel Uribes (b.1810-d.1859), daughter of Maria Marcela Cota

Maria Ysabel [Isabel] Uribes married a non-Indian, Jose Santiago Rios (b.1802-d.1876), in 1822 (San Gabriel Marriages #1608, 1/11/1822; San Gabriel Marriage Investigations, 1/26/1822). Jose Santiago Rios (b.1802-d.1876) was born at San Diego Presidio, the son of Juan Feliciano Rios and Maria Catalina Garcia Romero. Fr. Jose Sanchez, O.F.M., presided over the marriage, and in the marriage entry spelled the surname of the bride as "*Oribes*." In the marriage investigation, which consisted of a statement written by the bride's father Tomas Uribes, the spelling of the name was also "*Oribes*." The marriage investigation statement identified Santiago Rios as a permanent resident (*vecino*) of Los Angeles. The children of this union descend from Indians from SJC Mission through their mother Maria Isabel Uribes/Oribes.

Table IV-8 lists information from baptismal and marriage records of Maria Isabel Uribes and the baptismal, marriage, or burial records of the known children of Maria Isabel Uribes (whose name was spelled in various ways throughout the years) and Jose Santiago Rios. The various spellings of Uribes and the family relationships shown in the records are highlighted.

Table IV-8. Sacramental Register Information Regarding the Children of Santiago Rios and Maria Isabel Uribes

Name [as spelled on each document]	**Source: Date and Place**	**Parents' Names, Family Relationships, Comment in Document**	**Priest/ Officiant**	***Padrinos/ Madrinos***	**Relationship of *Padrino***
Santiago Rios [**Josef Savino Santiago** on baptismal record]	San Diego Bapt. #3078 12/31/1802	Juan Feliciano Rios and Maria Catalina Garcia	Josef Barona	Juan German & his wife, Rafaela Serrano	
Maria Ysabela Uribe [**Maria Isabel Uribes]**	SG [Los Angeles] Bapt. #4538 5/11/1810	**Tomas Uribe** & [illegible abbreviation] Maria Marcela Cota		Pedro Valenzuela and his daughter Ma. Antonia	Unknown
Maria Ysabel Oribes	SG Marriage Consent 1/261822	**Tomas Oribes** in the text of the consent for his daughter Maria Ysabel to marry, but the signature is **Tomas Oribe** [no "s"]			

[23] The baptismal record for Josee Martin Morales did not provide any information regarding the ancestry of Josee Mariia Morales, nor does the record of his marriage to Mariia Dolores Uribes. Thus, there is insufficient evidence that Josee Mariia Morales descended from the historical Indian population of SJC Mission Indians at Mission SJC.

Table IV-8 (Cont.). Sacramental Register Information Regarding the Children of Santiago Rios and Maria Isabel Uribes

Name [as spelled on each document]	**Source: Date and Place**	**Parents' Names/Family Relationships/Comment in Document**	**Priest/ Officiant**	***Padrinos/ Madrinos***	**Relationship of *Padrino***
Santiago Rios & Ysavel Oribes	San Gabriel Marr. #1608 1/11/1822	**Tomas Oribes** "y de su esposa" Maria Marcela Cota			
Maria de Jesus Rios	San Gabriel Bapt. #4538 1/1/1823	Daughter of Santiago Rios originally of San Diego **"y su mu[jer]" Isavel Olivas** [not Ma., for "Maria" as it was abbreviated in the same entry]	Jose Sanchez	Ireno Perez and his wife Maria Vicenta Lugo	Maria Vicenta is a 1st cousin once removed of Santiago
Maria de Jesus Rios	San Gabriel Burials #4661 3/2/1823	Burial record names father as **Santiago Savino Rios** & mother as **Maria Isavel Orive**, note spelling differs from baptismal record only 2 months earlier	Jose Sanchez		
Josef Francisco Rios	Bapt. 4/1/1824 SD#6703	A young boy, born [illegible] days, **legitimate son of Santiago Rios soldier and Isabel Uribe**	Antonio Menendes	Madrina: Apolinia Lorenzana	Unknown: [Isabel Uribe's cousin married a Lorenzana]
Venancio Rios	San Gabriel Bapt. #7469 5/21/1827	Recently born son of Santiago Rios originally of San Diego and **"su mujer Maria Isabel Olivas**" of the pueblo of Los Angeles		Juan Ma. Marron caso "y su mujer Ma. De la Luz Ruiz"	None: [Maria de la Luz Ruiz is a great aunt of Venancio's future wife]
Dn Venancio Rios married 1st Presentacion Yorba	SJC Marr. #1498 4/11/1853	In the margin: "Dn Venancio Rios de casa con Presentacion Peralta y Manriques? Solteras" [not Yorba] the text stated several times there were no impediments, but does not name parents of the bride or groom	J. Je Ma. Rosales		

Table IV-8 (Cont.). Sacramental Register Information Regarding the Children of Santiago Rios and Maria Isabel Uribes

Name [as spelled on each document]	**Source: Date and Place**	**Parents' Names/Family Relationships/Comment in Document**	**Priest/ Officiant**	***Padrinos/ Madrinos***	**Relationship of *Padrino***
[Presentacion Yorba]	SJC Burial #5231 9/14/1865	Presentacion Yorba casada con Venancio Rios, hia de Teodosio Yorba y Catalina Manriques burial	Miguel Duran		
Venancio Rios married 2nd, Carmen Morillo	SJC Marr. #1721 1/14/1868	Venancio Rios, widow of his wife Presentacion Yorba a "**y hijo de Santiago Rios y Isabel Uribes"**	Jose Mut		
Juana Ursula Rios	San Gabriel Bapt. #7621 12/21/1829	Young girl recently born **daughter legitimate of Santiago Rios,** soldier of the escolata & native of San Diego, and **"su mujer Juana Oliva"** native of Nt? Sra. de Los Angeles [24]	Josef Barona	"Manuel Anto." and his mujer, "Florentina Arbitre"	None: [later, Florentina Albitre's grandniece, Maria Ignacia Gutierrez, married Gregorio Rios]
Maria del Refugio Rios	[No baptismal record found or copied at this time] SJC Burials #5225 3/5/1865	Daughter of Santiago Rios and **Isabel Uribes**	Miguel Duran		
Maria Micaela del Refugio Rios	SJC Bapt. #4581 10/6/1842	Baptized a young girl 8 days old recently born **daughter legitimate of Santiago Rios and Ysabel Urebes** who lives in this mission	Jose Ma. de la Zalvedia	Tomas Gutierrez casido de Maria Cota and his daughter Maria Aremia, single	Maria Aremeia is 2nd cousin of Maria Isabel Uribes
Isabel Uribes	SJC Burials #5092, 1862	About 60 years old, no family relationships			
Santiago Rios	SJC Burials no # 4/4/1877	Parents not on burial record, but spouse: **Isabel Uribes**	Jose Mut		

The children of Santiago Rios and Maria Isabel Uribes were identified either as his legitimate children or as the children of Santiago Rios and his "*mujer*" or wife. Although her name may have been spelled in a variety of ways, the whole body of evidence demonstrates that Santiago Rios had only one wife and mother of his children, Maria Isabel Uribes/Oribes, who was the granddaughter of the SJC Indian woman Maria Bernarda Chigila.

[24] This is the only instance when the wife's first name was listed as "Juana." Although the spelling of Uribes varied, Santiago's wife was otherwise consistently identified as "Mariia Isabel" or "Isabel" (also spelled variously).

The selection from the 1850 and 1852 censuses discussed below under Odorico Jose Tungo included the households of Santiago Rios and his wife Maria Isabel Uribes (see Table IV-9).

Table IV-9. Household of Santiago Rios on the 1850 Federal Census and the 1852 California State Census

1850: SJC, page 120, Dwelling 491 [compare to 1852 p. 96] [spelling: *sic*]	1852: [No dwelling numbers but see p. 96 of transcript & see 1850 census p. 120 #491] [spelling: *sic*]
Santiago Rios, age 50	**Santinga Rios, 52**
Isabel age 51	**Isabel Rios, 51**
Maria R., age 6	**Benancios Rios, 25**
Jose Maria Uribez [brother of Isabel], age 47	**Refugio Rios, 9**
Clara, age 24	Jose Antonio Uribe, 12
Jose Anto. Uribez, age 10	Jose Maria Uribe, 44
Lonjino Limon, age 28 [*male laborer living with the family*]	Clara Uribe, 26
	Joaquina Uribe, 12
	Maria Uribe, 2
	Santiago C. Uribe, "infant"

The petitioners claim descent from only one child of Santiago Rios and Maria Isabel Uribes: Venancio Rios (1827-1887). He married twice and had several children by each wife. The record of the first marriage in 1853 does not include the name of his mother; it just states there are no impediments to the marriage. After being widowed in 1865, he married Carmen Morillo at SJC in 1868. This second marriage record identified him as the widower of his "*conyuge* [wife] Presentacion Yorba" and the son of Santiago Rios and Isabel Uribes (SJC Marriages #1721, 1/14/1868). This marriage record helps to clarify any inconsistencies in the spelling of Maria Isabel Uribes' name in the previous records.[25] All of Santiago Rios' known children were baptized at SJC between 1853 and 1873 (SJC Baptisms #828, 10/20/1864; #572, 4/30/1862; and #131, 5/?/1856). Gregorio Rios and his wife, Maria Ignacia Gutierrez, were "*padrinos*" (godparents) to at least four of Venancio Rios' and Carmen Morillo's children (SJC Baptisms #1669, 7/10/1878; #1489, 2/18/1875; #1849, 3/30/1884; and #1569, 11/10/1876) and Santiago Rios and Polonia Montano were "*padrinos*" to one son, Damian Rios, born in 1871 (SJC Baptisms #1379, 2/5/1871).

Cruz, Jose de Gracia "Acu" (b.1845-d.aft.1910) (documented SJC Indian)

Jose de Gracia "Acu" Cruz was the son of Lazaro Cruz (b.1823– d.abt.1870), an Indian of Mission SJC who was baptized in 1823 (SJC Baptisms #3921, 12/17/1823), and the nephew of Primitiva (b.1821-d.1862) (see Primitiva above) and Felis (b.abt.1828-d.?) (see Felis above). Jose de Gracia Cruz married Maria Manuela Luchapa, a Luiseño Indian, at Mission SJC and the marriage record identified both of Jose de Gracia's parents as *Indios* of Mission SJC, verifying that Jose de Gracia was also a Mission SJC Indian (SJC Marriages #1626, 6/20/1865). The evidence in the record indicates that Jose de Gracia Cruz and his wife died without having any children.

The JBA petitioner asserts that Jose de Gracia Cruz and an unknown spouse had a son named "Eloy Cruz" who was born on December 1, 1886, and who died on November 12, 1956, in Los Angeles. The JBA petitioner provided full dates of birth, marriage, and death for Eloy Cruz but no documentation supporting those dates or identifying Eloy Cruz' parents (JBB RootsMagic CD 12/1/2005).

OFA's review of the records finds that the JBA petitioner's claimed connection is in error. OFA's review of the SJC baptismal register for the year 1886 did not produce a baptismal record for "Eloy Cruz" or a child with a similar name. The 1900 and 1910 Federal censuses did not enumerate an Eloy Cruz in the SJC household of Jose de Gracia Cruz and his wife Maria Manuela, both of whom appeared on those two censuses (1900 Census, Orange County, San Juan Twp., p. 5B, dw. 107 [changed to 106], fam. 108; 1910 Census, Indian population, Orange County, San

[25] Although there was a well established non-Indian Olivas family in Los Angeles, there is no evidence that Mariia Isabel, the mother of Santiago Rios' children, was an Olivas rather than an Uribes/Oribes.

Juan Twp., p. 7A, dw. 112, fam. 115). The Department found an abstract of the 1956 Los Angeles death record for Eloy Cruz, showing he was born December 1, 1886, in Colorado, and died November 12, 1956, in Los Angeles, and that his mother's maiden name was "Siota" (California Death Index, 1940-1997, Ancestry.com). The 1900 Federal census of Las Animas Co., Colorado, enumerated the claimed Eloy Cruz, born "Dec. 1886," in the household of his parents "Jose D.G. Cruz" (b. March 1850, New Mexico) and "Juanita" (1900 Census, Colorado, Las Animas Co., Pct. 13, ED 66, p.10A, dw. 215, fam.. 215). The 1920 Census enumerated Eloy Cruz still residing in the same county, with his wife Candelaria and four children (1920 Census, Colorado, Las Animas Co., Valdez Pct. 4, ED 113, p. 16B, dwelling #329, family #333).

Thus, evidence obtained for the PF shows that Eloy Cruz (b.1886-d.1956) was the son of a man named "Jose D. G. Cruz" of New Mexico and Colorado, not Jose de Gracia "Acu" Cruz, an Indian of Mission SJC.

Erehaquela, Claudio (b.abt.1767-d.?) (documented SJC Indian)

Although neither JBA nor JBB specifically claims Indian descent from Claudio Erehaquela, an adult Indian about 18 years old baptized at SJC Mission in 1785 (SJC Baptisms #574, 1/23/1785), the JBA petitioner submitted an outline descendant chart for him (Erehaquela, Claudio 1787 [PC]). His descendants are discussed here because of his presumed connection to ancestor Juana Bautista (see above) claimed by JBA. Claudio married Maria Cresencia (SJC Marriages #146, 2/8/1785), baptized at SJC three years earlier in 1782 and identified in her baptismal record as an Indian (SJC Baptisms #378, 10/20/1782). In 1786, the couple had a daughter named Anna Joaquina, born on December 14 and baptized the following day (SJC Baptisms #726, 12/15/1786); her baptismal record identified her parents as *Indios* of Mission SJC, which would make Anna Joaquina also an Indian of Mission SJC.

The SJC Mission records show that Ana Joaquina "Tepi," the daughter of Claudio and Maria Crecencia, married an Indian man named Jose Doroteo Join in 1801 (SJC Marriages #510, 1/26/1801). Their marriage record identified Ana Joaquina Tepi as the daughter of Claudio "Yereaquela" and "Maria Cresencia Coronna" – both *neofitos* (Christian Indians) of Mission SJC. In 1811 Ana Joaquina gave birth to a child named Pasqual (SJC Baptisms #3126, 5/16/1811). The baptismal entry of Pasqual identified the parents as *Indios* of Mission SJC named Jose Doroteo Join and Ana Joaquina "Tepi," names and titles that were used consistently for the couple.

Pasqual (b.1811-d.aft.1830), the son of Jose Doroteo Joinmam [*sic*] and Ana Joaquina "Tepi" (deceased) (SJC Marriages #1108, 2/6/1792), married Juana Bautista, an Indian woman also born at Mission SJC in 1811;(SJC Baptisms #3131, 6/24/1811). In 1829, Pasqual and Juana Bautista had a daughter born at SJC, also named Juana Bautista (SJC Baptisms #4176, 5/16/1829), who died in 1830 (SJC Burials #2977, 1/16/1830). Therefore, this Juana Bautista born in 1829 and the daughter of Pasqual and Juana Bautista, is not the SJC Indian Juana Bautista, who married Eustaquio Ricardes about 1850 and who is petitioner JBA's ancestor.

Evidence confirms Claudio Erehaquela as an Indian of Mission SJC. However, although there is sufficient evidence that Ana Joaquina, the mother of Pasqual, was the same person as Anna Joaquina, the daughter of Claudio Erehaquela and Maria Cresencia, the Juana Bautista/Eustaquio Ricardes line does not descend from Pasqual or from his grandfather, Claudio Erehaquela, a documented SJC Indian.

Pabujaquim, Facunda (b.abt.1753-d.1808) (documented SJC Indian)

Facunda Pabujaqum was a Mission SJC Indian woman baptized at about 49 years of age at SJC Mission in 1793 (SJC Baptisms #1283, 3/15/1793). She was married on the same day (SJC Marriages #336, 3/15/1793) and her spouse was another Indian named Albaro Panuala [or Ponaula] (b.abt.1753 – d.1801), also about 40 years old, who was also baptized at the mission that day (SJC Baptisms #1282, 3/15/1793). Albaro Panuala died at SJC Mission in 1801 and Facunda Pabujaqum died there in 1808 (SJC Burials #950, 7/8/1801; #1545, 9/7/1808). In the Mission record of her burial, Facunda was identified as a *neófita* or baptized Indian of Mission SJC.

The JBA petitioner has three members (a woman and her two adult children) who have documented their descent from Maria de Jesus Juarez (not Suarez), who died in 1909 and was the wife of Epifano Vialobo (JBA Genealogy CD 11/28/2005). The JBA petitioner claims she is the same person as Maria Ana de Jesus Sual (or Vinjerouvit), who was baptized at SJC in 1827 (SJC Baptisms #4085, 4/11/1827), the daughter of two Indians from the mission: Benvenuto Vinjerouvit (SJC Baptisms #3352, 3/9/1812) and Macaria Jaguile (SJC Baptisms #2894, 4/10/1808),

who may be the granddaughter of Facunda Pabujaquim. However, the petitioner has not demonstrated that Maria de Jesus (Juarez) Vialobo was the same person as Maria Ana de Jesus Sual (or Vinjerouvit).

The Indian ancestry of both Benvenuto Vinjerouvit and Macaria Jaguile is well documented in the baptismal, marriage, and burial records of SJC. Benvenuto, baptized at SJC in 1812 (SJC Baptisms #3352, 3/9/1812), was the son of Braulio Vinjerouvit from the village Tobe, who was baptized at SJC in 1812 (SJC Baptisms #3336, 3/7/1812). Braulio and Braulia Yaguanin (SJC Baptisms #3339, 3/7/1812) were "wed in the tribe" and married by the Catholic rites at SJC in 1812 (SJC Marriages #820, 3/9/1812). Macaria Jaguile was the daughter of Joaquin Jaguile (or Yaguile). Joaquin Jaguile was baptized when he was about 8 years old in 1777 at SJC (SJC Baptisms #21, 1/24/1777), and was the son of Cotonaguoa, a "gentile" [Indian] from the rancheria Zagibit. Macaria Jaguile's mother was Nemesia Puivedam, who was baptized when she was about 16 years old on March 15, 1793 (the same day as her parents' baptisms and marriage) (SJC Baptisms #1302, 3/15/1793). Nemesia's baptismal record identified her father as an Indian called "Albaro Ponaula" from Pange, but it did not name her mother.[26] The petitioners have assumed that Nemesia was also the daughter of Facunda. Even if Facunda Pabujaquim was not her mother, Nemesia was clearly an Indian of the mission in her own right as the daughter of Albaro.

Benvenuto and Macaria were married at SJC in 1826 (SJC Marriages #1082, 3/4/1826) and had at least four children who were baptized at the mission. Two of these baptismal records show that Benvenuto's second name was also sometimes listed as "Sual" (SJC Baptisms #4085, 4/11/1827 for Maria Ana de Jesus; SJC Baptisms #4384, 3/13/1834 for Maria de la Asumpcion); however, none of the baptismal records indicated that this family was also known as "Juarez" as the JBA petitioner claims. A letter from Chester King of "Topanga Anthropological Consultants" in 1995 seems to be the JBA petitioner's source for making the connection between their known ancestress, Maria de Jesus (Juarez) Vialobo (who died in 1909), and the Indian woman at SJC named Maria Ana de Jesus Sual (SJC Baptisms #4085, 4/11/1827). Also, in 1870, Epifano and "Maria J." Vialobo appear in the Federal census immediately before Maria's claimed parents "Benvenuto Sual" and "Macaria" (1870 Census, Los Angeles Co., Los Angeles City, page 385 [93], dw 883-884, fam. 916-917). However, neither the JBA petitioner's file, nor King's letter, nor the 1870 census provide the necessary evidence to document this claim.

The JBA petitioner is urged to provide a copy of Maria de Jesus (Juarez) Vialobo's marriage record, death certificate, obituary, or other reliable contemporary records that name her parents. At present, the only known child of this couple (Maria Jesus born in 1858) was baptized at Los Angeles Plaza. It may be necessary to locate and photocopy the baptismal records for other children of Maria de Jesus Juarez and Epifano Vialobo for the names of the godparents. The index to the SJC mission records does not identify a death or burial date for Benvenuto Vinjerouvit or his daughter Maria Ana de Jesus Vinjerouvit (or Sual). The last known SJC entry for this family was the 1849 birth record for Maria Josefa. It appears that the family moved to Los Angeles where the surname was recorded as "Sual" on the 1870 Federal census. If the family became known by the name "Juarez" rather than Vinjerouvit or Sual, the petitioner needs to provide evidence from the contemporary records to document that change.

In 1860, there was an Indian household headed by a man named Benvenuto [no surname], 70 years old [born about 1790], laborer, with Sivera, 60, female; Rafael, 40, male; and Maria J. Sylvestre, 7, female, living in SJC (1860 Census, Los Angeles Co., San Juan Twp., page 172, dw. 1557, fam. 1534). However, there is no evidence at this time that this is the Benvenuto Vinjerouivit who was baptized in 1812 when he was about 1 year old (SJC Baptisms #3352, 3/9/1812).

Two of the current JBA members who descend from Maria de Jesus Juarez and Epifano Vialobos applied for, and apparently received, CDIBs based on a third-cousin relationship with a woman named Dolores (Higuera) Cardenas (1854-1952) who applied for enrollment as a California Indian in 1931 under the provisions of the 1928 California Indian Census Act (1928 Application #9344). Mrs. Cardenas stated that her father, "Doroteo Higuera," died in 1865 and that her mother, "Concepcion Suares," died in 1857 and they were married by Indian custom in about 1845. She stated that both parents were "1/2" SJC Indians who always lived in California. Although she did not know her

[26] The term "velados" appears to have been used often by the priest to indicate that the marriage under the Catholic sacrament was validating a marriage existing by Indian custom. Although the term often does appear to mean "validates," it can also mean that procedures established for marriages under the Council of Trent were properly followed.

grandparents' names, she recalled that both grandfathers were Mexican and both grandmothers were "4/4" Indians. The JBA petitioner submitted a genealogical database that identified the 1931 applicant and her parents as Maria Dolores Filomena Juarez [*sic*] Higuera, Jose Doroteo Higuera, and Maria Concepcion Dominga Suarez. If the CDIB intended to state the current JBA members were first cousins three times removed from Dolores (Higuera) Cardenas, then that would indicate that Maria Concepcion Dominga Suarez was the sister of Maria de Jesus Juarez. The BIA office issuing these modern CDIBs may have maintained records documenting the current ancestors.

Documents submitted by the JBMI-IP attempt to link Facunda Pabujaquim and Albaro Panuala to an Indian woman named Macaria (b.abt.1808-d.?) (SJC Baptisms #2894, 4/10/1808), and her husband Benvenuto Sual as the parents of Maria Concepcion Suarez. JBMI-IP implies (but presents no evidence to show) that the Indian name Lual/Sual was synonymous with the Spanish surname Suarez. Maria Concepcion Suarez married Jose Higuera (1928 Application #9344).

Both the JBA and JBB petitioners and the JBMI-IP group have members who descend from Jose Doroteo Higuera and Maria Concepcion Dominga Suarez. However, none of the evidence in the current record confirms a relationship between the Maria Concepcion Dominga Suarez and Maria de Jesus Juarez. The JBA petitioner's genealogical database shows that Doroteo Higuera was born in Los Angeles in 1826 and that his father was born in Mexico in 1793 (JBA Genealogy CD 11/28/2005). It also shows that his mother, Maria Juliana Ricards Angis de Soto, was baptized at San Gabriel de Archangel in 1802, and that both of her parents were from Mexico. This same genealogical database shows Maria Concepcion Dominga Suarez was born in Los Angeles, but does not give a date. The current record does not show when she or her [unnamed] parents lived at SJC.

Although Dolores Cardenes stated that her father died in 1865, the 1880 Federal census of San Juan Township enumerated "D. Higuera," (62), widow, (b. California/father b. California/mother b. California) living with his widowed mother, Juliana Higuera, (80), (b. California/father b. California/mother b. California) and four children: Manuela (23), Jesus (18), Dolores (16) [born about 1864], and Margarita (14). All members of the household were listed as "White," and born in California (1880 Census, California, Los Angeles Co., San Juan Twp., page 16D [241], dw/fam 137/137). Unless there were two daughters named "Dolores" in the family, the 16-year-old Dolores appears to be the woman who applied for enrollment as a California Indian in 1931 and gave her age as 74 years, or born in 1854. If this 1880 family accurately reflects the Higuera family, then by 1931, when Dolores Cardenes filled out the application, she did not remember her correct age or when her father and mother died.

There is insufficient evidence in the current record to verify that either Jose Doroteo Higuera or Maria Concepcion Dominga Suarez was an Indian from SJC. There is no evidence that the names "Juarez" and "Suarez" were interchanged. The petitioners must submit the necessary evidence to verify the SJC Indian ancestry of this couple.

Tungo, Odorico Jose (b.abt.1747-d.1801) (documented SJC Indian)

Both the JBA and JBB petitioners (and the JBMI-IP) claim descent from an Indian named Odorico Jose Tungo (b.1747-d.1801) through his grandson Diego [Junjunivit] (b.1797-d.?). Odorico Jose Tungo was baptized as an adult in 1782 at SJC (SJC Baptisms #374, 9/24/1782) and died at SJC in 1801 at about 54 years old (SJC Burials #912, 1/9/1801). He was the son of Yanguide, who was identified as an unbaptized Indian ("*gentile*") from Puituide on Odorico's baptismal record. Felipe Jose (b.1887-d.1829) was the son of Odorica Jose Tungo. Diego's baptismal record (SJC Baptisms #1771, 12/13/1797) identified his parents as Felipe Jose [or Josef] Junjunivit (SJC Baptisms #440, 1783) and Eulalia Coroni (SJC Baptisms #192, 5/25/1779; SJC Marriages #272, 4/21/1790), both of whom were identified as Indians from Mission SJC. Eulalia Coronni (b.1773-d.1805) (SJC Baptisms #192, 5/25/1779), was called "Arnoco" or "Corrono" Coronni [as a "*gentile*," i.e., before baptism], the daughter of a gentile father named Paupe from the Rancheria Pange.

Diego married Clara Totoba/Toetoebam (recorded as "Tacupa" on 1928 Application #9282) (b.1819-d.?), who was baptized at Mission SJC in 1815, at age 14, the daughter of gentiles from the Rancheria Pimix (SJC Baptisms #3515, 8/26/1815). This record does not give the names of Clara's parents but it does state that she was the sister of Petronila (SJC Baptisms #3485, 12/20/1814). Petronila's baptismal record identifies her father as a gentile [the handwriting of the father's name is difficult to read, possibly "GnFn," but this may be the priest's abbreviation for "gentile deceased"] and her mother as Alitebin, also a gentile from Pimix. There is an 1862 SJC burial record for a "Clara, India of this Mission" (SJC Burials #5087, 11/16/1862) is likely that of Clara Totoba.

Baptismal records at SJC identify at least seven children born to Diego Jujunuvit and Clara Totoba, including two daughters named Clara Jujunuvit (SJC Baptisms #4033, 4/9/1826, and #4180, 6/6/1829). It is likely that the first child died and a second daughter in the family was also named Clara. The 1850, 1852, and 1860 census entries have conflicting information for Clara's age (See Table IV-10 below).

In 1851 at SJC, Jose Maria Uribes (grandson of Maria Bernardo Chigila, see above) married Maria Clara "*India de esta pueblo, soleres*" (SJC Marriages #1475, 2/24/1851). This marriage record does not name parents or give the baptismal number for the bride. She is simply identified as Clara, "India of the Pueblo." OFA searched the SJC baptismal registers for girls named Clara or Maria Clara born at SJC between 1816 and 1862 and could find none other than the two daughters of Diego Jujunivit and Clara Totoba named Clara, baptized in 1826 and 1829 (Index of Baptismal Names, Registers, Mission San Juan Capistrano #1-2346, 31). It is likely that one of these daughters of Diego Junjunuvit and Clara Toboba was the wife of Jose Maria Uribes.

Jose Maria Uribes and Clara (sometimes identified in the children's baptismal records as Maria Clara and once as "Cacilda"; see also discussion under Maria Bernarda Chigila) had at least four children baptized at SJC between 1852 and 1860. Two of the baptismal records identified the mother as an Indian of the Mission. The 1852 baptismal record of Jose Cresencio de Jesus Uribes, "*mestizo*," identified his parents as "*Jose Maria Urive y Cacilda, su mujer Indigena de esta* [Mission]" (SJC Baptisms #4739, 1/12/1852). The 1860 baptismal record of Guadalupe Uribes identified her mother as Maria Clara, "*neófita*" (SJC Baptisms #440, 8/5/1860). Thus, Clara/Maria Clara, the wife of Jose Maria Uribes and the mother of his children, was identified as an Indian of the Mission SJC.

The petitioner identified Joaquina Uribes as another child of Jose Maria Uribes (b.1802-d.1862) and Clara/Maria Clara Junjunuvit (b.1826-d.1914). Based on the 1928 California Indians Application of Margarita (Garcia) Quiroz (1928 Application #9282), "Jaquina Uribez," the wife of Jose Maria Garcia and 1/2 Indian from SJC, died when she was "about 40 years old" in 1888. This record identified Joaquina's father as "____ Uribez," non-Indian, and her mother as "Clara Tacupa," a full blood Indian born at SJC in 1826 who died in 1914. It appears that the Quiroz application conflated two generations and gave Joaquina Uribes' mother's maiden name as "Tacupa" rather then Junjunuvit. Clara "Tacupa" [*sic*: Totoba/Toetoebam] was the mother of Clara/Maria Clara (Junjunuvit) Uribes, and thus, Joaquina's grandmother. This error probably occurred because the applicant's grandmother and great-grandmother were both named Clara and she mis-remembered the grandmother's maiden name or Indian name.

Although not on the 1850 census, Joaquina Uribe[s] was in the household of Jose Maria Uribe[s] (44) and Clara [Junjunuvit] (24) on the 1852 census. Joaquina's 1846 baptismal record identified her as a "young girl" rather than as a recently born infant, and thus she probably about 5 years old in 1850, 7 years old in 1852 and perhaps about 15 years old in 1860. The 1850 Federal census of California is notoriously incomplete, and no child named Joaquina is in the Jose Uribez household, or elsewhere in SJC. However, in 1852, a 12-year-old Joaquina is in the "Uribe" household [implying she would have been about 10 years old in 1850] and the Maria in the household is 2 years old. In addition to this evidence, Table 10 below lists the available evidence for the composition of the family and some supporting evidence that Joaquina Uribes was one of the children of Jose Maria and Clara Uribes, and thus a descendant of Indians at Mission SJC.

Table IV-10. Available evidence regarding the family of Jose Maria Uribes and Clara Junjunuvit from 1850 to 1860.

Names [proposed composition of the family of Jose Maria and Clara based on various sources]	1850 Federal Census	1852 State Census	1860 Federal Census
Jose Maria Uribes, [died 1862, age 60: SJC Burials #5081, 11/16/1862]	Los Angeles Co., San Juan Twp., p. 120, dw. 491, fam. 491 [spelling: *sic*]	[No dwelling numbers but see p. #96 of transcript & compare with 1850 census; spelling: *sic*]	Los Angeles Co., Santa Ana, p. 163, dw.1481, /fam. 1471 [spelling: *sic*]
Maria Clara [Junjunuvit/Yunjunuvit born in 1826 or 1829:SJC Bapt. #4033, 4/9/1826, or #4180, 6/6/1829]	Santiago Rios, age 50	Santinga Rios, 52	
Jose Antonio b. abt. 1840	Isabel [nee Uribes, sister of Jose Maria Uribes], age 51	Isabel Rios, 51	
Maria Joaquina Bapt. Los Angeles Dec. 18, 1846 *["una parvula" – but not specifically "recently born"]* SJC #1621	Maria R., age 6	Benancios Rios, 25	
Maria Jesus b. abt. 1850	**Jose Maria Uribez**, age 47	Refugio Rios, 9	
Encarnacion Bapt. 11 Mar 1854, SJC #11	**Clara,** age 24	**Jose Antonio Uribe**, 12	
Jose Cresencio Bapt. 11 Jan 1854, SJC #4739	**Jose Anto. Uribez**, age 10	**Jose Maria Uribe**, 44	**Jose M. Orives**, 50
Marcela Bapt. 11 Jan 1857 SJC #146	Lonjino Limon, age 28 [*male laborer living with the family*]	**Clara** Uribe, 26	**Clara** *, 28
Tomas b. abt. 1857		**Joaquina** Uribe, 12	**Maria J.,** 15
Guadalupe Bapt. 5 Aug. 1860 SJC #440		**Maria** Uribe, 2	**Crecencio**, 8
		Santiago C. Uribe, "infant"	**Encarnacion**, 7
			Marcela, 3
			Tomas, 2
			**ditto marks appear for the surname "Orives" of the wife and children*

Maria Juaquina [*sic*] Uribes (17) married Jose Maria Garcia (28) at Our Lady of the Angels in Los Angeles in September 1863. Her marriage record shows her parents as Jose Maria [Uribes] and Maria Clara of Rancho de los [illegible]. Joaquina appears on the 1870 Federal census as "Joaquin (male)" with her mother, Clara, and Clara's second husband Jose Maria Sitales; Joaquina's brother, Crecencio, appears in the same household as "Crecencia (female)" (see Table IV-11). OFA has not found Joaquina (Uribes) Garcia on the 1880 Federal census in Los Angeles County or elsewhere in California, either as a single woman named Uribes or as a married woman named Joaquina Garcia. She would not be expected to be on the 1900 Federal census as the 1928 Application #9282 reports that she died at about age 40 in 1888. However, her mother, Clara (Jujunivit) Uribes (later Clara Sitales), is enumerated on the 1880 and the 1900 Federal censuses in Los Angeles County with her second husband, Jose Maria Sitales,[27] and her son "Cresencio." Clara Sitales reported on the 1900 Federal census that only one of her seven children was still living, who would be Crecencio Uribes, enumerated in her household on that census, and that she and her husband had been m arried since circa 1870. OFA has not found this family on the 1910 census..

There is sufficient evidence in the current record documenting the parentage of Joaquina Uribes, thus, connecting her descendants to two SJC Indian families. The petitioner's members who claim descent from Maria Clara *India*, and thus from Odorico Jose Tungo, can also claim SJC Indian descent from Jose Maria Uribes, the grandson of Maria Bernarda Chigila. (See additional discussion regarding Maria Joaquina Uribes under Maria Bernarda Chigila.)

[27] This Josee Mariia, with the surname Sitales in 1880 and Silates 1900 (the latter probably "Sitales" with the letters transposed), is determined to have been a second husband not only because he has a different surname than Uribes, but because he is 30 years younger than Josee Mariia Uribes.

Table IV-11. Available evidence for Jose Maria Sitales and Clara Junjunuvit from 1870 to 1900.

1870 Federal Census, Indians of Los Angeles County, Los Angeles Twp. & city, p. 501 (p.3 of 3)	1880 Federal Census, Los Angeles City, 1st Ward, 3 June 1880, p.118, ED 21A	1900 Federal Census, Los Angeles County, Los Angeles Twp. & City, p. 9B, ED 11	1910 Federal Census
[no surnames and no dwelling numbers] Jose Maria, 30, m, Ind, Mexico** **Clara**, 40, f, Ind, b. Calif. Joaquin, 25, m [*sic*], Ind* Crecencia, 20, f [*sic*], Ind* Matilda, 14, f, Ind* *Children all b. California **Jose Maria Sitales, 2nd husband of Clara	dw/fam #89/90 **Jose M. Sitales**, w, m, 48, [head] married, laborer, Mex/Mex/Mex **Clara Sitales**, I, f, 56, wife, Cal/Cal/Cal Crecencia, I&W, m, son, laborer, Cal/Mex/Cal Franco. Dominguez, I, m, 23, boarder, laborer, Cal/Cal/Cal	dw/fam #722/169/173 **Jose M. Silates**, head, w, m, Un[Unknown month of birth], 1833, 67, married 30 years, Mex/Mex/Mex, immigrated in 1856, here for 44 years, not naturalized **Clara T. Sitales**, wife, w, f, Apr. 1828, 72, married 30 yrs, 7 children, 2 living, Cal/Cal/Cal **Cresencia Uribes**, son, w, m, Unk, 1860, 50, single, Cal/Cal/Cal Juana Sitales, granddaughter, March 1895, 5, single Cal/Cal/Cal	[not found]

Claimed Indian Ancestors Not From SJC

Evidence in the record demonstrates that the ten individuals listed below are historical Indians or their descendants, but they are from other Missions, not Mission SJC. The individuals represent Indian entities from Mission San Carlos, Pala and Pauma Federal Reservations, and Luiseño and Diegueño populations. Many of these individuals were specifically claimed by ancestors of the JBA and JBB petitioner who were on the 1933 California Indian Cansus Roll. Descendants of some of these Indian ancestors have intermarried with descendants of documented SJC Indian ancestors and thus some of the JBA and JBB petitioners' and JBMI-IP's members may descend from a documented SJC Indian ancestor as well as from a non-SJC Indian ancestor. Appendix V(b) provides the number of members claiming descent from only these non-SJC Indians and not from any SJC Indians.

[—?—], Maria Gertrudis (b.bef.1770– d.aft.1786) (Santa Clara Indian)
[—?—], Maria Gorgonia (b.abt.1792-d.abt.1854) (San Carlos Indian)
[Amador, aka Rios, aka Robles], Maria Victoria (b.1834-d.1883) (Diegueño Indian)
[Keinge], Maria del Refugio (b.abt 1844-d.abt.1925) (Luiseño Indian)
[Mora], Magdalena (b.abt.1835-d.aft.1900) (Diegueño Indian)
[Morales], Erculana (b.abt.1838-d.abt. 1910) (Diegueño or Luiseño Indian)]
Cabachichi, Maria Bernarda (b.1864-d.abt.1901) (Diegueño Indian
Lucy Charley (b.bef.1852-d.abt.1912) (Pomo Indian?)
Dungan, Charley (b.bef. 1847-d.abt.1912) (Pomo Indian?)
Lugo, Maria de la Luz (b.abt.1859-d.aft.1930) (Pala Indian)
Soilo, Maria de Jesus (b.abt.1849-d.1884) (Indian – tribe unknown)

[—?—], Maria Gertrudis (b.bef.1770– d.aft.1786) (documented Santa Clara Mission Indian)

The JBB petitioner claims that Maria Gertrudes [Maria Gertrudis] was an Indian woman from SJC who married a non-Indian soldier named Felipe Sebastian Albitre, who arrived in California around 1769 and was from Villa de Sinaloa in Sinaloa, Mexico (Hackel 2005, 197-198). Albitre is well known in historical records because of problems

that he caused the missionaries and civil officials in San Jose near the San Francisco Bay region in the 1780's (Hackel 2005, 198).

Albitre left San Jose and was in the Los Angeles area circa 1785-1786, according to the San Gabriel Mission baptismal record which identified him as the father of a child baptized in 1786 (San Gabriel Baptisms #1350, 10/20/1786) (Huntington Library, ECCP Project). The baptismal record identified this child as Pedro de Alcantara Albitre, born on October 19, 1786, the child of "Sebastian Albitre," settler of the town of San Joseph [San Jose], by Maria Gertrudis, an Indian of Santa Clara Mission.[28] The fate of Pedro de Alcantara Albitre is not known, as his name does not appear in the marriage or burial records of San Gabriel Mission or of Mission SJC. The JBA petitioners' genealogical database (JBA Genealogy CD 11/30/2005) does not claim any spouses or descendants for Pedro de Alcantara Albitre, and he is not found in the JBB or JBMI-IP genealogical databases. However, Pedro's baptismal record establishes "Maria Gertrudis" as an Indian of Santa Clara Mission, not San Juan Captistrano Mission.

The JBB petitioner's descent chart and 2004 genealogical database (JBB TGP-PAF, 7/30/2004) attributes a second child to Felipe Sebastian Albitre and Maria Gertrudis — "Maria Tomasa Albitre."[29] However, no baptismal record for "Maria Tomasa Sasueto Albitre" was cited, nor was one found. Both the JBA and JBB petitioners claimed that "Maria Tomasa Sasueto Albitre" married Jose Maria Gutierrez (no marriage record is cited) and gave birth to a son Tomas Gutierrez in 1783 (no baptismal record is cited) (JBA Genealogy CD 11/30/2005; JBB TGP-PAF, 7/30/2004). His birth year is estimated from his age in the 1850 Federal census.

OFA started its verification process with Tomas Gutierrez and worked back in time to identify his parents. OFA was unable to find his baptismal record and the earliest known document concerning him is the church record of Tomas Gutierrez' 1817 marriage to Maria Antonia Cota (San Gabriel Marriages #1449, 9/7/1817). T his marriage record identifies Tomas' birthplace as "Real de Santa Ana," and documents his mother as "Tomasa Sasueto, natural de [illegible] Real de Santa Ana."[30] The surname Albitre/Alvitre does not appear in Tomas Gutierrez' marriage record/investigation, or in his 1855 burial record in SJC (SJC Burials #4998, 7/5/1855). No other document in the current record identifies "Tomasa Sasueto" as the daughter of Maria Gertrudis and Felipe Sebastian Albitre. Gutierrez' 1817 marriage record also identifies the parents of Tomas' bride, Maria Antonia Cota, as Mariano Cota and Maria Ignacia Ribera [Rivera], but does not describe either as an Indian.

There is no documentation in the record that demonstrates the Santa Clara Indian, Maria Gertrudis, was from SJC, or that she had a daughter "Maria Tomasa Sasueto Albitre" by Felipe Sebastian Albitre. This affects all JBA, JBB, and JBMI-IP members who claim SJC Indian descent from "Maria Gertrudis" through her alleged daughter "Maria Tomasa Sasueto Albitre" as indicated by genealogical connections in the combined databases of all three groups. No members of any of the groups claim descent from Pedro de Alcantara Albitre, son of the Santa Clara Indian Maria Gertrudis.

[—?—], Maria Gorgonia (b.abt.1792-d.abt.1854) (documented San Carlos Mission Indian)

Maria Gorgonia [a.k.a. Maria Gorgonia Espinosa, a.k.a. Gorgonia Maria] was an Indian woman who was baptized at San Carlos Mission in 1792 (SC Baptisms #1816, 11/23/1792). Her parents, Zosimo Jose (Native name "Chicrima") and Julita Maria (Native name "Gualama"), both Indians, were also baptized at San Carlos Mission (SC Baptisms

[28] About ten years after having a son with Mariia Gertrudis in 1786, Felipe Sebastian Albitre married a non-Indian woman named Mariia Rufina Hernandez, who was from Loreto in Baja California (Northrup 1987, Vol. I, p.24). The couple had children, several of whom settled in the Los Angeles basin and married local non-Indian women.

[29] The JBA petitioner's genealogical database renders the name "Maria Tomasa Sasueta Alvitre" (JBA Genealogy DC 11/30/2005).

[30] The JBA petitioner's database (JBA Genealogy CD 2005.11.28) presents Tomaas' wife's name as "Mariia Antonia *Cleofa* Cota," but documentary evidence supporting an additional middle name of "Cleofa" was not seen. This Mariia Antonia Cota (b.1798-d.1850) is not the same person as Mariia Antonia Marcela Cota (b.1780-d.1848), daughter of SJC Indian Mariia Bernarda Chigila (see Mariia Bernarda Chigila above).

#1567 and #1571, dates). The JBB petitioner cites the record of the marriage at San Diego Presidio of Jose Cañedo and Maria Gorgonia as evidence of descent from Indians from Mission SJC (SD Marriages #1023, 9/3/1811). This marriage record is noted as "*razón*" and Maria Gorgonia (named as Gorgonia Maria) is noted as "*India*" from "Carmelo." The JBB petitioner also cites the 1823 baptismal record at San Juan Capistrano of one of the children of the couple, which states that Maria Gorgonia is a *neófita* of Mission San Carlos (SJC Baptisms #3883, 1/17/1823). Jose Cañedo was a member of the San Diego Presidio garrison at SJC in 1823 and served as a member of the *escolta* or mission guard. Maria Gorgonia and Jose Cañedo had children baptized in San Diego, San Gabriel, and Los Angeles as well as SJC. Five children were born at SJC between 1825 and 1835. Four of their children married at SJC between 1829 and 1866; however, none of the spouses were Indians from Mission SJC or were Indian descendants. Many of the known grandchildren were also born at SJC. The JBA petitioner claims that Maria Gorgonia died on August 17, 1854, at SJC but did not cite or submit a copy of the record from the burial register and the Department was unable to locate the record.

The JBB petitioner claims that "[b]y 1823, the family had relocated to SJC and became an integral part of the SJC Indian community" (JBB 11/28/2005a). However, the JBB petitioner has not presented evidence to show that Jose Cañedo and Maria Gorgonia actively socialized with or in other way were a part of the historical Indian tribe of SJC Mission,[31] or that the children of Jose Cañedo and Maria Gorgonia married Indians from SJC Mission. However, their grandchildren and great-grandchildren certainly married descendants of SJC Indians.

The evidence shows that Maria Gorgonia was an Indian from San Carlos who settled in the SJC Mission about 1833.

[Amador, a.k.a Rios, a.k.a Robles], Maria Victoria (b.1834-d.1883) (documented Diegueño Indian)

In its 2005 genealogical database the JBA petitioner claimed descent from an Indian woman named "Maria Victoria Robles," who was also an 1852 ancestor claimed on 1928 California Indian Application #9343. Evidence in the record demonstrates that Maria Victoria was an Indian, but that she was not a SJC Indian even though she married and later died there.

Evidence from the San Diego Mission baptismal register demonstrates that Maria Victoria was born there on April 11, 1834 (San Diego Baptisms #6586, 4/11/1834), the daughter of Gaspar Quimac (San Diego Baptisms #4019) and Maria de los Angeles (SD Baptisms #94). Maria Victoria married Mateo Romero at SJC in 1853 (SJC Marriages #1510, 9/23/1853). The marriage record identified Maria Victoria as *neófita*, age 23, and the daughter of Jose Gaspar [Quiamac] and Maria de los Angeles, *neofitos* from San Diego Mission. The marriage record shows Mateo Romero as age 22 and a native of Puerto Guaymas [Sonora, Mexico]. The "Robles" surname, claimed by the JBA petitioner, does not appear in the mission register entries of Maria Victoria's birth or marriage.

Maria Victoria and Mateo had seven children baptized at SJC between 1858 and 1875, but the baptismal entries recorded Victoria's name differently (see Table IV-12 below).

[31] For example, the JBB petitioner has not presented evidence that Josee Cañedo or iMaria Gorgonia served as godparents to Indians baptized at SJC.

Table IV-12. Names Recorded for Maria Victoria in Various Records

Record Place & #	Date	Record ID	Name Given for Maria Victoria
SD Bapt. #6586	4/11/1834	Bapt. of Maria Victoria	Maria Victoria, *neófita*
SJC Marr. #1510	9/23/1853	Marriage of Maria Victoria & Mateo Romero	Maria Victoria
SJC Bapt. #203	8/29/1858	Bapt. of Jose Aurelio Romero	Victoria Amador
SJC	1860	Federal Census – Los Angeles Co., San Juan Twp., p.172[464], dw.1556	Victoria [Romerio]
SJC Bapt. #459	1/28/1861	Bapt. of Inocente Romero	Maria Victoria Amador
SJC Bapt. #862	7/10/1865	Bapt. of Jose Juan Romero	Maria Victoria
SJC Bapt. #1245	6/20/1868	Bapt. of Victor Modesto Romero	Victoria
SJC	1870	Federal Census – Los Angeles Co., San Juan Twp., p.7[627], dw. 56	Victoria
SJC Bapt. #1362	6/17/1870	Bapt. of Mateo y Gregorio Romero	Victoria Rios
SJC Bapt. #1424	11/2/1872	Bapt. of Maria Eloisa [Elvira] Romero	Victoria Rios
SJC Bapt. #1500	9/1/1875	Bapt. of Maria Ramona Romero	Victoria Rios
SJC Burials p. 369	10/26/1876	Burial of Juan Romero	Victoria
SJC Burials p. 370	11/8/1876	Burial of Maria Ramona Romero	Victoria
SJC	1880	Federal Census – Los Angeles Co., San Juan Twp., p.6B, dw.51	Victoria [Romero]
SJC Marr. #1851	10/8/1889	Marriage of [Maria Eloisa] Elvira Romero and Miguel Lopez	Victoria Robles
SJC Burial	3/23/1883	Burial of Maria Victoria, about 45 years old, wife of Mateo Romero	Victoria Robles de Romero
Appl. #9343	1928	Application for enrollment with the Indians of the State of California	Victoria Romero

Maria Victoria died at SJC in March 1883 at about 45 years of age (SJC Burials [no #, p.388], 3/23/1883). Her burial record noted that she was married to Mateo Romero, but identified her by the surname "Robles de Romero." The evidence in the record demonstrates that Maria Victoria [Amador] was an Indian from San Diego Mission.

[Keinge], Maria del Refugio (b.abt.1844-d.abt.1925) documented Indian, probably Luiseño])

In their 2005 FTM files, the JBA petitioner and the JBMI-IP claimed that Jose Manuel Apolonio Rios, son of Severiano Rios and Primitiva (see discussion under Primitiva), married a SJC Mission Indian woman named Maria del Refugio Ardillo, who was baptized in 1850 at SJC. The SJC baptismal register documents a November 1850 baptism of an adult Indian woman named Maria Magdalena del Refugio (SJC Baptisms #4687, 10/24/1850), the daughter of Ignacia, a Christian from San Diego, and an unnamed non-Christian (gentile) father. However, other evidence demonstrates that this was not the woman that Jose Manuel Apolonio Rios married at Pala in 1861.

The entry that recorded the marriage of Maria del Refugio [Keinge] and Jose Manuel Apolonio Rios in 1861 identified Maria del Refugio as the daughter of Jeronimo and Maria Calixta, not the same parents as for the Maria Magdalena del Refugio, who was baptized at SJC in 1850 (SJC Marriages #1571, 8/11/1861). Moreover, the marriage record did not record the surname Ardillo or any other surname. The fact that the marriage took place at Pala and not SJC suggests that Maria del Refugio was born at Pala or a neighboring Luiseño community. The 1869 baptismal record of her daughter Luciana Donaciana Rios recorded Maria del Refugio's surname as Keinge (SJC Baptisms #1282, 1/8/1869) (see Table IV-13). Maria del Refugio's daughter, Luciana (Rios) Preston, stated in her 1928 Application that her mother's name was "Refugia Kiange" and that she was born at Temecula, Riverside County, and died on March 1, 1925, at age 95 (Application #9255).

Table IV-13. Baptisms at SJC of the Children of Jose Manuel Apolonio Rios and Maria del Refugio

Date	Entry #	Father	Mother	Child
4/11/1865	838	Jose Manuel Apolonio Rios	Refugio	Jose Apolonio Severiano Rios
8/10/1867	1164	Jose Manuel Apolonio Rios	Refugio	Maria Nieves Primitiva Rios
1/8/1869	1282	Manuel Rios	Refugio Keinge	Luciana y Donaciana Rios
6/2/1871	1391	Jose Manuel Apolonio Rios	Refugio	Felipe Neri Rios
10/16/1873	1447	Manuel Rios	Refugio *India*	Maria Primitiva Rios

Source: SJC Baptismal Register, Orange Diocese Archive, SJC, California.

An ethnohistorical study of the Camp Pendleton area reconstructed the genealogies of selected Indian families that lived at San Luis Rey and SJC Missions. One lineage reconstructed was that of Sotero Thaminara Ganonis and Manuela Maria Quimanin, from the village of Chacape located on Las Pulgas Creek near what became Las Flores rancho of San Luis Rey Mission. The study claimed that Maria del Refugio who married Jose Manuel Apolonio Rios descended from this Luiseño couple (Johnson and O'Neil 2001, 84-86). Maria del Refugio was a common name given to Indian women by the missionaries, and the evidence presented in the report does not identify the Maria del Refugio who married Jose Manuel Apolonio Rios as the same woman who descended from the couple identified in the report.

The available evidence in the record demonstrates that Maria del Refugio [Keinge] was an Indian, but there is insufficient evidence that she was a SJC Indian. Because she was married at Pala, it is likely that she was a Pala Indian.

[Mora], Magdalena (b.abt.1835-aft.1900) (Diegueño Indian?)

Ortensia (Pico) Ramos filed a 1928 California Indian Application on her own behalf, and on behalf of her four children (Application #9242, 12/12/1930). On the application Ortensia claimed descent through her 1852 Indian ancestor Magdalena Guingochea, her maternal grandmother, and listed Magdalena's "Tribe or Band" as Santa Ysabel, the federally maintained Indian reservation located in San Diego County.

The 1860 Federal census for San Juan Township listed Antonio Ouinchochapa [*sic*], age 25, in the household of Narciso Ouinchochapa (1860 Census, Los Angeles Co., San Juan Twp., p. 178, dw. 1608). In the same household was an adult woman named Concepcion (20), a child Vicente (3 months; b.abt.1860) and an Indian servant named Magdalena (26) (b.abt.1834). Vicente's baptismal record named Antonio Guenochia and Magdalena *India* as his parents (SJC Baptisms #376, 5/2/1860).[32] Antonio and Magdalena had at least two children together, including Emelia/Amelia, born around 1863.

On the 1870 Federal census, Antonio "Cuevas" (b.abt.1830) has a woman "Maria" of an age to be his mother (b.abt.1800) in his household as well as "Emilia (b.abt.1862) (1870 Census, Los Angeles Co., San Juan Twp., p. 3 [625], dw. 23, fam. 23).[33] In the same 1870 census, there is an Antonio "Hingochea (b.abt.1838) with no wife, apparently living with his parents (1870 Census, Los Angeles Co., San Juan Twp., p. 7 [627], dw. 53, fam. 54).

The 1880 Federal census listed the household of "Anton Guengochia" (52), a native of Mexico, along with his wife M. Guengochia (40) and two children Amelia (17) and Ramirez (13) (1880 Census, Los Angeles Co., San Juan Twp., p. 2B, dw. 12, fam. 12). "Amelia" (b.abt.1863) is listed as the daughter of Anton Guengochia and his wife "M." (b.abt.1840). The 1892 marriage record for Emilia Guingochea and Stanislaus Morales identified her as the daughter of Antonio Guingochea and "Madelina" Mora (SJC Marriages #1865, 5/18/1892). The SJC baptismal record does not list an "Emelia," but her baptism may be represented by the entry for "Emigdio" instead of

[32] Vicente died at age 3 in 1863.

[33] Emelia's 1897 SJC burial record lists her as "Emilia Cuevas de Morales," with her father named as Antonio Cuevas (SJC Burials [no #, p.405], 1/10/1897).

"Emelia," the child of Antonio C. Guingochea and Magdalena, India (SJC Baptisms #688, 10/18/1862). No other register entries for "Emigdio" appear, further supporting the theory that "Emigdio" was a misrecording of "Emelia." Emelia's orphaned Morales children appear in the 1900 Federal census as grandchildren of Antonio Guingochea and his wife "Magdelina" (b. June 1835) (1900 Census, Orange Co., San Juan Twp., p.5A[132], dw. 92, fam. 93).

The available evidence demonstrates that Magdalena Mora/Guingochea was an Indian. However, there is insufficient evidence to demonstrate that she was a SJC Mission Indian. When filing a 1928 California Indian Application in 1930, Ortensia (Pico) Ramos identified her grandmother Magdalena as descending from Indians from Santa Ysabel in San Diego County.

[Morales], Erculana (b.abt.1838-d.abt.1910) (Diegueño or Luiseño Indian?)

The JBB petitioner claims descent through Erculana (alternately spelled "Arculana" and "Aurculana"), an Indian woman who lived in SJC for many years. The petitioner cited a complete birth date and SJC birthplace for Erculana that could not be verified. Erculana appears to have been born sometime around 1840 as her age on the 1880 Federal census is given as 40 (1880 Census, Los Angeles Co., San Juan Twp., p. 7 [237], dw. 59, fam. 59). There is no record of the circa 1858 marriage of Erculana to Alexander Martin at SJC. However, in 1860, she appeared on the Federal census in SJC with Alexander Martin (a carpenter), and three young children in the household. Although the census did not describe the relationships among the residents of the household, records submitted by the JBB petitioner and the JBMI-IP and located by OFA staff confirmed that Alexander and "Herculana" were a couple, and that the youngest child, "Juan C.," was their son (1860 census, Los Angeles Co., San Juan Twp., p. 170 [462], dw. 1538, fam. 1577; SJC Baptisms #347, 10/25/1859).

Alexander Martin died in August 1868 while at Rancho Santa Margarita (modern Camp Pendleton) (SJC Burials #5243, 1/10/1868). His burial record provided evidence that he was born in Canada, and that "Arculana" was an Indian from San Diego. Thus, neither of them was an Indian from SJC. As the 1860 census showed, however, the couple lived at SJC prior to Alexander Martin's death, and baptized four of their children there (SJC Baptisms #347, 10/25/1859; #521, 8/4/1861; #871, 8/28/1865; #1167, 8/31/1867). In 1878, their 17-year-old son Manuel was confirmed, and their 16-year-old son Ramon was confirmed in 1884 (SJC Confirmations 10/23/1878, 4/20/1884).

On the 1880 census, "Erculana Martinez" is listed with the non-Indian Jose Olivares (b.1833-d.?), and five "boarders," one of whom was surnamed Martinez: Juan (age 21), Manuel (17), Luisa Martinez (16), Ramon (13) Celestino (11) (1880 Census, Los Angeles Co., San Juan Twp., p. 7 [237], dw. 59, fam. 59).[34] The 1880 household also included Jose and Erculana's three-year-old daughter, Maria Josefa, whose paternity was acknowledged by Jose Olivares at the time of the child's baptism (SJC Baptisms #1565, 10/21/1876).

Erculana and Jose Juan Olivares' 1880 marriage record listed the bride "Arculana Muurt" as the widow of Alejandro Martin and the daughter of Jose Arisolde (or Arnolde or Amalde) and Maria Gracia, both deceased, and identified the groom's parents as Antonio Maria Olivares and Juana Bermudes (SJC Marriages #1820, 10/27/1880). OFA staff located the 1845 baptismal record for Jose Juan "Olivas" [Olivares] at San Gabriel Mission in the Los Angeles area (San Gabriel Baptisms #8749, 4/13/1845).[35] Neither parent of Jose Juan "Olivas," Antonio or Juana, was identified

[34] Celestino (age 11 in 1880) may have been Alexander Martin's posthumous child by Erculana or he may have been fathered by Josee Juan Oliveras. His 1884 confirmation record identifies Erculana's second husband as his father (SJC Confirmations, 4/20/1884), the 1900 Federal census lists Celestino as a "stepson" of Josee Olivares (1900 Federal census, CA, Orange Co., San Juan Twp., page 3B [68], dw. 63, fam 64), but Celestino's 1911 church marriage record (SJC Marriages #1901, 1/8/1911) does not identify his parents. Thus, the evidence for this PF is ambiguous as to the identity of Celestino's father.

[35] Baptism records for seven of Josee Olivares' younger siblings appear in Mission SJC records: Mariia Epifania, Presentacioon Mariia, Mariia Estefania, Mariia de Jesuus, Hermenegildo Josee, Mariia de la Merced Rustica, and Maria Marcelina (SJC Baptisms # 4785, 1/31/1853; #76, 11/27/1856; #179, 4/26/1858; #441, 8/7/1860; #754, 7/13/1864, #1196, 10/20/1867; #1364, 7/3/1870).

as an Indian in San Gabriel Mission records, and their family did not reside in SJC during the mission period. For these reasons, Jose Juan Olivas/Olivares is not considered an Indian descended from the historical tribe of SJC Mission.

Erculana's daughter, Louisa, filed a 1928 California Indian Application, giving her mother's name as "Leonora Morales" and stating that "Leonora" was born in San Diego, married in 1856 at San Juan Capistrano, and died in 1910 at age 74 (1928 Application #9460).

The evidence shows that Erculana, who married Alexander Martin and then Jose Juan Olivares, was an Indian but not descended from the historical tribe of SJC Mission. She was either a Diegueño or Luiseño Indian. Although some of her descendants married into documented SJC Indian families, they do not inherit SJC Indian ancestry from her. Her first husband was a Canadian, and her second husband's claims of Indian descent are unsupported by an examination of the evidence in the record, which instead shows he was a non-Indian baptized at Mission San Gabriel (San Gabriel Baptisms #8749, 4/13/1845).

Cabachichi, Maria Bernarda (b.abt.1864-d.abt.1901) (Volcan/Diegueño Indian?)

Following the death of his first wife Maria Victoria, Mateo Romero married a second Indian woman, named Maria Bernarda Cabachichi. The marriage record identified her as the daughter of Jose Cabachichi, deceased, and Maria del Rosario Estones (SJC Marriages #1839, 5/15/1885). The marriage record did not provide any additional details regarding Maria Bernarda or her parents, other than that they resided in SJC well after the mission period. Neither Jose Cabachichi nor Maria del Rosario Estones were found in the SJC mission records before 1834. Maria Bernarda had two children with Mateo Romero, including Maria Victoria Romero who was the god-daughter of Jose de Gracia "Acu" Cruz and who later married SJC Mission Indian descendant Jose Doram.

Maria Victoria (Romero) Doram filed a successful 1928 California Indian Application for herself and her five children (Application #9251, 12/16/1930). In the application, she claimed descent through her mother "Bernarda Escudish," and her maternal grandmother Maria Felipe [*sic*, a.k.a. Maria del Rosario Estones], who Victoria claimed as her 1852 Indian ancestor. Victoria also stated on her application that her mother, Bernarda, was born in 1864 and died in 1901. Maria Victoria claimed to be 1/4 Volcan Indian from San Diego County, which is one of the federally maintained reservations in San Diego County.

The available evidence suggests Indian ancestry for Maria Bernarda Cabachichi, but not SJC Mission Indian descent.

Charley, Lucy (b.bef.1852-d.abt.1912) (Pomo Indian?)
See spouse Charley Dungan for information on this individual.

Dungan, Charley (b.bef. 1847-d.abt.1912) (Pomo Indian?)

Pedro [Palacios] Luna (b.1907-d.aft.1955) filed a successful 1928 California Indian Application pursuant to the 1928 California Indian Act for himself, his mother, and his siblings. On his application, he claimed descent from Pomo Indians of northern California through his maternal grandparents Charley Dungan and Lucy Charley (Application #8589, 8/1/1930).

Luna married Alice Miranda about 1936. Her mother Carmen Miranda filed a 1928 Application claiming SJC Mission Indian descent through her grandmother Maria de los Angeles Silvas [Maria D. Silvas Sais] (Application #9354, 4/28/1931). OFA analysis has not demonstrated Indian descent through Maria de los Angeles Silvas (see Maria de los Angeles Silvas in this appendix under Non-Indian Ancestors).

Lugo, Maria de la Luz (b.abt.1859-d.aft.1930) (documented Pala Indian) spouse of Jose Juan de Jesus Robles (b.1852-d.aft.1893), son of Leona

Jose Juan de Jesus Robles (b.1852-d.aft.1893), a documented SJC Mission Indian descendant (see Leona), married Maria de la Luz Lugo at SJC in May 1873. The marriage record identified her as the daughter of Isidoro and

Tiburcia from Pala (SJC Marriages #1775, 5/16/1873). (See Table IV-14 below for the children of Juan Robles and Maria de la Luz Lugo.)

Table IV-14. Children of Juan Robles and Maria de la Luz or Luz Lugo

Date	Source[a]	Father	Mother	Child
6/4/1874	Bp #1465	Juan Robles	Maria de la Luz	Atanasio[b]
12/25/1875	Bp #1510	Juan Robles	Luz Lisbunia [Biston?]	Yldefonso
10/1876?	Census	Juan Robles	Lucy	Andrew[c]
8/22/1881	Bp #1790	Juan Robles	Luz Lugo	Maria Dolores[d]
9/5/1884	Bp #1861	Juan Robles	Maria de la Luz Lugo	Maria Agustina[e]
1884?	Burials	Juan Robles	Luz Subia[?]	Flora[f]
5/26/1887	Bp #1922	Juan Robles	Luz Lugo	Antonio
9/1888?	Census	Juan Robles	Lucy	Francisca [c]
1888/1889?	Burials	Juan Robles	Maria de la Luz Lugo de Robles	Maria Antonia[g]
4/1/1893	Bp #2083	Juan Robles	Lucia Lugo	Adelaida Esperanza
3/1/1896	Bp #2136	Juan Robles	Luz Lugo	Reina Catalina

[a] Bp=San Juan Capistrano baptismal register.
[b] Buried at San Juan Capistrano on 10/19/1874. Parents identified in the burial record as Juan Robles and Maria de la Luz.
[c] Identified on the 1900 Federal Census.
[d] Buried at San Juan Capistrano 10/26/1883. Parents identified in the burial record as Juan Robles and "Dolores" Lugo.
[e] Complete name given as Maria Agustina y Filomenia.
[f] Identified in the San Juan Capistrano burial register in 1899, died at age 15, and may be the child in entry #1861.
[g] Identified in the San Juan Capistrano burial register in 1898 or 1899, died at age 10, and there is no baptismal record.

Source: San Juan Capistrano Baptisms and Burials; 1900 Federal Census, Orange Co., San Juan Twp., p. 68, dw. 22.

In 1930, the 71-year-old Maria de la Luz (using the name Louise) filed an application pursuant to the 1928 California Indian Census Act. She named her parents, "Isador Lugo" and "Tiburcia Soberano," as her 1852 ancestors, and through them claimed descent from Indians from the federally maintained reservation at Pala. She stated that she was born at San Luis Rey (Application #9240, 12/12/1930). Maria de la Luz Lugo's daughter, Esperanza "Hope" (Robles) Lobo, also filed a separate 1928 Application and claimed Indian descent from Pala through her mother, "Louise Lugo" (Application #9189, 12/12/1930).

The available evidence demonstrates Indian descent for Maria de la Luz Lugo, but not SJC Mission Indian descent. The JBA petitioners' members who claim descent through the children of Maria de la Luz Lugo and Jose Juan de Jesus Robles can claim descent from a documented SJC ancestor, Leona, the maternal grandmother of Jose Juan de Jesus Robles (spouse of Maria de la Luz Lugo) if documentation is available.

Soilo,[36] Maria de Jesus (b.abt.1849-d.1884) (documented Indian – tribe unknown)

The JBA and JBB petitioners claim that Maria de Jesus Soilo [a.k.a. Bincol] was an Indian from San Juan Capistrano. The JBA genealogical database (JBA Genealogy CD 11/30/2005) shows her name as "Maria Jesus Caroquez," the daughter of Leona Bincol (father's name not given), and asserts that she had three spouses: Henry Charles, Ramon Yorba, and Juan Avila (based on a 1928 California Indian Act application #9254 for Felipa Oliveras/Olivares). However, the JBA petitioner did not submit records to document these marriages or liaisons.

[36] The name "Maria de Jesus Soilo" is documented in her burial record (SJC Burials [no #, p. 395], 12/13/1884). The name Maria de Jesus Bincol, shown in the JBB petitioner's genealogical database (JBB RootsMagic CD 12/1/2005), was not found in the SJC Mission registers or in any census.

The JBB genealogical database (JBB RootsMagic CD 12/1/2005) shows her name as "Maria de Jesus Bincol," the daughter of Soilo Bincol (father) and Soila Caraquas (mother), and presents only one spouse, Henry Charles.[37]

Information gleaned from the mission registers and Federal census records suggest the possibility that one Maria de Jesus produced children by four men during her lifetime at San Juan Capistrano: Juan Avila, Jose Dolores Yorba, Francisco Yorba, and Henry Charles.[38] There is direct evidence that "Maria de Jesus Soila" was recorded as an Indian of the San Juan Capistrano Mission, in the baptismal record of Felipa Avila, the second child she had with Juan Avila (Felipa Avila, SJC Baptisms #1427, 12/08/1872).[39] However, no baptismal record has been found for "Maria de Jesus" or, more importantly, for her parents, to confirm that her parents were Indians of the SJC Mission. The 1884 burial register entry for "Maria de Jesus Soilo" identified her as being 35 years of age and single, who died on December 12, 1884, and was buried the following day (SJC Burials [no #, p. 395], 12/13/1884). The age at death places her birth circa 1849, but the entry did not identify her parents. Nevertheless, there is circumstantial evidence that she was one of the children of "Zoylo" (SJC Baptisms #3749, 6/27/1820) who married "Leona" (SJC Baptisms #4084, 4/11/1827) at San Juan Capistrano (SJC Marriages #1210, 04/18/1842). OFA located no 1850, 1860, or 1870 Federal census entry for this couple, or for "Maria de Jesus Soilo," in San Juan Capistrano.

The 1880 Federal census included a 29-yr-old "Maria Jesus" (born circa 1851) as the head of the household, and her age indicates she may be identical to the 1884 decedent (1880 census, San Juan township, Los Angeles Co., ED 21, p. 3, dw,/fam. 28). The household of "Maria Jesus" included "Maria Leona," age 65 (born circa 1815), who was listed as Maria's "sister" although Maria Leona is of an age to be Maria's mother. The Leona who married Zoylo was twice widowed by 1880,[40] but she was born in 1827, not 1815. Also in the 1880 household is "Maria Antonia," age 16, whose 1864 baptismal record and 1882 burial record identify her as the daughter of "Soilo" or "Juan Soilo" and "Leona" (SJC Baptisms #727, 5/17/1864; SJC Burials #5462, 3/17/1882). However, the 1880 census entry recorded Maria Antonia as the daughter, rather than sister, of "Maria Jesus."

The three additional minors listed after Maria Antonia in the 1880 census entry are also recorded as children of "Maria Jesus": Juan, age 15; Matilda, age 8, and "Calista" [?], age 7. The baptismal record of "Maria Domitila Avila," daughter of "Maria de Jesus Caragius" and Juan Avila, on October 9, 1870, may pertain to the "Matilda," age 8, in this 1880 census entry (SJC Baptisms #1369, 10/09/1870). The baptismal record of "Felipa Avila," daughter of "Maria de Jesus Soilo, India," and Juan Avila, on December 8, 1872, may pertain to the "Calista," age 7, in this 1880 census entry (SJC Baptisms #1427, 12/08/1872). At the time of the census, taken on June 11 and 12, Maria de Jesus was still five months away from giving birth to a son, "Rafael Carlos," by Henry Charles, whose census entry appears four dwellings away from that of "Maria Jesus" (SJC Baptisms #1767, 11/4/1880; 1880 Federal census, San Juan township, Los Angeles Co., ED 21, p. 4, dwelling and family 32). The 1900 Federal census enumerated "Domitila" and "Felipe" (Maria's children by Juan Avila) and "Rafael Charles" (Maria's child by Henry Charles) in the same household as siblings, thus confirming that one Maria de Jesus gave birth to all three, and that Maria de Jesus's name appeared in her lifetime as "Caragius" as well as "Soilo" (1900 Federal census, Orange County, San Juan township, ED 145, p. 1-B, dwelling and family 20).[41]

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[37] The JBMI-IP FTM database did not contain entries for any persons with the surname of Soilo, Caroquez /Caroquas, Bincol, or Charles (JBMI-IP Genealogy CD 11/29/2005).

[38] Children by Juan Avila (SJC Baptisms #1369, 10/09/1870; #1427, 12/08/1872); child by Jose Dolores Yorba (SJC Baptisms #1480, 10/14/1874); child by Francisco Yorba (SJC Baptisms #1649, 02/19/1878; SJC Burials #5419, 05/31/1879); and children by Henry Charles (SJC Baptisms #1767, 11/04/1880; #1865, 12/14/1884; SJC Burials #5471, 12/19/1882; #5508, 12/16/1884).

[39] In Felipa's own 1928 California Indian Act application, she identifies herself as the half-sister of Ralph Charles, Maria de Jesus' child by Henry Charles (Application #9254).

[40] Leona's first husband "Zoylo" died before 1867, when the "widow of Soilo" married "Juan" (SJC Marriages #1717, 11/12/1867). Juan's 1871 burial record describes his widow as "Leona de Soila" SJC Burials #5280, 3/20/1871).

[41] This census entry also includes Domatila (Avila) Aguilar's grandmother, "Maria J.," born February 1815, age 85, born in California, mother of 12 children, none then living. This does not match Domatila's paternal

No circa 1849-1851 baptismal record for a Maria de Jesus Soilo, daughter of "Zoylo" and "Leona" (or of any other parents), was submitted by a petitioner or located by the Department. Maria de Jesus does not appear in the San Juan Capistrano marriage registers, and her burial record does not furnish her parents' names. The baptismal record for Maria de Jesus' child born in 1872 refers to Maria as an Indian of the San Juan Capistrano Mission using language that leaves it ambiguous whether she was born there or was a resident there. Maria de Jesus Soilo's age indicates she was born after the mission period, and evidence of her parentage is, as yet, circumstantial. It may be possible for the petitioner to locate other evidence that clearly establishes her parentage.

Non-Indian Ancestors

There is no evidence in the record demonstrating that the 60 individuals listed below have Indian ancestry or specifically SJC Indian ancestry. These individuals were claimed as 1852 Indian ancestors (or as the Indian parent or child of and 1852 Indian ancestor) on 1928 Applications (by forebears of the petitioners' members). The other individuals wer, named on a list of ancestors submitted by a petitioner, or included in a petitioner's genealogical database as a common ancestor of numerous members, and are annotated as such here. Dates of birth and death are primarily those submitted by the petitioners even when the petitioners did not submit documents verifying the individuals' genealogical information, or those supported by mission or Federal census records. The Department prepared folders for these individuals containing photocopies of evidence used in this evaluation.

Most of these individuals descend from Spanish and Mexican immigrants who arrived in California during and after the Mission era (1776-1834). Descendants of some of these non-Indian ancestors have intermarried with descendants of documented SJC Indian ancestors or with descendants of non-SJC Indian ancestors. Thus some of the JBA and JBB petitioners' and JBMI-IP's members may descend from a documented SJC Indian ancestor, and/or from a California Indian ancestor not from SJC, as well as from a non-Indian ancestor.

Aguilar, Rita (b.1870-d.1950) – common ancestor of numerous members in petitioners' genealogical databases; lacks contemporary evidence as "Indian."

Ames, [father of Frank] (n.d.) – claimed on 1928 Application (#9345) as 1852 SJC Indian ancestor; not in petitioners' genealogical databases; 1900 San Diego census entry for Frank Ames shows that Frank and his parents were born in Mexico; lacks contemporary evidence as "Indian."

Ames, [mother of Frank] (n.d.) – claimed on 1928 Application (#9345) as 1852 SJC Indian ancestor; not in petitioners' genealogical databases; 1900 San Diego census entry for Frank Ames shows that Frank and his parents were born in Mexico; lacks contemporary evidence as "Indian."

Aguilar, Benjamin/Basilio (b.1869-d.1926) – spouse of Amalia Rosa Ames (b.1887-d.1957); claimed on 1928 Application (#9345) as 4/4 SJC Indian; claimed on JBB petitioner's December 1, 2005 list of progenitors of "core families;" the 1860 and 1870 Federal censuses shows his father was born in Sonora, Mexico; his mother was baptized at San Gabriel Mission per JBA petitioner; lacks contemporary evidence as "Indian."

Ames, Amalia Rosa (b.1887-d.1957) – spouse of Benjamin Aguilar (b.1869-d.1926); claimed on 1928 application (#9345) as 4/4 SJC Indian; claimed on JBB petitioner's December 1, 2005 list of progenitors of "core families;" 1900 Federal census entry for San Diego shows Amalia and her parents were born in Mexico; lacks contemporary evidence as "Indian."

Arce, Merced (b.abt.1842-d.1904) – spouse of Tomas Ramos; claimed on 1928 Application (#9243) as 1852 SJC Indian ancestor; information in JBA petitioner's genealogical database indicates Merced was born in Mexico; lacks contemporary evidence as "Indian."

Avila, Juan (b.1812-d.aft.1872) – spouse of Maria de Jesus Soilo (Indian); spouse of Maria Soledad Tomasa Yorba; father of Maria Guadalupe Avila (claimed as 1852 SJC Indian ancestor – see below) but not named on 1928 Application (#9143); San Gabriel Mission baptism recorded him as "*de razón*"; lacks contemporary evidence as "Indian"; information provided by petitioners or obtained by the Department indicates all ancestors descend from Mexican immigrants who were not California Indians.

Avila grandmother, according to the submitted FTM database. If this is Domatila's maternal grandmother, it is not an obvious match for Leona, born in 1827, although Leona's 1880 census entry reflected an "1815" birth date and used "Maria" in her name.

Avila, Maria Guadalupe (b.1839-d.1902) – claimed on 1928 Application (#9143) as 1852 SJC Indian ancestor; Los A ngeles baptism recorded her as "*de razón*"; lacks contemporary evidence as "Indian"; information provided by petitioners or obtained by the Department indicates all ancestors descend from Mexican immigrants who were not California Indians.

Bermudez, Maria Juana Dolores (b.1829-d.1873) – spouse of Antonio Maria Olivares; mother of Jose Juan Oliveras and Juana Nepomucena Oliveras; claimed on 1928 Applications (#9203, 9205, 9206, 9208, 9212, 9217, 9355, 9464) as 1852 SJC Indian ancestor; San Gabriel Mission baptism recorded her as "*de razón*"; lacks contemporary evidence as "Indian"; information provided by petitioners or obtained by the Department indicates all ancestors descend from Mexican immigrants who were not California Indians.

Carrillo, Luis [Lovis] (b.1849-d.1916) – common ancestor of numerous members in JBA genealogical database; lacks contemporary evidence as "Indian"; no evidence in the record that he was ever in SJC; information provided by petitioners or obtained by the Department indicates all ancestors descend from Mexican immigrants who were not California Indians.

Castillo, Crespin [Crispin] (b.1849-d.1916) – claimed on 1928 Applications (#9221, 9222, 9223, 9224, 9225, 9226) as 1852 SJC Indian ancestor; both parents born in Mexico per information in the JBA petitioner's genealogical database, which indicates all paternal ancestors descend from Mexican immigrants who were not California Indians; lacks contemporary evidence as "Indian."

Castillo, Maria Antonia (b.1805-d.1865) – spouse of Miguel Parra [Sr.] (claimed as Indian ancestor – see below); of Maria del Carmen Parra, Maria Josefa Isabel Parra, and Miguel Parra Jr. (all claimed as 1852 SJC Indian ancestor – see above); claimed as Indian ancestor on 1928 Applications (#9218, 9347) but not as 1852 Indian ancestor; SJC burial record states she was born in Sonora, Mexico (SJC Burials #5258, p. 344, 4/28/1869); lacks contemporary evidence as "Indian."

Contreras, Eugenia (b.bef.1845-d.1876) – claimed on 1928 Application (#9232) as 1852 SJC Indian ancestor; born in Riverside, California, per information in the JBA petitioner's genealogical database, which indicates all paternal ancestors descend from Mexican immigrants who were not California Indians; lacks contemporary evidence as "Indian."

Dominguez, Maria de la Trinidad (b.1808-d.aft.1835) – spouse of Jose Julian Manriquez; mother of Juan Capistrano Manriquez; claimed on 1928 application (#2214) as 1/2 SJC Indian; SJC baptism records her as "*de razón*"; lacks contemporary evidence as "Indian"; information provided by petitioners or obtained by the Department indicates all ancestors descend from Mexican immigrants who were not California Indians.

Godinez, Maria Catalina (b.1860-d.1922) – spouse of Jose Antonio Yorba; claimed on 1928 Applications (#9179, 9181, 9210) as 1852 SJC Indian ancestor; lacks contemporary evidence as "Indian"; information provided by petitioners or obtained by the Department indicates all maternal ancestors descend from Mexican immigrants who were not California Indians and father's birthplace was not given.

Gutierrez, Francisco (b.abt.1834-d.1876) – spouse of Maria del Rosario Cañedo; claimed on 1928 Applications (#9183, 9184, 9187, 9188, 9245) as 1852 Indian ancestor; father and maternal grandparents born in Mexico per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Higuera, Jose Doroteo/Dolores (b.1826-d.1865) – spouse of Maria Concepcion Dominga Suarez; claimed on 1928 Application (#9344) as 1852 Indian ancestor; father and maternal grandparents born in Mexico per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Higuera, Maria Josefa (b.1806-d.?) – common ancestor of numerous members in petitioners' genealogical databases; lacks contemporary evidence as "Indian."

Manriquez, Jose Julian (b.1801-d.1848) – spouse of Maria de la Trinidad Dominguez; father of Juan Capistrano Manriquez; claimed on 1928 Applications (#2214) as 1/2 SJC Indian; father and maternal ancestors from Mexico per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Manriquez, Juan Capistrano (b.1835-d.1915) – spouse of Maria Fernanda Cañedo; son of Jose Julian Manriquez and Maria de la Trinidad Dominguez; claimed on 1928 Applications (#2214, 9144, 9151, 9152) as 1852 SJC Indian ancestor and on 1928 Applications (#9117, 9118, 9124, 9126, 9128) as 1852 Mission Indian ancestor; father and maternal ancestors from Mexico per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Manriquez, Maria Delphine Ester de los Santos (b.1852-d.1901) – spouse of Jose Joaquin Marcos Sepulveda; claimed on 1928 Applications (#9180, 9181) as 1852 SJC Indian ancestor; father and maternal ancestors from Mexico per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Monreal, Juana (b.1868-d.1944) – daughter of Maria Dolores Rios (claimed on 1928 Applications as 1852 SJC Indian ancestor); claimed as SJC Indian ancestor on 1928 Application (#9168) but not as 1852 Indian ancestor, lacks contemporary evidence as "Indian"; information provided by petitioners or obtained by the Department indicates all ancestors descend from Mexican immigrants who were not California Indians.

Morillo, Maria Prudencia Lucia (b.abt.1798-d.aft.1836) – spouse of Joseph Francisco "Frank" Benito Xavier Olivares (a.k.a. Navarro); mother of Antonio Maria Olivares; claimed on JBB petitioner's December 1, 2005 list of progenitors of "core families;" born in Mexico per information in JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Munoz, Maria de la Luz (b.abt.1746-d.aft.1776) – common ancestor of numerous members in petitioners' genealogical databases; spouse of Jose Manuel Valencia; in Mexico prior to 1776 per information in the JBA petitioner's genealogical database.

Olivares, Antonio Maria (b.abt.1827-d.1872) – spouse of Maria Juana Dolores Bermudez; father of Jose Juan Olivares and Juana Nepomucena Oliveras; son of Joseph Francisco Benito Xavier Olivares [Navarro] and Maria Prudencia Lucia Morillo; claimed on 1928 Applications (# 9217, 9355, 9464) as 1852 SJC Indian ancestor but claimed as non-Indian (born in Mexico) on 1928 Application #9203; mother and paternal grandparents born in Mexico per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Olivares (a.k.a. Navarro), Joseph Francisco "Frank" Benito Xavier (b.1790-d.aft.1836) – spouse of Maria Prudencia Lucia Morillo; father of Antonio Maria Olivares; claimed on JBB petitioner's December 1, 2005 list of progenitors of "core families;" parents born in Mexico per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Olivares, Maria Catalina de Jesus (b.1828-d.aft.1870) – spouse of Domingo Resurracion Yorba; mother of Maria Manuela de Jesus (Lugarda) Yorba; claimed as 4/4 SJC Indian ancestor on 1928 Application (#9346) but not as 1852 SJC Indian ancestor; mother and paternal grandparents born in Mexico per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Olivares, Maria de la Encarnacion (b.abt.1837-d.1900) – daughter of Pasquala Silvas; claimed on 1928 Applications (#9202, 9205, 9206, 9208) as 1852 SJC Indian ancestor; paternal great-grandparents born in Mexico, and mother's information not given in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Olivares, Patricia (b.1847-d.1915) – spouse of Eulogio Olivas; all ancestry Mexican per information in the JBA petitioner's genealogical database.

Olivares/Navarro, Maria Ascencion"Cension" (b.1836-1924) – spouse of Jose Guadalupe Ruiz; mother of Benedita Santa Ana Ruiz; claimed as 4/4 SJC Indian ancestor on 1928 Application (#4711) but not as 1852 Indian ancestor; all ancestry Mexican per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Olivas, Eulogio (b.1842-d.1881) – spouse of Patricia Olivares, father Mexican, mother unknown, per in formation in the JBA petitioner's genealogical database.

Olivas, Matias (b.abt.1805-d.aft.1860) – spouse of Pasquala Silvas; all ancestry Mexican per information in the JBA petitioner's genealogical database.

Oliveras, Jose Juan (b.1849-d.aft.1930) – spouse of Erculana [Morales]; son of Maria Juana Dolores Bermudez; claimed on 1928 Applications (#9211, 9212 [self]) as 1852 SJC Indian ancestor; all ancesstry Mexican per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Oliveras, Juana Nepomucena "Jenny" (b.1862-d.1956) – spouse of Francisco Julian Serrano; daughter of Antonio Maria Olivares and Maria Juana Dolores Bermudez; claimed on 1928 Application (#9217) as 1852 SJC Indian ancestor; all ancestry Mexican per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Oliveras [Olivares], Maria de Jesus (b.1860-d.1929) – spouse of Josef Silvestre de Jesus Velasquez; claimed on 1928 Applications (#9227, 9229, 9244) as 1852 SJC Indian ancestor; daughter of Antonio Maria Olivares and Maria Juana Dolores Bermudez; all ancestry Mexican per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Osuna, Barbara (n.d.) – spouse of Ramon Rodriguez; claimed as 1852 "Mission" Indian ancestor on 1928 applications (#9162, 9163); lacks contemporary evidence as "Indian."

Parra, Jose Ricardo de Jesus (b.1850-d.1918) – claimed on 1928 Application as 1852 Indian ancestor; father born in Mexico, and maternal great-grandparents all born in Mexico per information in the JBA petitioner's genealogical database.

Parra, Maria del Carmen (b.1825-d.abt.1879) – daughter of Miguel Parra (Sr.) (claimed as Indian ancestor – see below) and Maria Antonia Castillo (claimed as Indian ancestor – see above); sister of Maria Josefa Isabel Parra and Miguel Parra Jr. (both claimed as 1852 SJC Indian ancestor – see below); claimed on 1928 Application (#9347) as 1852 SJC Indian ancestor; parents born in Mexico per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Parra, Maria Josefa Isabel (b.abt.1839-d.1875) – daughter of Miguel Parra (Sr.) (claimed as Indian ancestor – see below) and Maria Antonia Castillo (claimed as Indian ancestor – see above); sister of Maria del Carman Parra and Miguel Parra Jr. (both claimed as 1852 SJC Indian ancestor – see above and below); claimed on 1928 Applications (#9218, 9219, 9220, 9221, 9223, 9224, 9225, 9226) as 1852 SJC Indian ancestor; parents born in Mexico per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Parra, Miguel Jr. (b.abt.1850-d.aft.1876) – son of Miguel Parra (Sr.) (claimed as Indian ancestor – see below) and Maria Antonia Castillo (claimed as Indian ancestor – see above); brother of Maria Josefa Isabel Parra and Maria del Carmen Parra (both claimed as 1852 SJC Indian ancestor – see above); claimed on 1928 Application (#9230) as 1852 SJC Indian ancestor; son of Miguel Parra [Sr.]; parents born in Mexico born in Sonora, Mexico, per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Parra, Miguel (Sr.) (b.abt.1789-d.1869) – spouse of Maria Antonia Castillo (claimed as Indian ancestor – see above); father of Maria del Carmen Parra, Maria Josefa Isabel Parra, and Miguel Parra Jr. (all claimed as 1852 SJC Indian ancestor – see above); claimed as Indian ancestor on 1928 Application (#9347) but not as 1852 Indian ancestor; claimed as non-Indian (Mexican) on 1928 Application (#9218); born in Sonora, Mexico, per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Ramos, Tomas (b.1824-d.aft.1886) – spouse of Merced Arce; claimed on 1928 Application (#9243) as 1852 SJC Indian ancestor; ancestry Mexican per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Rios, Maria Dolores (b.abt.1834-d.1910) – mother of Juana Monreal; claimed on 1928 Applications (#9164, 9168) as 1852 SJC Indian ancestor; ancestry Mexican per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Rios, Jose Antonio Valentin (b.abt.1805-d.?) –father of Maria Dolores Rios; grandfather of Juana Monreal; grandfather of Juana Monreal; brandparents born in Mexico per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Rios, Maria Isabel (b.1831-d.1904) – spouse of Domingo Resurracion Yorba; claimed on 1928 Applications (#9173, 9257) as 1852 Indian ancestor; ancestry Mexican per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Rios, Mariano de Jesus (b.1835 – d.abt.1906) – spouse of Maria Andrea Ramona Sepulveda; claimed on 1928 Application (#9156) as 1852 SJC Indian ancestor; lacks contemporary evidence as "Indian"; information provided by petitioners or obtained by the Department indicates all ancestors descend from Mexican immigrants who were not California Indians.

Rios, Silverio Antonio Juan (b.1794-d.1872) – spouse of Magdalena Castengura; claimed on 1928 Applications (#9111, 9114) as 1852 SJC Indian ancestor; all grandparents born in Mexico per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Rodriguez, Ramon (n.d.) – spouse of Barbara Osuna; claimed as 1852 SJC Indian ancestor on 1928 applications (#9162, 9163); lacks contemporary evidence as "Indian."

Ruiz, Benedita Santa Ana (b.1855-d.1916) – daughter of Jose Guadalupe Ruiz and Maria Ascencion"Cension" Olivares/Navarro; claimed as 4/4 SJC Indian ancestor on 1928 Application (#4711) but not as 1852 Indian ancestor; ancestry Mexican or non-SJC per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Ruiz, Jose Guadalupe (b.1827-d.1891) – spouse of Maria Ascencion Olivares/Navarro; father of Benedita Santa Ana Ruiz; claimed and 4/4 SJC Indian ancestor on 1928 Application (#4711) but not as 1852 Indian ancestor; ancestry Mexican or non-SJC per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Sepulveda, Jose Joaquin Marcos (b.abt.1838-d.1885) – spouse of Maria Delfine Ester de los Santos Manriquez; claimed on 1928 Applications (#9180, 9181) as 1852 SJC Indian ancestor;ancestry Mexican per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Sepulveda, Maria Andrea Ramona (b.1832-d.abt.1911) – spouse of Mariano de Jesus Rios; claimed on 1928 Application (#8767, 9156) as 1852 SJC Indian ancestor; sister of Jose Joaquin Marcos Sepulfeda; ancestry Mexican per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Serrano, Francisco Julian (b.1861-d.1935) – spouse of Juana Nepomucena Oliveras; son of Maria de la Encarnacion Olivares; claimed on 1928 Application (#9209 [self], 9203 [spouse], 9217) as 1852 SJC Indian ancestor; lacks contemporary evidence as "Indian"; information provided by petitioners or obtained by the Department indicates all ancestors except maternal grandmother (Pascuala Silvas – se below) descend from Mexican immigrants who were not California Indians.

Silvas, Jose Maria (b.1836-d.1883) – spouse of Maria Manuela de Jesus Yorba; claimed on 1928 Application (#9346) as 1852 SJC Indian ancestor; all great-grandparents born in Mexico per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Silvas, Maria de los Angeles (b.1827-d.aft.1860) – claimed on 1928 Applications (#9353, 9354) as 1852 SJC Indian ancestor; all grandparents Mexican per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Silvas, Pascuala [a.k.a. "Vepacun" [JBA] or "Vepacunda" [JBMI-IP]) (b.abt.1810-d.bef.1860) – spouse of Matias Olivas; mother of Maria de la Encarnacion Olivares (claimed as 1852 SJC Indian ancestor – see above) but not named on 1928 Applications (#9205, 9206, 9208); listed on 1850 Federal census with spouse and children but not on later censuses; lacks contemporary evidence as "Indian."

Smith, Marcelino (b.1835-d.aft.1860) – spouse of Tula (Gertrudis) Smith; claimed on 1928 Application (#9345) as 1852 SJC Indian ancestor; 1900 Federal census entry for San Diego shows he was born in Mexico, and emigrated from Mexico in 1886?; lacks contemporary evidence as "Indian."

Smith, Tula (Gertrudis) (b.1835-d.aft.1860) – claimed on 1928 Application (#9345) as 1852 SJC Indian ancestor; 1900 Federal census entry for San Diego shows she was born in Mexico, and emigrated from Mexico in 1886?; lacks contemporary evidence as "Indian."

Suarez, Maria Concepcion Dominga (b.bef.1831-1857) – spouse of Jose Doroteo Higuera; claimed on 1928 Application (#9344) as 1852 Indian ancestor; parentage unknown and no contemporary evidence as "Indian."

Valencia, Jose Manuel (b.1749-d.aft.1776) – spouse of Maria de la Luz Munoz; claimed on JBB petitioner's July 2004 list of ancestors; lived in Mexico prior to 1776 per information in the JBA petitioner's genealogical database; common ancestor of numerous members in JBA petitioner's genealogical databases.

Velasquez, Josef Silvestre de Jesus (b.1852-d.1904) – spouse of Maria de Jesus Olivares; claimed on 1928 Applications (#9227, 9229, 9244) as 1852 SJC Indian ancestor; SJC baptism recorded him as "*de razón*" (SJC Baptism #4782, 1/1/1852); all great-grandparents born in Mexico per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Verdugo, Maria Catalina (b.1799-d.1876) – mother of Domingo Resurracion Yorba; common ancestor of numerous members in petitioners' genealogical database; parents born in Mexico per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Villalobos, Maria Jacoba (n.d.) – common ancestor of numerous members in petitioners' genealogical databases; lacks contemporary evidence as "Indian."

Yorba, Domingo Resurracion (b.1826-d.1889) – spouse of Maria Isabel Rios; son of Maria Catalina Verdugo; claimed on 1928 Applications (#9173, 9257) as 1852 Indian ancestor; claimed as 1/2 SJC Indian ancestor on 1928 Application (#9346) but not as 1852 SJC Indian ancestor; three grandparents born in Mexico and one grandparent born in Spain per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Yorba, Jose Antonio (b.1856-d.1922) – spouse of Maria Catalina Godinez; son of Jose Miguel Yorba; claimed on 1928 Applications (#9179, 9181, 9210) as 1852 SJC Indian ancestor; all foreign ancestry per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Yorba, Jose Miguel (b.1818-d.1896) – claimed on 1928 Applications (#9247, 9249, 9268) as 1852 SJC Indian ancestor; father of Jose A ntonio Yorba; all foreiegn ancestsry per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Yorba, Maria Manuela de Jesus (Lugarda) (b.1850-d.1901) – spouse of Jose Maria Silvas; daughter of Domingo Resurracion Yorba and Maria Catalina de Jesus Olivares; claimed as 3/4 SJC Indian on 1928 Application (#9346) but not as 1852 SJC Indian ancestro; all foreign ancestro per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Yorba, Maria Presentacion (b.1839-d.1865) – spouse of Venancio Rios; claimed on 1928 Applications (#9169, 9170) as 1852 Mission Indian ancestor; all foreign grandparents per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Yorba, Maria Soledad Tomasa (b.abt.1805-d.1867) – spouse of Juan Avila; mother of Maria Guadalupe Avila (claimed as 1852 SJC Indian ancestor – see above) but not named on 1928 Application (#9143); all foreign ancestsry per information in the JBA petitioner's genealogical database; lacks contemporary evidence as "Indian."

Appendix V(a)
Documented SJC Indians and Petitioners' Members Claiming Descent from Them[42]

Documented SJC Indian	Number of JBA Member Descendants n=1,640	Number of JBB Member Descendants n=908	Number of JBMI-IP Member Descendants n=266
[—?—],[43] Felis (1828-?)	0	(45) *	0
[—?—], Juana Bautista (abt.1835-1876)	197	7	18
[—?—], Leona (1813-?)	30	0	0
[—?—], Primitiva (abt.1821-1862)	11	0	25
[—?—], Ynez (abt.1840-1873)	9	0	0
[Abudguem], Geronima (abt.1803-?)	(103) *	0	(21) *
[Yorba], Antonio Maria (1835-abt.1915)	9	0	0
Allam, Maria Rufina (abt.1761-aft.1800)	20	1	0
Ayoubenet, Peregrino (abt.1786-aft.1832)	28	5	0
Castengura, Magdalena (1808-1876)	158	64	22
Chigila, Maria Bernarda (abt.1732-aft.1790)	218	87	22
Cruz, Jose de Gracia (1845-aft.1910)	(2) *	0	0
Erehaquela, Claudio (abt.1767-?)	0**	0**	0**
Pabujaquim, Facunda (abt.1753-1808)	(2) *	0	0
Tungo, Odorico Jose (abt.1747-1801)	1	3	1
Total Members (percent of Total Membership) Claiming Descent from these Ancestors	613 *** (37 percent)	163 *** (18 percent)	87 *** (33 percent)
Total Members (percent of Total Membership) Documenting Descent from these Ancestors	37 (2 percent)	36 (4 percent)	5 (2 percent)

* Although some members claim descent from this individual, there is a problem with documenting their descent. These members are not counted in the totals for this Appendix. See discussion for this individual in Appendix IV.

** Although the JBA petitioner claimed this individual as an SJC Indian ancestor, no members of the JBA or JBB petitioners or of the JBMI-IP claim descent from him

*** Some members claim descent from more than one SJC Indian.

[42] Some of the JBA and JBB petitioners' and JBMI-IP's members claiming descent from these documented SJC Indians also claim descent from one or more of the documented non-SJC Indians listed in Appendix V(b). Those members are counted in this appendix only and not in Appendix V(b).

[43] The notation "[—?—]" indicates that the record did not present a surname used by this individual, or the surname is questionable,

Appendix V(b)
Documented Non-SJC Indians and Petitioners' Members Claiming Descent from Them[44]

Non-SJC Indian	Documented Indian Ancestry	Number of JBA Member Descendants n=1,640	Number of JBB Member Descendants n=908	Number of JBMI-IP Member Descendants n=266
[—?—],[45] Maria Gertrudis (bef.1770-aft.1786)	Sta. Clara Mission	0 *	0 *	0 *
[—?—], Maria Gorgonia (abt.1792-abt.1854)	San Carlos Mission	38 *	31 *	21 *
[Amador], Maria Victoria (1834-1883)	Diegueño	2	0	0
[Keinge], Maria del Refugio (abt.1844-abt.1925)	Luiseño	0 *	0	0 *
[Mora], Magdalena (abt.1835-aft.1900)	Diegueño	1	0	0
[Morales], Erculana (abt.1838-abt.1910)	Diegueño or Luiseño	0 *	0 *	1 *
Cabachichii Bernarda Escudisa (abt.1864-abt.1901)	Diegueño	0 *	0 *	0
Charley, Lucy (b.bef.1852-d.abt.1912)	Pomo	43	0	0
Dungan, Charles (b.bef.1847-d.aft.1912)	Pomo	43	0	0
Lugo, Maria de la Luz (abt.1859-aft.1930)	Pala	0 *	0	0
Soilo, Maria de Jesus (abt.1849-1884)	Uncertain	6 *	0 *	0
Total Members (percent of Total Membership) Claiming Descent from these Ancestors		83 ** (5 percent)	31 (3 percent)	22 (8 percent)
Total Members (percent of Total Membership) Documenting Descent from these Ancestors		4 * (less than 1 percent)	0 (0 percent)	0 (0 percent)

* Does not include members who also claim descent from a documented SJC Indian (counted in Appendix V(a).
** Some JBA members claim descent from more than one non-SJC Indian.

[44] Some of the JBA and JBB petitioners' and JBMI-IP's members claiming descent from these documented non-SJC Indians also claim descent from one or more of the documented SJC Indians listed in Appendix V(a). Those members are counted in Appendix V(a) only and not in Appendix V(b).

[45] The notation "[—?—]" indicates that the record did not present a surname used by this individual, or the surname is questionable,

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