

Amah Mutsun Tribal Band of the Mission San Juan Bautista
Office of the Tribal Trustee

November 19, 2024

Department of the Interior
Office of the Assistant Secretary—Indian Affairs
Attention: Office of Federal Acknowledgment
Mail Stop 4071 MIB
1849 C Street NW
Washington, DC 20240

Dear Assistant Secretary-Indian Affairs:

On behalf of the Amah Mutsun Tribal Band of the Mission San Juan Bautista (the "Tribe") the Tribe hereby submits the enclosed petition for Federal acknowledgment as an Indian tribe under the Department of the Interior's (Department) "Procedures for Federal Acknowledgment of Indian Tribes," Part 83 of Title 25 of the Code of Federal Regulations (25 CFR Part 83) effective July 31, 2015.

As the Tribal Trustee for the Tribe (see attached Tribal Council Trustee Certification), my office will be the primary contact for the Department in regard to the Federal Acknowledgment process.

Enclosed are two binders that contain a complete documented petition that includes: (1) a certification signed and dated by the governing body; (2) a concise written narrative with citations to supporting documentation thoroughly explaining how the petitioner meets each of the criteria listed in 25 C.F.R. § 83.11 (2015); (3) supporting documentation exhibits 1-19 and (4) current membership list certified by the Tribal Council; prior membership list with explanations.

As the Department is aware, the Tribe is a member of the governing body of Petitioner #120. The governing body of the Tribe wish to proceed as a separate petitioner under § 83.4(b) and receive a new petitioner number that is separate and standalone from Petitioner #120.

Please do not hesitate to contact me with any questions.

Thank You,



Wayne F. Pierce, Tribal Trustee

8070 La Jolla Shores Drive, La Jolla, Ca 92037

858-357-5856 – wfpierce@aol.com

September 1, 2024

Assistant Secretary - Indian Affairs

Attn: Office of Federal Acknowledgment

Mailstop MS-34B-SIB

1951 Constitution Avenue, NW

Washington, D.C. 20240

Dear Assistant Secretary - Indian Affairs:

We, the members of the governing body of The Amah Mutsun Tribal Band of the Mission San Juan Bautista, through this letter, would like to introduce you to Wayne F. Pierce.

Mr. Pierce is our Tribal Trustee and Contact Person on behalf of our Tribe for the Office of Federal Acknowledgment for all matters involved with our Petition for Federal Acknowledgement.

His contact information is: Email: wfpierce@aol.com Phone: 858-357-5856

Address: 8070 La Jolla Shores Drive, La Jolla, CA 92037

Sincerely,

By: Chairperson, Irenne Zwierlein

Signed by:
Signature: Irenne Zwierlein
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By: Vice Chairperson, Jeffrey Butron

Signed by:
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By: Sergeant at Arms, Christopher Quintana

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By: Secretary, Shelby Brown

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By: Treasurer, Arlene Burton

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By: Tribal Administrator, Christopher Zimmer

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By: Council Member, Marlene Juarez

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By: Council Member, Chad Breslin

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By: Council Member, Katie Gilroy

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**AMAH MUTSUN TRIBAL BAND
OF THE MISSION
SAN JUAN BAUTISTA**

Petition for Acknowledgment

Submitted by

**The Amah Mutsun Tribal Band of The
Mission San Juan Bautista**

Irenne Zwierlein, Chairperson

September 1, 2024

September 1, 2024

Assistant Secretary - Indian Affairs
Attn: Office of Federal Acknowledgment
Mailstop MS-34B-SIB
1951 Constitution Avenue, NW
Washington, D.C. 20240

Dear Assistant Secretary - Indian Affairs:

This letter certifies that the accompanying petition for Federal acknowledgment under Title 25, Code of Federal Regulations, Part 83, Procedures for Establishing That an American Indian Group Exists as an Indian Tribe (25 CFR Part 83), is the official original documented petition of the Amah Mutsun Tribal Band of the Mission San Juan Bautista.

This certification is signed by members of the group's governing body of the Amah Mutsun Tribal Band of the Mission San Juan Bautista and submitted to the Assistant Secretary - Indian Affairs in response to all of the criteria under 25 CFR Part 83.

Sincerely,

By: Chairperson, Irenne Zwierlein

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Signature: Irenne Zwierlein
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By: Vice Chairperson, Jeffrey Butron

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Signature: JEFFREY B BUTRON
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By: Sergeant at Arms, Christopher Quintana

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By: Secretary, Shelby Brown

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By: Council Member, Marlene Juarez

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By: Council Member, Chad Breslin

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By: Council Member, Katie Gilroy

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Signature: Katie Gilroy
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**Petition for Acknowledgment
Amah Mutsun Tribal Band
Of The Mission
San Juan Bautista**

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I. EXECUTIVE SUMMARY

The Amah Mutsun Tribal Band of The Mission San Juan Bautista (the “Amah Mutsun Tribe” or “Tribe”) hereby formally petitions the United States Department of the Interior, Bureau of Indian Affairs (“BIA”) and seeks Federal acknowledgment as an Indian tribe under Part 83 of title 25 of the Code of Federal Regulations 25 C.F.R. § 83 .11 (2015).

The Amah Mutsun Tribal Band office is located at 3030 Soda Bay Road, Lakeport, California 95454. The Amah Mutsun Tribal Council, the Tribe’s governing body, is as follows:

Irenne Zwierlein, Chairperson

Jeffery Butrom, Vice Chairperson

Christopher Quintana, Sergeant of Arms

Selby Brown, Secretary

Arlene Butron, Treasurer

Christopher Zimmer, Administrator

Marlene Juarez, Council Member

Chad Breslin, Council Member

Katie Gilroy, Council Member

The members of the Amah Mutsun Tribe are the direct documented descendants of the tribe of American Indians historically referred to as the “Amah Mutsun Tribe,” the “San Juan Tribe,” or the “San Juan Bautista Indians.” The Amah Mutsun Tribe has been located for centuries in the San Juan Valley area of San Benito and Santa Clara Counties in Northern California. Between 1797 and 1834, the Amah Mutsun Tribe was forced to abandon their ancestral lands and relocate several miles to live and work within the San Juan Bautista Mission compound in Northern California. The Mission priests kept copious records of the identities, baptisms, births and deaths of the compound’s residents, including the members of the Amah Mutsun Tribe. Those records survive today. Following the relinquishment by Spain of the California territories and abandonment of the missions, the surviving members of the Amah Mutsun Tribe were forced to leave the Mission San Juan Bautista. Some relocated nearby to

“Indian Corners” on the border of the San Juan Bautista Mission lands and on nearby rancherias. Later, tribal members moved to the towns of Gilroy, Hollister, Aromas and Watsonville.

Since that time, the Amah Mutsun Tribe has survived as a distinct community and has been identified as such by a number of external sources. In addition, the Tribe has, throughout its history, been guided by its leadership in all tribal matters and it has followed an established procedure for selecting new leaders to accomplish specific tribal objectives. In this scheme of limited government, its leaders are not autocratic, but responsive to the body of the Tribe. While the Tribe has continuously existed as a distinct community throughout the years, its organizational strength has increased in the twentieth century, culminating in the formation of a non-profit public benefit corporation for the Tribe, adoption of a Constitution and Enrollment Ordinance, among other tribal documents, formal election of its governing body (the Amah Mutsun Tribal Council), and the conduct of formal meetings of its membership on a regular basis. Currently, the registered members of the Amah Mutsun Tribe, the vast majority of whom reside within 50 miles of the ancestral territories of the Amah Mutsun Tribe.

The Amah Mutsun Tribe is a tribe distinct and separate from all other Indian groups that have identified themselves as from the Ohlone-Costanoan region. Moreover, the Amah Mutsun Tribe is not part of any other tribe, group of tribes or tribal entities, including the following: Costanoan Band of Carmel Mission Indians, Ohlone/Costanoan Muwekma Tribe, Indian Canyon Band of Costanoan/Mutsun Indians, Salinan Nation, Esselen/Costanoan Tribe of Monterey County, Ohlone/Costanoan-Esselen Nation, Salinan Tribe of Monterey County, Costanoan-Rumsen Carmel Tribe, or the Costanoan Ohlone Rumsen-Mutsun Tribe.

The Tribe is a governing body of Petitioner # 120. The governing body of the Tribe wish to proceed as a new standalone separate petition under regulation 25 C.F.R. § 83 .11 (2015) not associated in any way with Petitioner #120 and hereby requests a new petitioner number for this petition in line with the instructions in the Interior June 24, 2020 letter wherein it is stated:

“If a governing body chooses to submit a petition under the 2015 revision of the acknowledgment regulations, it must submit, de nova, a complete documented petition as required in § 83.21 of the acknowledgment regulations. A complete documented petition

requires: (1) a certification signed and dated by the governing body; (2) a concise written narrative with citations to supporting documentation thoroughly explaining how the petitioner meets each of the criteria listed in 25 C.F.R. § 83.11 (2015);

(3) supporting documentation; and (4) membership lists and explanations. In addition to the complete original petition, please also submit those pages where you redact or remove privacy material from your petition. A governing body wishing to proceed as a separate petitioner under § 83.4(b) would receive a new petitioner number upon successfully filing a documented petition.” (Exhibit 1)

II. REQUEST FOR ACTIVE CONSIDERATION

Based on this Petition and Supporting Documentation, the Amah Mutsun Tribe requests “active consideration” of this Petition and Federal acknowledgment as an Indian Tribe under Part 83 of Title 25 of the Code of Federal Regulations (25 CFR Part 83).

On February 16, 1999, the BIA, Branch of Acknowledgment issued a Technical Assistance Letter under Section 83.10(c) (“TA Letter”) to Petitioner #120. The BAR identified areas that it believed required supplementation. **(Exhibit 2)**

This Petition and supporting documentation address the matters raised in the BAR’s 1999 Technical Assistance letter, in addition to providing extensive additional research and supplementation. Accordingly, the Amah Mutsun Tribe is prepared for and requests “active consideration” of this Petition.

It must be noted here, because the Tribe has followed the specific directions in the TA Letter in the preparation of its Petition, it created the split in the Governing Bodies of Petition #120.

The TA Letter directive contained in “II. General comments about the format of your petition item (B)” states:

“B. Our review indicates that there are significant omissions in the petition in criteria 83.7 (a)-(g). For this reason, we recommend that you review the acknowledgment criteria 25 CFR 83.7 (a)-(g) carefully and direct your additional research toward providing the evidence that will demonstrate that your group meets these criteria. The approach of the submitted petition does not focus on a particular historical tribe, does not show the institutional history of that tribe to the present, nor highlight your ancestors' involvement in this tribe. The petition presents documents

that refer to any Indians in Monterey County, San Benito County and other areas, or to any group of Indians identified as "Costanoan" regardless of location, without showing that these citations refer to groups or individuals who are the petitioner's ancestors or directly related to the petitioner."

The Governing Bodies of Petitioner #120 being The Amah Mutsun Tribal Band of Mission San Juan Bautista, Irenne Zwierlein, Chairperson ("Zwierlein Tribe") and The Amah Band of Indians, Costanoan/ Ohlone/Digger Indians (the "Band"), with Valentin Lopez, Chairperson (Lopez Tribe).

The Lopez Tribe representations, as contained on their website are:

"As a result of the Congressional Appropriation Acts of 1906 and 1908 our Tribe came under the legal jurisdiction of the Indian Service Bureau (BIA), and the Reno and Sacramento Indian Agencies until 1927. Our Tribe was never terminated by any Act or intent of the Congress, however, we remained a landless Tribe since our Federally Acknowledged status began in 1906. As a result of the Congressional California Indian Jurisdictional Act of 1928, both living members and direct ancestors enrolled with the BIA between 1930 and 1932. Our members also enrolled between 1948 to 1955 and during the third enrollment period between 1968 to 1970. Our Tribe is currently listed with the Department of Interior, Bureau of Indian Affairs as Petitioner #120 as we are seeking status clarification to have our Recognized status restored by the Secretary of the Interior. "

The Zwierlein Tribe representations are:

"To create a petition for acknowledgment as an Indian Tribe under Part 83 of title 25 of Code of Federal Regulations 25 CFR 83.7 (a)-(g). (2015)."

III. HISTORICAL NARRATIVE: A SUMMARY OF TRIBAL HISTORY

The Amah Mutsun Tribal Band has an extensive history of communal activity, shared cultural understandings and collective religious rituals and beliefs. Artifacts located in the region of the Amah Mutsun ancestral lands date the origin of the Tribe to approximately 3000 years ago. In addition, from the mid-1700s to the present, the Tribe's history has been documented by

historians, anthropologists, linguists and journalists. Over the past decade, tribal members have painstakingly assembled these written records in order to comply with regulations for federal recognition.

The documentation presents compelling evidence that federal regulatory requirements have been met: the group has been recognized by non-members as an Indian entity since 1900; the group constitutes a distinct community whose members have had consistent social interactions since historic times; and the group has followed recognized leaders who act on their behalf. Moreover, every Tribal member has an authentic descendancy chart which establishes his or her direct descent to an Amah Mutsun Indian who lived at the San Juan Bautista Mission compound between 1797 and 1832.

Collectively, the documentation illustrates the narrative of Amah Mutsun history. The Amah Mutsun story allows us to appreciate the many obstacles the Amah Mutsun have overcome: colonizers intent on converting them to a new religion and 'more civilized' ways, gold-rushers out for their land, diseases which killed more than three-quarters of their members, and government laws which forced them to camouflage their Indian identity or be persecuted. However, despite these prolonged attempts to eradicate them, the Tribe has survived. The extraordinary truth is that in the face of this adversity, the Amah Mutsun maintained their tribal heritage and their unity.

1. A Preliminary Note: California Tribes are Unique

It is misleading to examine the organizational attributes of California Indians under the traditional definitions associated with Indian tribes elsewhere in the country. Unique historical circumstances and an unusually bountiful environment allowed California tribes to develop their cultural practices and identity in a distinct manner. Based on this unusual development framework, anthropologists and historians consider California tribes to be qualitatively different.

For example, the harsh desert environments and warring neighbors that plagued tribes in the southwest or plains areas of the United States were not present in California. As a result, California tribes did not need to develop elaborate hierarchies with powerful chieftains who

could protect them in times of scarcity and war.

In addition, California was extensively controlled by coastal missions. As a result of the Mission priests' attempts to assimilate the Indians, the identity of a California Indian is fundamentally different from Indians in other regions. It has evolved as an amalgamation of various religious and cultural practices that the Indians have come to see as their own. For example, the Catholic religion, imposed by the Mission priests and incorporated with more traditional beliefs, has become an integral part of Amah Mutsun religious ritual after over a century of practice. And, the Spanish, Mission-given names of the Amah Mutsun tribal members still prevail, despite the fact that over a century ago, it was the Mission priests who dictated them.

This atypical development framework does not mean that the Amah Mutsun Tribal Band was not or is not a proper tribal group. To the contrary, these unique pressures forced the Amah Mutsun Tribe to develop alternative methods of organization, practicing rituals and maintaining tribal identity. The following narrative demonstrates the context within which the Amah Mutsun Tribal Band developed, as well as specific historical events that shaped Amah Mutsun history.

2. The Early History: Pre-European Freedom

The Amah Mutsun Tribal Band (AMTB) are indigenous people who occupied the San Juan Valley long before the Spanish arrived in the late 1700s. Chitactac-Adams Heritage County Park, Master Plan, 2 (Parks and Recreation Dept., County of Santa Clara, 1992) (hereinafter "Chitactac Master Plan"). Radiocarbon dating of artifacts found at the sites of early Amah Mutsun villages show that the Tribe occupied the area as early as 3000 years ago. The territory of the Amah Mutsun Tribe included all the land in the region of the Pajaro River drainage basin. Richard Levy, "Costanoan," in Handbook of North American Indians, vol. 8, 485 (Heizer volume ed., Smithsonian Institution 1978) (hereinafter "Levy"). The Tribe was geographically isolated from its neighbors due to the physiography of the Valley.

The Amah Mutsun tribal community was originally made up of approximately 20 to 30 villages located in the fertile San Juan Valley. Scholars have identified the original villages by

different names, probably due to language and cultural barriers on the part of the original scholars and explorers. It is indisputable, though, that there were numerous villages in the San Juan Valley with a common bond: they shared cultural characteristics, they spoke the Mutsun language, they lived in a geographically contiguous area in the San Juan Valley, and they interacted on a regular basis. These commonalties united the Tribal villages in the face of danger from outsiders. Although this association of villages may look different from Tribes in other parts of the United States, anthropologists agree that, based on the unique environmental and historical factors present in California and the relationship among the villages, this type of organization constituted a Tribe.

Members of the different villages were united by shared cultural practices and tribal traditions. They foraged for food and pounded acorns into mush stew using an early version of the mortar and pestle. Levy at 491. They wore only a grass or rabbit skin wrap. They trapped squirrels and fish in unique ways. They wove baskets that were so skillfully crafted that they could be used to carry water, and cook food with hot stones. They lived in round huts. They practiced collective rituals. Members of the various villages intermarried. Artifacts related to these activities have been unearthed in recent times.

The traditional structure and leadership-promotion mechanism of the Amah Mutsun Tribe is specific to tribes in this region. Each village had its own local leader. These leaders were called 'capitans' by the Spanish. See Mission San Juan Bautista Register of Baptisms, nos. 107, 409, 456, 665, 829, 1215. Descendants of the original inhabitants of Monterey County told J.P. Harrington that "their 'captains' or chiefs were responsible for feeding visitors, providing for the impoverished, and directing expeditions for hunting, fishing, gathering and warfare."¹⁴ Randall Milliken, "People of the Santa Clara Valley in the 1770s," in *Archaeological Investigations, Introduction*, page ii (Cal. Dept. of Transportation, Dist. 4, 1994) (hereinafter "Milliken's 1770's Report"). In day-to-day affairs, tribal members relied on the wisdom of the village elders. According to oral history, when a crisis arose, tribal members would choose a leader based on his specific experience and ability to guide the tribe through the crisis at hand. The leader would work with leaders from the other Amah Mutsun villages to resolve the common problem and

then, when the crisis was resolved, the leader would resume his position as an average member of the tribal group. In this way, the villages joined forces against outside threats.

Most significantly, the Amah Mutsun villages were distinct from tribes outside their valley due to their unique language. No other Indian tribes spoke Mutsun. Levy at 485. While the Costanoan language family was made up of eight separate languages, including Mutsun, each language was “as different from one another as Spanish is from French” in the Romance language group. Prior to the arrival of the Spanish, the Mutsun language had been spoken in the San Juan Valley for hundreds of years and it was one of the first American Indian languages extensively studied in North America

The Tribe remained undisturbed in the San Juan Valley until 1770, when Fages’ expedition passed through to evaluate locations for the construction of a mission. The Fages party witnessed several large villages in the vicinity of the future Mission San Juan Bautista, in the heart of the territory of the Amah Mutsun villages. Milliken Report at 63-4. During a Rivera expedition of 1774, Father Francisco Palou interacted with a village containing “not less than three hundred souls of both sexes,” located near the future site of the Mission San Juan, near the present day town of Gilroy. Herbert E. Bolton, *Anza’s California Expeditions*, Vol. 1-4, *Diary of Palou*, Nov. 25, 1774 (Univ. of Cal. Press 1930). From that point forward, the Spanish interaction with the Amah Mutsun villages increased. Milliken Report at 68.

3. The Mission San Juan Bautista: 1797-1834

The Amah Mutsun Tribe had been drawn to the triangle of land surrounding the Pajaro, Calderon and San Benito rivers in the San Juan Valley due to the abundance of water and fish. Mondragon declaration. The Mission San Juan Bautista, built in 1797, was designed to be no more than a day’s ride from the other Missions along the coast. In addition, it is believed that the Mission was located in this part of the valley in order to be near these indigenous villages.

18 These villages became a source of labor and converts for the Mission priests.¹⁹ An analysis of the baptismal records indicates that 85% of the Indians brought into the Mission between 1797 and 1834 were from one of the original Amah Mutsun villages.

Indeed, immediately after their arrival, the Spanish conducted a campaign to subsume and control the Amah Mutsun. Spanish soldiers used force to remove the Indians from their villages and bring them to the Mission compound. Children were separated from their parents and they lived in separate compounds within the Mission walls.²⁰ Zwierlein declaration. Once an Indian was baptized, the priests considered that the Indian belonged to the Mission and he was not permitted to return to his tribal lands. Between 1797 and 1834, 3,967 Indians were baptized and therefore became prisoners at the Mission San Juan Bautista. J.N. Bowman, *The Number of California Indians Baptized During the Mission Period*, Historical Society of Southern California, vol 42:3, 275 (Sept 1960).

Many of the Christianized Indians, or neophytes as they were called, attempted to flee the harsh conditions and the virtual slavery of the Mission. S.F. Cook, "Conflict Between the California Indian and White Civilization," in *The California Indians: A Source Book*, 566 (Heizer & Whipple eds., Univ. of Cal. Press 1951) (Appendix 15). As a result, after 1815 Spanish Military expeditions were routinely dispatched to look for runaways and bring them back to the Mission.

Like other religious and cultural oppressors, however, the San Juan Bautista Mission padres were excellent record-keepers, and they maintained meticulous records of all the Amah Mutsun activities. Accordingly, much more is known about Amah Mutsun individuals enslaved there than those who remained free in their villages and elsewhere around the Valley. The Mission library contained records about the local Amah Mutsun people, including records of births, baptisms, marriages and funerals, as well as punishments and imprisonments.

From these records, journals and other documents related to Mission, it is apparent that the priests attempted to inculcate in the Amah Mutsun a new value system, to "civilize" them. Necessarily, tribal activity was forbidden. Neophytes were not allowed to speak the Mutsun language, to conduct tribal ceremonies, or to use their own Indian names. They were not allowed to return to their villages. They were punished if these rules were broken. As a result, the Amah Mutsun conducted their tribal activities and spoke their language in secret. This practice became a part of the Amah Mutsun culture: the Amah Mutsun learned to

camouflage themselves in order to avoid discrimination or even greater persecution. The new Spanish names they received at baptism were only the beginning of the Amah Mutsun tradition of cloaking their cultural practices and identity.

At the Mission, the neophytes were also taught new trades and skills, and many became servants for the priests and the local rancheria owners.²⁶ Alexander Taylor provides an example of how despite the new teachings, the Amah Mutsun culture was perpetuated: the Amah Mutsun used traditional bark vessels for cooking food and roasting coffee for the priests, as well as a special technique to turn the makeshift pots over the fire so quickly that the food was roasted without either the basket or its contents being burned. Taylor “affirm[ed] that the best method for roasting coffee cannot excel this means

In addition to battling assaults on their culture, California Indians were also assaulted by foreign diseases: smallpox, measles and venereal diseases that arrived with the Spanish. Hurtado at 24-5. Taylor’s Indianology reports that in 1823, at the Mission San Juan Bautista, there had been a total of 3,396 baptisms, 858 marriages and 19,421 deaths. After two decades of subjugation, there were only 1,248 “Indian souls” in residence. The incredible losses suffered by the Amah Mutsun tribe taught an important lesson: avoid the “wellmeaning” foreigners who promise salvation and civilization.

Although the Mission period unsurprisingly supplies little documentary evidence of the precontact Amah Mutsun cultural characteristics (due to the fact that it was these very characteristics that the priests sought to expunge), oral histories tell us that it was an important period of tribal solidarity. Many of the Amah Mutsun inducted into the Mission were children, separated from their parents and extended families, in close proximity to other children, forced to learn a new culture. Assembled at the Mission compound and overwhelmed by the foreignness of these new ways, the neophytes developed strong bonds with their tribal brothers and sisters. Life at the Mission, while repressive, broke down any barriers that may have existed between the inhabitants of the different Amah Mutsun villages.

4. The Mexican Period: 1834-1848

Life for the Amah Mutsun changed when, in the early 1820s, the Mexicans began to

arrive in the San Juan Valley. Milliken Report at 87. The Mexicans began to consolidate control of outlying lands, and by 1833, they forced the Spanish to turn over the Mission lands and secularize the Mission itself. Thomas F. King & Patricia R. Hickman, *The Southern Santa Clara Valley, California: A General Plan for Archaeology* 50 (National Park Service, 1973) (hereinafter "King Report"). Shortly thereafter, the remaining Amah Mutsun were forced to leave the Mission compound. Once again, the Mexican authorities promised to return land to the original inhabitants. However, under pressure from the Mexican and Spanish citizens who wanted land, the Mexicans did not follow through: none of the land was officially turned over to the Amah Mutsun.

Instead, the Amah Mutsun were forced to scavenge for land or work. Some of the Amah Mutsun moved to the estates of their employers, Spanish landowners who were allowed to continue their farming activities unimpeded by the change in government. Others remained in the town of San Juan Bautista and formed a settlement at the southern border, in a place subsequently named Indian Corners. Indian Corners became, for a time, the center of Amah Mutsun tribal activity.

5. The Arrival of the Americans: Beginning in 1848

In 1849, the Amah Mutsun were disturbed again when Anglo settlers came to the region. The rush for gold and for land put all the northern California Indians in severe danger. Indian Commissioner Roy Nash described those early days of days of American occupation: "...California Indians were driven off their land by the greedy, and for many years given absolutely nothing in return. Driven off is not exactly the precise word. Far more were liquidated in the Russian sense. Shot down like jack rabbits." Roy Nash, Sacramento Indian Agency, Address to the Western Regional Conference, August 14, 1940, page 7.

The Anglos had no respect for the culture and traditional ways of the aboriginal people, nor for their rights to occupancy of the land. California Indians were treated like property or worse. For example, Superintendent Beale reports that "Indians were caught like cattle for the work season near the large towns." Bancroft, *History of Cal.* at 478-9, FN 10. It was also common "to kidnap children and enslave them." Bancroft also reports that a "humorous"

article in the Trinity in 1855 refers to a "market rate and demand for" women that was based on actual traffic: "'Good middling' could be had for five oxen, seven deer, and five pair of blankets."

Anglos, furthermore, were afraid of the California Indians from the outset. Due to the Anglos' bad experiences with the Plains Indians, they treated California Indians with brutality. Persecuted once again, as they had been by Spanish and Mexican conquerors, the Amah Mutsun sought shelter in a Spanish identity.

In the early 1850s, the federal government interceded. The government became alarmed by reports of violence against the aboriginal populations, and it established special military reservations to remove the Indians from the general population. Robert Heizer, ed., *Federal Concern about Conditions of California Indians 1853 to 1913: Eight Documents, Introductory Note*, page i (Ballena Press 1979) (hereinafter "Heizer's Eight Documents"). At these military compounds, the federal government conducted treaty negotiations with local Indians. In some cases, American officials randomly designated an individual as a tribal leader, in others, they nominated a tribal member to represent all the tribes in a particular region, regardless of actual tribal affiliation. Subsequent study of the 18 negotiated treaties yields no definitive proof of whether the Amah Mutsun were represented at the negotiations. Immediately after the treaties were completed, a powerful business and local political lobby quashed all hopes of getting the treaties ratified in the Senate. The Senate placed the treaties in secret files and they remained there until, in 1905, the Senate voted to remove the injunction of secrecy. Homer Stewart, *Litigation and Its Effects* at 705.

Throughout this time, state hostility towards California Indians manifested itself in legal restrictions. At the California Constitutional Convention in 1849, and in subsequent legislation in 1850, California Indians were deprived of the civil rights granted by the Treaty of Guadeloupe Hidalgo, including: voting rights, the ability to give legal evidence in any case in which a white person was a party, the ability to retain an attorney, and the ability to possess firearms. In addition, white people were authorized to indenture Indians as uncompensated laborers without penalty. Stewart at 705. Finally, the Special Committee in the California Congress, designated

to investigate the treaties made between the federal government and the Indians, recommended that all Indians be ejected from the state. J.J. Warner Report, Reports of the Special Committee to Inquire into the Treaties made by the U.S. Indian Commissioners with the Indians of California, (1852). This environment was not conducive to Indian proclamations of sovereignty, demands for ancestral lands, or declarations of tribal identity. This pervasive, statewide persecution sent a message to the Amah Mutsun: hide or be eradicated.

Beginning in 1900, the federal government again decided to address the growing "Indian problem" in California. C.E. Kelsey, Special Agent on California Indians conducted a census in 1906 pursuant to an authorizing act of Congress, and determined that 11,800 California Indians were not on reservations and were living in poor conditions. Heizer, Eight Documents at 125. Kelsey notified Congress that there were 8 heads of families and 40 Indians in San Benito County Band in San Benito County. C. E. Kelsey, Census of Non-Reservation California Indians, 1905-1906, at 1(hereinafter "Kelsey 1906 Census"). These were the only official U.S. government records of the Amah Mutsun Tribal Band.

It is important to note that Kelsey submitted this data despite not having traveled to nine counties in the Bay Area due to time limitations, including San Benito County where most of the Amah Mutsun were living. Kelsey 1906 Census, Editor's Introduction at i, 2. He based his assessments on the 1900 Census Report in which no tribal designation was listed for the various Indians who were counted. Kelsey's underestimate proved especially harmful when Dorrington relied on it over 20 years later to rationalize a conclusion that the Amah Mutsun were well provided for.

Kelsey's report did however spur Congress into action and subsequent legislation authorized "special appropriation ... to provide homes for the tribes in Northern California who were without lands." Acts of 1906 and 1908 (34 Stat. L. 325-333, 35 Stat. L. 70-76). However, Mr. L.A. Dorrington, Superintendent of Indian Field Service in Sacramento, California, charged with reporting to the Commissioner of Indian Affairs regarding the purchase of land for homeless California Indians, ended the federal concern about the Amah Mutsun in a 1927 letter. Relying on Kelsey's data identifying the San Juan Bautista Band, Dorrington wrote that "the San Juan

Baptista Band, which reside in the vicinity of the Mission San Juan Baptista,...have been well cared for by the Catholic priests and no land is required." L.A. Dorrington, Letter to the Commission of Indian Affairs, June 23, 1927. The Mission, which made no land grants to the local Indians, had been closed in 1834. Dorrington's cynical attitude towards the San Juan Baptista band had deeply destructive results: they received no land, no recognition and their relationship with the federal government was thus terminated.

However, after Kelsey's activity and his efforts to identify aboriginal people, the Amah Mutsun leadership began to contact their now-dispersed members. At this time, members lived in San Benito County, Monterey County and Santa Clara County. By 1928, many tribal members were not afraid to cooperate with federal authorities and they were included in the 1928 Indian Enrollment Process. On their Enrollment forms, tribal members were accurately identified as "Mission Indian, San Juan Bautista" for the first time.

6. The Era of Ascencion: 1900-1930

The most extraordinary collection of scholarly notes on the Amah Mutsun culture, which documents the survival of the tribe after the Mission Era, is John P. Harrington's, a linguist and ethnographer from the Smithsonian Institute in Washington, D.C. Harrington became interested in Amah Mutsun culture after reading a study about Barbara Serria by ethnographer C. Hart Merriam, completed in the early 1900s and published in 1926.

Harrington came to Monterey, California to study Amah Mutsun culture with Barbara's daughter, Maria Ascencion Solarsano de Cervantes, in 1929. J.P. Harrington, 1929 Field Notes on Ascencion Solarsano Cervantes, Cervantes Family, Reel #58, Univ. of Cal. Berkeley: Bancroft Library (1930), compiled by Linda Yamane at San Jose State Univ., (1997) (hereinafter "Harrington Field Notes"). Harrington's notes show the re-emergence of a cohesive tribal unit, allowing itself to reemerge and be visible to whites and hispanics after so many years of suppression and compulsory sequestration.

Maria Ascencion followed a pattern of many Amah Mutsun ancestors. She grew up in the shadow of the Mission, surrounded by the women and children of her tribe, from whom she learned the Amah Mutsun language and culture. Harrington, Last San Juan Indian: She married

another Amah Mutsun member and raised a family which came to total 17 children.

Ascencion's parents bought a small house in Gilroy in 1909. Ascencion was known throughout central California as a great traditional Indian healer, or "doctora," and she possessed an extensive knowledge of traditional herbal medicines learned from her mother and grandmother Harrington, Last San Juan Indian at 3-5. She was responsible for finding employment and food and medicine for members of the tribe who needed her help.

Ascencion's house became a center of activity, a place where tribal members came on a daily basis to enlist Ascencion's support and to share news with other members. The yard and the long tin shed made out of 5 gallon drums next to her house were often filled with beds for 20 and 30 people. Ascencion also became a repository for tribal history, learning tribal stories from others and passing on the traditions and tribal lore to the next generation. Mondragon declaration.

When Ascencion died in 1930, the Mission cemetery was specially reopened so that she could be buried in an honored place, in recognition of her origins as a child of the Mission, and her leadership of the tribe. Tribal members from towns all around San Juan Bautista, along with American dignitaries, gathered to honor her memory. This event formally marked the beginning of a new era in Amah Mutsun tribal history.

7. The Modern Era

Since that time, the Tribe has become stronger. A series of leaders have emerged. Ascencion's daughter, Maria Dionicia, followed by Joseph Mondragon (now deceased) and Irenne Zwierlein, have taken on Ascencion's role as spiritual and figurative heads of the tribe. These leaders have worked with the elders and tribal members.

Throughout the recent era, Amah Mutsun tribal members have met regularly at baptisms, funerals, Fiesta day tribal celebrations and powwows, informal tribal barbecues and formal membership meetings. The Tribe has established mechanisms to teach Amah Mutsun culture to the young, to provide financial and other assistance to members in need, and to maintain bonds between various members.

In 1947, the Tribe participated in federal litigation to recover compensation from the government for promises it had made during the 1850 negotiations. In a series of tribal

meetings, the membership and the Elders chose Eloiza Ardaiz, the only college-educated member of the Tribe, to be the tribal representative for purposes of the litigation. In 1952 and 1972, some 50 members of the tribe received payments of \$68 and \$678 pursuant to this litigation.

Throughout the modern period though, discrimination and persecution have persisted. The Superintendent of the Sacramento Indian Agency advocated in 1940 that the California Indians be "merge[d] into the social and economic life of the prevailing civilization as developed by the whites." It was not a time conducive to the buttressing of tribal identity and cultural heritage.

In addition to internal activities, over the past decade, the Tribe has been extremely active in local communities and within the state of California. For example, tribal members participated in government and private building and construction projects as Most Likely Descendants and Cultural Heritage Monitors; tribal members were elected to local office and represent the Tribe's voice within the larger community; tribal members have worked with local schools and teachers to develop curriculums regarding California Native American history and culture; tribal members have given input to state and federal lawmakers with respect to legislation regarding Indian tribes; and tribal members, as representatives of their tribe, have participated in state events that celebrate Native American heritage.

It is within the framework of this extensive history that we must consider the Amah Mutsun petition for federal recognition.

IV. NAME VARIATIONS: GOVERNMENTAL AUTHORITIES AND ANTHROPOLOGISTS REFERRED TO THE AMAH MUTSUN BY DIFFERENT NAMES.

Much confusion surrounds the naming of the tribal groups in Central California. This is due, in part, to the fact that California Tribes do not conform to the traditional definitions associated with Indian Tribes. Therefore, in some cases, an anthropologist ascribed a name to the Tribe that was really the name of a rancheria, or vice-versa. In other cases, successive governments called the Tribe by different names. The Amah Mutsun Tribal Band has always made its home in and around the San Juan Valley, yet over the past one hundred and fifty years,

it has been called by at least 5 different names by various officials and historians.

In the past, historians have referred to the Indians living along the coast between San Francisco and Monterey as Costanoans, or coast-dwellers. However it is well-recognized that several distinct Tribes make up the Costanoan family. Bancroft (using the term Olchones which later became Ohlone) identified four separate Tribes between San Francisco and Monterey, including the Rumsens, Eslens, Achastliens, and the Mutsunes. Bancroft, *Wild Tribes* at 363. Merriam states that there are three tribes of Ohlone stock: Hoo mon twash, Mootsun and Roomsens. Merriam, *Ethnographic Notes* at 371. While the variations in these names possibly reflect some dispute about other Tribes, it is incontrovertible that the Mutsun Tribe was a Costanoan-Ohlone sub-group and occupied the region of the San Juan Valley. These Mutsun speaking villages were historically regarded as a separate and distinct from other Costanoan-Ohlone Tribes.

The Amah Mutsun Tribe was originally composed of approximately 20 villages located in what is now the San Juan Valley. See FN 5. The Valley was isolated from the mountainous regions around it, and all the members of the villages were identifiable as Amah Mutsun because they spoke the same unique language and shared the same cultural practices.

Father de la Cuesta first identified the Amah Mutsun tribe by this language, calling the Mutsun in 1797 (spelling variations abounded: Muxtanes, Mootson, Mutsunes). Martin Dissertation. Taylor referred to them as Muxtuna. At this time, the Tribe was also referred to as the Monterey Indians because, before 1870, the Valley was located in Monterey County.

After the Amah Mutsun were forced into the Mission San Juan Bautista, they were referred to by historians, anthropologists, church and government officials as The Mission Indians or The San Juan Indians or The San Juan Baptista (Bautista) band. Dorrington letter. This is because the Amah Mutsun were the primary tribal group located at the San Juan Bautista Mission and, when they were allowed to leave after the secularization of the Mission, many remained in the surrounding region. Other tribes, who had been living outside the Valley, had limited interaction with the Amah Mutsun and were not involved with the San Juan Bautista Mission.

The American also referred to the Amah Mutsun as the San Benito County Indians

because they lived primarily in San Benito County. Kelsey 1906 Census at Editor's introduction. At that time, the federal government was not interested in the precise differences between each group of Indians – it wanted to know only where the Indians, generically, were living and what claims they had to the land, or how “dangerous” they were to the white settlers. Often, they grouped the California Indians into two groups: landless and reservation.

As a result of these different appellations, researching the history of the Amah Mutsun is a complicated task. It is necessary to trace the Amah Mutsun by (1) looking at the area in which the tribal members referred to in the historical documents actually lived, and (2) considering who the recorders of the documents are and to know how they would refer to the Amah Mutsun. So for example, when Taylor refers to the practices of the Indians at the Mission San Juan Bautista, this is most likely a reference to the Amah Mutsun because 85% of the Indians living at the Mission were from the original Amah Mutsun villages.

It is important to note that Tribe never changed its name, which probably originated as a derivation of the village name Ausaima. Vincent Mondragon said that his grandmother always referred to the Tribe as the Amah Mutsun, and as a result, in the 1928 Census, he identified himself as Amah. The fact that Spanish, Mexican, and Anglo officials did not readily adopt that terminology should not be allowed to prejudice the Amah Mutsun's petition for acknowledgement.

We can trace the names of the Indians at the Mission San Juan Bautista to the present day membership of the Tribe. Every current tribal member has an ancestor that lived at the Mission. That thread, from 1797 to the present, enables us to follow the history of the Tribe despite all the name variations employed by different governments and other officials and historians.

V. THE TRIBE HAS MET EACH OF THE CRITERIA IN 25 CFR 83.7

A. CRITERION 25 CFR 83.7 (a): The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900.

1. Introduction

The federal, state and local governmental authorities, scholarly and newspaper accounts and other external sources have, since 1900 and on a substantially continuous basis, identified the Amah Mutsun Tribe as an American Indian entity. These numerous references and identifications by Spanish, Mexican and American sources refer to the Tribe by its historical and ancestral names—the “Mutsun Indians,” the “San Juan Bautista Indians,” the “Mission Indians” the “San Benito County Indians,” the Pajaro River Basin Indians, as well as the Mutsun speaking ‘Amah Mutsun’ people. As is discussed above, these variations in name, used in the historical record by different scholars and governmental authorities, are referring to an identical group of Mutsun speaking Indians who inhabited the San Juan Valley and were subsequently forced to relocate to the San Juan Bautista Mission. For the most part, the direct descendants of these Mission Indians are still residing within a 50 mile radius of their ancestral home.

The relevant BIA regulations require that the Tribe submit evidence of “identification,” as opposed to “recognition” by external sources on a “substantially continuous basis” since 1900. This means that “government-to-government recognition” is not required, nor will any gaps or “interruptions” in identification justify denial of a petition. Moreover, identification or references by anthropologists and other scholars, newspaper articles, census reports, agency documents and the like are all considered to be “external identifications.” Finally, Section 83.7(a) refers to naming or identifying the Tribe as an Indian entity, without regard to the actual political character, social organization or origins of the entity, or the political relationships that the entity may or may not maintain with other governments.

The Tribe believes and submits that the evidence of its identification by external sources on a substantially continuous basis satisfies the requirements of Section 83.7(a).

2. Chronology of External Identification as an American Indian entity since 1900

The most recent identification of the Amah Mutsun Tribe as an American Indian entity comes from a host of formal recognitions, proclamations and resolutions for the Tribe by the following groups or individuals:

State of California (1994);

the Sixth Region of the Association of the United States Army (1994);

the Board of Supervisors, County of San Benito (1993);
the Board of Supervisors, County of Alameda (1993);
the Board of Supervisors, County of San Mateo (1993);
the Board of Supervisors, County of Santa Clara(1993);
the Board of Supervisors, Monterey County (1993);
the City of Daly City (1993);
the Town of Hillsborough (1993);
the City of Albany (Res. No. 93-14);
the City of Palo Alto (1993);
the City of Belmont (1993);
the City of Gilroy (1993);
the Town of Los Gatos;
and the City of Morgan Hill (1993).

More specifically, for example, the Secretary of State for California in 1994 resolved: "WHEREAS, AMAH MUTSUN TRIBAL BAND. . . through extensive research and documentation, have demonstrated their continuation of native heritage, cultural identity and aboriginal lineage within the macro San Francisco/Monterey bay region." Similarly, in the same year, the United States Army resolved and pledged "its continued support to the effort to gain federal recognition for the Amah -Mutsun tribal band .

Significantly, in 1995, Congresswoman Zoe Lofgren of the United States House of Representatives wrote to President Clinton urging the reinstatement of the Amah Mutsun Tribe by Executive Order. Congresswoman Lofgren told the President that the Tribe "constitute(s) the surviving documented aboriginal Native American lineages of this region and have demonstrated their cultural heritage, Native American identity and biological continuity."

Numerous external identifications from earlier periods satisfy the requirements of 25 CFR

83.7(a):

In 1810, Father Felipe Arroyo de la Cuesta used the term Mutsun to refer to a tribal group of villages in the San Juan Valley area. The members of this tribe spoke a single

language unique from surrounding tribes. Martin Dissertation at 35.

Ethnologist and linguist Richard Levy refers to Mutsun people living in tribelets around the Pajaro River basin during the same period. Levy at 485.

In 1864, several articles in the *California Farmer* referred to the Mutsun language group of San Juan (No. 34, 1864), and to the “Mutsunes and Ansaymas tribes liv[ing] in the valleys and mountains in the vicinity of San Juan Bautista, Monterey County” who were “before 1820, quite numerous” (No. 138). Taylor, see Appendix 8, Exhibit F. In 1864, Alexander Taylor identified an Indian population of 1,248 at San Juan Baptista and referred to them as Mutxuna.

In 1902, Barbara Solarsano, great-grandmother to current tribal council member Joseph Mondragon, was studied by C. Hart Merriam. She lived in the lands surrounding the San Juan Bautista Mission and identified herself as a member of the Hoomontwosh Tribe. Merriam, *Ethnographic Notes* at 371. Merriam also identified the pre-European villages that made up the original Mutsun tribe and stated that “Hoo mon twash was the Tribe name used in the San Juan Valley of San Benito County.” Merriam, *Lists of Names of Bands, Tribes or Villages*. Hoomontwosh was subsequently determined to be one of the villages that made up the Mutsun Tribe.

John Peabody Harrington, a Smithsonian Institute researcher, provided abundant information about the Amah Mutsun Tribal Band. In a 1929 letter to C. Hart Merriam, Harrington wrote that “Moot-soon is also a tribe name, not a village name ...” Merriam, *Ethnographic Notes* at 324; Harrington, *Letter to Merriam* at 1. In 1930, Harrington wrote that the San Juan tribe of California is a “key” tribe in the region, “lying midway between the northern and southern California coast cultures.” J. P. Harrington, *Studying the Indians of New Mexico and California*, 200 (Smithsonian Institute 1930).

In 1904, the Northern California Indian Association petitioned Congress to award land to small groups of landless Indians in the region. The NCIA identified 40 San Juan Indians living in San Benito County in 1904. Heizer, *Eight Documents* at 95.

In 1906, Special Agent for California Indians Kelsey reported in communiqué to the BIA that certain California tribes remained landless, including the San Benito County Band. Kelsey 1906 Census at 1. Unfortunately, Kelsey did not have the time to visit nine Bay area counties including San Benito County and his representations were based on the inaccurate data of the 1900 Census. As a result, Kelsey underestimated the number of Amah Mutsun tribal members, concluding that there were only 8 heads of families and 40 members. *Id.* Kelsey firmly believed that the government should offer land or compensation to these landless tribes, Heizer, Eight Documents at 139, but his recommendations were not heeded with regard to the San Benito County Indians. See Dorrington's 1928 Report, below.

In 1923, the Reno Indian Agency, which exercised jurisdiction over the California Indians, identified the San Juan Indians living in San Benito County as nonreservation Indians. RG 75 Reno Indian Annual Narrative and Statistical Reports, 1912-1924, Box 6, Folder "Annual Narrative Reports 1923 Reno Indian Agency, at 5.

On June 23, 1927, the Federal Indian Affairs Superintendent in Sacramento, California, L. A. Dorrington communicated with the Commissioner of Indian Affairs in Washington D.C., stating that "[i]n San Benito County we find the San Juan Bautista Band, which resides in the vicinity of the Mission San Juan Bautista, which is located near the town of Hollister. These Indians have been well-cared for by Catholic priests and no land is required." The Mission had been officially closed in 1833. Dorrington Letter at 16.

The 1928 Department of the Interior, Enrollment Lists identified more than 50 direct ancestors of the Amah Mutsun Tribe as "Mission Indian, San Juan Bautista, San Benito Co., California."

In 1930, American dignitaries from all over the region attended the funeral of Tribal leader, Ascencion Solarsano, on the grounds of the Mission San Juan Bautista as a sign of respect to the Amah Mutsun Tribe.

In 1947, the Amah Mutsun Tribal members appointed one of their members, Eloiza Ardaiz, as their representative to participate in the federal claims litigation authorized

by Public Law 726 and to retain counsel to represent the Tribe. The retention agreement approved by the Department of the Interior, Office of Indian Affairs, refers to the "Group of California Indians at Monterey, California," all of which signatories are current or direct ancestors to the members of the Amah Mutsun Tribe.

In 1972, The United States Department of the Interior followed up on the 1947 federal litigation pertaining to landless Indians. The Indians who had been identified in the 1928 Indian Census and their descendants were enrolled in a program in order to receive a portion of the \$28.1 million that had been set aside by the government to buy land for the landless Indians. Approximately 50 members of the Amah Mutsun tribe received checks for \$678 as a result of this process. These Treasury checks are testimonies to the fact that the government considered the recipients as entitled to a share in the money that had been set aside for the Indian entities identified in 1928.

Beginning in 1989, Amah Mutsun tribal members, acting for and recognized as the Tribe, were designated by the Native American Heritage Commission as Most Likely Descendants for the region encompassing ancestral lands. The State of California's Indian Repatriation Project requires that as Most Likely Descendants, Amah Mutsun tribal members must work with state and local governments and various private organizations to monitor the reburial of ancestral remains. See letters attached as

Amah Mutsun tribal members participated in the following projects:
Tribal members worked with the County of Santa Clara concerning the
Guadalupe Light Rail Project. (1988-1991).

Tribal members participated in an MOU with the City of Palo Alto regarding construction work at the Veterans Hospital. (1994).

Tribal members established a relationship with the California Department of Transportation by entering into an MOU regarding treatment of uncovered artifacts. (1991). In 1996, tribal members worked with the California Department of Transportation concerning highway construction projects.

Tribal members worked with the Eagle Ridge Development Company

regarding a housing project located in Gilroy, California. Over the years, tribal members have worked with many private developers to protect tribal artifacts.

Beginning in 1995, Amah Mutsun tribal leadership, acting for and recognized as the Tribe, met with government officials in the National Parks Service (Muriel Crespi and Francis McManamon) to assist in the drafting of Public Law 601, the Native American Graves Protection and Repatriation Act. Zwierlein declaration.

Pursuant to the Section 106 Consultation Process required by the National Historic Preservation Act of 1966 and the Native American Graves Protection and Repatriation Act, Amah Mutsun tribal members, acting for and recognized as the Tribe, have been active with federal governmental agencies as consultants for issues regarding native American artifacts and the reburial of ancient remains. For example:

Tribal members worked with the U.S. Coast Guard regarding a discovery of human remains at the Coast Guard facility in Monterey. (1994).

Tribal members worked with the U.S. Army Corps of Engineers concerning the Guadeloupe River Project in San Jose. (1995).

Tribal members worked with the Federal Emergency Management Agency (FEMA) regarding the relocation of the Moss Landing Marine Laboratory for the California State University. (1995).

Tribal members gave input to the California Department of Transportation regarding seismic retrofit work on the Bay Bridge at Yerba Buena Island, a federal property. (1999).

Between 1989 and 1991, Amah Mutsun tribal members, acting for and recognized as the Tribe, actively participated in the return of Costanoan remains through Stanford University and San Jose State University. The U.S. Justice Department and the California Native American Heritage Commission helped to negotiate an agreement whereby the 550 Indian remains, that were shown to Amah Mutsun tribal members by a Stanford Archeologist in a Stanford University basement in the early 1980s, were finally returned to tribal members.

In 1992, tribal members worked with officials at the California State University at Hayward to prepare an exhibit, including lectures and a conference on campus, regarding the Ohlone people. See program brochure attached as Exhibit 15.

Beginning in 1993, Amah Mutsun tribal members, acting for and recognized as the Tribe, have worked with project managers for the County of Santa Clara to develop the Chitactac Adams Heritage Park. Tribal members worked with anthropologists to develop an education plan to teach visitors to the park about Amah Mutsun culture and traditions.

In 1993, Amah Mutsun tribal members, acting for and recognized as the Tribe, worked with the United States Department of the Interior to participate in the Juan Bautista de Anza National Historic Trail Planning Process. Tribal members assisted with the development of the tribal educational component along the trail, which traced the route of explorer Juan Anza.

In 1994 and 1995, the California Rodeo invited tribal members to participate in the Intertribal Indian Village exposition at the 84th California Rodeo. Tribal members constructed native huts at the locale and displayed different Amah Mutsun artifacts.

In 1989, tribal members began serving as Heritage Monitors to assist landowners with the development of property. The Monitors would survey dirt removal and digging operations to ensure that no artifacts were inadvertently unearthed and destroyed. In the event that an artifact was discovered, an MLD would be called in to decide what to do with the relic. In 1994, tribal members participated in a 7-month training process in which we learned how to identify and treat Indian remains and artifacts and we were authorized to consult with private and public organizations on the disposal of human remains. Amah Mutsun tribal members subsequently worked with the Department of the Army (1995).

In 1994, 1996 and 1998, Amah Mutsun tribal members received grants from the Department of Health and Human Services to conduct research regarding the Tribe's past.

In 1999, the Bureau of the Census contacted the Amah Mutsun Tribal Band to solicit

advice regarding the identification of Native Americans on the 2000 Census. The Bureau “recognize[d] the importance of working with the American Indian ... tribal governments and community to provide accurate data for ...the Census 2000.”

In 2000, Lieutenant Governor for the State of California, Cruz Bustamente, invited the Amah Mutsun tribal leadership to participate in a conference in Sacramento to discuss the needs of California Indians with state and federal officials.

Moreover, since 1990 the Department of the Interior, Bureau of Indian Affairs has recognized the Tribe and its Tribal Chairperson, Irenne Zwierlein, on a continuous basis to date as part of the governing body of Petitioner #120, to which this Petition seeks to be separated from Petitioner #120, obtain a new petitioner number requests “Active Consideration” of the New Petition. (See Exhibits 4-18)

B. CRITERION 25 CFR 83.7(b): A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.

The Amah Mutsun Tribe meets the definition of community set forth in 25 C.F.R. Section 83.1—the Tribe is and has been a group of people with consistent interactions and significant social relationships, and its members are differentiated from and identified as distinct from nonmembers.

The definition of community employed by the regulations is an inclusive one. The regulations require BIA to consider community in the context of the history, geography, culture and social organization of the group. In addition, according to the BIA, “[f]or earlier historical periods, where the nature of the record limits documentation, the continuity can be seen more clearly by looking at the combined evidence than by attempting to discern whether an individual item provides the level of information to show that the petitioner meets a specific criterion at a certain date.” (66 FR 49967).

In this case, the Amah Mutsun’s community had, for certain limited periods in its history, been adversely affected by governmental authorities who had strong interests – both economic

and cultural -- in subduing the Indians or, at the very least, ignoring the fact of their existence. Consequently, during the ensuing period, it became an onus for tribal members to reveal their "Indian" identity, and they were forced underground, communing only in privacy and secrecy.

Despite these severe social and governmental obstacles, the Amah Mutsun Tribe has survived and grown as a community. There have been significant social relationships connecting individual members, significant informal social interaction, shared labor and other economic activity among the membership, shared sacred and secular ritual activity and shared cultural patterns. The genealogical records submitted with this Petition evidence marriage patterns amongst the Tribe and Tribal documents, such as flyers, sign-in sheets, photographs of tribal meetings and powwows over the decades evidence a community sustained over time.

1. The Early 1900s: Amah Mutsun Activity Remained Discreet.

Following the wholesale exterminations of California Indians after the Gold Rush and the inhospitable actions of the new California legislature in the 1870s, the Amah Mutsun Tribal Band maintained a discreet presence in the areas surrounding the Mission and Gilroy. The tribal community kept to themselves and tribal members were primarily concerned with the difficult task of survival. Many tribal members worked and lived on Spanish rancherias and food and lodgings were often shared among tribal families due to the fact that there was not enough to go around. Mondragon declaration.

In the early 1900s, the federal government took a renewed interest in identifying groups of California Indians. As it had in earlier periods, the government debated different solutions to the "Indian problem," many of which involved giving the Indians land or compensation after identifying which groups of Indians had viable claims to the land. See e.g. Kelsey 1906 Census. The Amah Mutsun elders realized that this official government counting of tribal members would have greater significance in the years to come. Zwierlein declaration.

The government conducted its 12th Census in the area of San Benito and Santa Cruz Counties in June 1900. Beginning in this period and until the Enrollment conducted in 1928, tribal elders actively worked to contact tribal members and encourage them to report to government officials. Zwierlein declaration. Leaders like Barbara Serria (Solarsano) and her

daughter Ascencion asked tribal members to participate in the Census. They traveled to the southern Santa Clara Valley area, including the community districts of Gilroy, Hollister, Monterey, San Juan Bautista and Santa Cruz, to contact the Amah Mutsun descendants who were still living and working in the area. Zwierlein declaration.

The 1900 Census reported almost 100 Indians living in Santa Cruz and San Benito Counties. The Census takers designated each Indian with an "Ind," not interested in the exact tribal affiliation of the person. However, from the list of names, we can see that many of these Indians lived in close proximity and are the ancestors of current tribal members. For example, the Cervantes family was recorded in San Benito County and Ascencion was listed as a head of family. Tribal members in these areas frequently spent time together.

At about this same time, C. Hart Merriam, a researcher for the Smithsonian Institute, Traveled around Central California to study the cultural characteristics of the Indians living there. On September 26, 1902, Merriam first met Barbara Solarsano (Barbara Serria), whom he described as an aged Indian woman living near the Mission San Juan Bautista. Merriam, Ethnographic Notes at 371. Barbara identified herself as a member of the Hoomontwash Tribe. Merriam's notes provide us with a glimpse of the Hoomontwash tribal identity: the Tribe lived primarily in the San Juan Valley and up the west side of the Salinas Valley to Soledad, they worshipped the traditional gods, ate traditional foods like squirrels and eel, and continued to weave baskets in the ancient way. Merriam, Ethnographic Notes at 371. Some tribal members still spoke the traditional language that was distinct from other Indian languages in the area. Solarsano distinguished the Hoomontwash tribe from the Indians of San Jose, Santa Clara and Monterey. After interviews with members of other Tribes, Merriam provided examples of the Different behavior between the tribes.⁴⁸ Barbara spoke the Hoomontwash language with her family and with other tribal members and it is this practice that allowed Harrington to complete his study of the Hoomontwash/ Mutsun language in the late 1920s.

2. The 1920s: Local Pride in Amah Mutsun Heritage.

During the 1920s, tribal communal activity was centered on 123 Rosanna Street in Gilroy, the home of Ascención Solarsano de Cervantes. As her fellow AMTB members and

historians have said on numerous occasions, Ascencion, matriarch of the modern Amah Mutsun tribe, lived at the "place of the elbow." Amah Mutsun members have said that "this place is where all that is Amah Mutsun is." Mondragon declaration.

Ascención Solorsano de Cervantes was a respected traditional Mutsun speaking Indian, directly descended from the Amah Mutsun Tribal people. She had grown up on a ranch outside the Mission compound, protected from the forced assimilation of life at the Mission. Harrington, Last San Juan Indian at 2. In her youth, she studied tribal history and learned the language, and therefore she was able to tell Harrington many stories about the culture of her unique Tribe.

As an adult, she was known throughout Central California as a great Indian "doctora" and she used tribal medicinal healing, learned from her mother and other tribal elders, to treat Indians in Gilroy. Harrington, Last San Juan Indian at 3-4. Hundreds of people passed through her open door and her reputation and her status grew. To this day, tribal members remember makeshift shelters built out of tin, and beds spread out in Ascencion's little backyard, to house all the people. Mondragon declaration. Ascención attributed her keen knowledge of traditional Indian life and medicine use to her traditional Amah Mutsun up-bringing. Harrington, Field Notes.

Ascencion was not afraid to be publicly identified as an Indian or as an Amah Mutsun. This may be, in part, the result of the unique history of Gilroy. John Gilroy was the first non-Spanish speaking inhabitant of the region and he owned a large ranch bordering the town. As a white man, he was trusted by town and government officials, but he was also well-respected by the Indian community. He had married a local Spanish woman, Maria Clara Ortega. His son, Catarino Gilroy, was raised with a respect of the Indian inhabitants in the area and he married an Amah Mutsun woman, Maria Soledad Ortega (100% Amah Mutsun blood). Catarino's children were raised with a strong awareness of their Indian identity and Catarino's son Luciano Alfredo Gilroy married Adela Gilroy, another woman of Amah Mutsun blood. Zwierlein declaration.

Ascencion and the Gilroys were close friends and Ascencion and Adela Gilroy would often make tamales together and sell them on Friday nights to make money for the Tribe. Ascencion's special status and the acceptability of being Indian in Gilroy led to a new period of Amah Mutsun activity: tribal gatherings at Ascencion's house and at the Catholic Church down

the road took on more overt Amah Mutsun characteristics.

As recorded by Harrington, the Smithsonian historian who studied Ascencion and the Tribe, Ascención had kept in contact with most of the Amah Mutsun descendants, who in their later life, lived nearby on Spanish land grants, in the surrounding San Juan valley region, and as far away as Monterey. Joseph Mondragon recalls traveling the great distance from Monterey to join the rest of the family in Gilroy for funerals, baptisms and other important tribal events. Mondragon declaration. Because it sometimes took as long as three days to make the trip to Gilroy, the Mondragon family would visit various tribal members for a week before returning to Monterey.

For other tribal members who lived closer, informal gatherings were held on a weekly or even a daily basis. Amah Mutsun women helped Ascencion tend to her many patients and raise money to feed her growing brood. Amah Mutsun men gathered to inquire about work or to discuss problems confronting their families. Ascencion was the center of a growing awareness of the Tribe.

Ascencion, as tribal leader, also coordinated the economic activity of the tribe. Most Amah Mutsun men had become day laborers and worked on local farms to earn money. Ascencion had formal relations with local land-owners and insured that all Amah Mutsun tribal members had continuous employment. When a land owner needed to hire a picker, for example, he would pay a visit to Ascencion and she would record the type of work , the location of the farm and the daily wage in a big black ledger. Every day after work, the Amah Mutsun laborers would gather at Ascencion's house to relax, discuss problems encountered out on the rancherias, or sign up for work if their job was finished. Ascencion interceded on their behalf, if necessary, and represented them in confrontations with landowners.

The 1928 Enrollment logs provide clear evidence of a tribal identity. At least 65 tribal members were enrolled in the 1928 Enrollment process and they all list their tribal affiliation as "Mission Indian, San Juan Bautista, San Benito County." Vincent Corona used the tribe's own moniker for the first time and stated that he was a member of the "Ama" tribe, at the Mission San Juan Bautista in San Benito County.

3. The 1930s: Ascencion's Legacy.

J.P. Harrington stayed with Ascencion, studying Amah Mutsun history and culture at every opportunity, at the Mondragon family home until Ascencion died in 1930. At her death, the Mission cemetery was specially reopened so that she could be buried in a place of honor with her tribesmen. Harrington, *Last San Juan Indian* at 7-9. Dignitaries from around the Bay area, as well as tribal members who had been dispersed after the Mission was originally closed, gathered to pay their last respects to the woman who had done so much for the Tribe. Id. From that date on, the Mission allowed Amah Mutsun members to use Mission grounds for Indian ceremonial use. This provided the catalyst that allowed many of the Amah Mutsun descendants to renew a sense of community and to recognize the importance of their shared past.

The Great Depression was a difficult time for tribal members. Food and jobs were less plentiful than ever before. The Tribe resorted to ingenious methods to provide for its members. For example, Adela Gilroy remembers frequently having 'goat barbecues' with other members during this harsh period. Sometimes, one of the older men would announce that he would host a goat barbecue the following weekend. The women in all the different families would each prepare a dish to bring to the barbecue, including tamales or potatoes or pinole (squirrel), and the men would be dispatched to find the goat. At that time, hunting deer was illegal, but after a foray into the woods, the men inevitably came back with something to satisfy the crowd.

During the 1930s, there were regular gathering of the Amah Mutsun Tribal descendants at funerals and baptisms. Although gas was expensive and transportation was often difficult, it was required that all tribal members assemble for the funeral of a tribal member. If it was physically possible to get to the location of the funeral, the tribal member was required to attend.

Many of these events were used to conduct informal Tribal business and exchange family and other Tribal information. Some of these events took place in San Juan Bautista, near the old Mission grounds. Other events took place in local parks or at the homes of other tribal members.

Maria Dionicia, Ascencion's daughter, emerged as an informal leader of the Tribe. Like her mother, Maria was a medicine woman and her home became a refuge for tribal members in

the region.

4. The 1940s: Amah Mutsun's Young People Leave for War.

During the 1940s, Amah Mutsun Tribal members were very active in war related activity. At the height of the war, many young Amah Mutsun members were working in factories or were serving in the Navy or Army. One of the Amah Mutsun leaders, Tony Corona, grandson of Ascención Solorsano, kept the Tribal families and community together during this period. Mondragon declaration. Over at Hollister, the families would organize picnic gatherings of the available Amah Mutsun members. During the 1940s, Tribal related baptisms and funerals were the main activity, and the Tribe used these events to discuss Tribal news and share their worries about their sons and husbands who were active in the war efforts.

In 1947, the Amah Mutsun Tribal members appointed one of their members, Eloiza Ardaiz, as their leader and representative to participate in the federal claims litigation authorized by Public Law 726. Tribal members frequently came together during this period to discuss the status of the litigation. It was at this time that the Tribe began to consider making a petition for federal recognition.

5. The 1950s: An Increase in Organized Activity.

During the 1950s, gatherings of the Amah Mutsun Tribe were held as part of the San Juan Bautista Powwow, an annual three-day celebration. At the San Juan Powwow, tribal members would participate in activities to celebrate their Amah Mutsun heritage, such as dancing, preparing food, making handicrafts and visiting the graves of their ancestors. This festival was especially meaningful for the members of the Tribe because it is where their ancestors were first removed from their peaceful villages in the valley and taught the ways of the white man. Mondragon declaration.

In addition during the 1950s, several Amah Mutsun Tribal members began to attend the Indian Pow Wows of other tribes and gain support for having their own Pow Wow gathering. Over 200 tribal members attend the annual Bautista Powwow.

During the 1950's, a number of Tribal leaders and other members were becoming increasingly dissatisfied that most of the Tribe's gatherings were centered around baptisms or

funerals, and there was a growing desire to host more purely tribal gatherings. At around this time, Tony Corona began hosting his annual birthday party. The Tribe celebrates it together on January 4th every year. Tony saw it as a time to come together to celebrate the arrival of a new year as a group.

In addition, after some tribal members had been shipped to Korea, George and Ben Gilroy wanted the tribe to come together to celebrate on a happy occasion and they started the tradition of a summer gathering. At a 1958 tribal gathering at Balota Park, Amah Mutsun families and friends brought food and drink as an offering of support for coming together. The community exchanged old tribal stories that had been passed on by their Amah Mutsun grandparents. At this occasion and many others to follow, Amah Mutsun families shared photo albums with the young and with those who did not know their more-distant relatives. The very young gathered to hear the old Amah Mutsun stories of how their people had lived in the San Juan valley. The little ones became involved in traditional Amah Mutsun play activity for the first time.

6. The 1960s: Regular Gatherings Throughout the Year.

During the 1960s, members of the Gilroy family continued to organize these summer gatherings. They were often held in July at regional parks, like the one held at Christmas Tree Park, in Gilroy California in 1966. These community gatherings were informal and became the source for family members to renew old relations and to find relatives with whom the Tribe had lost contact.

During the 1960's, for the first time, Amah Mutsun Tribal members used flyers to get tribal members to attend community and business gatherings. These gatherings helped in the enrollment process. Specifically, in 1968, tribal member's came together to help each other in filling out tribal enrollment forms. The Tribe again discussed the idea of working to gain federal recognition.

Finally, during the 1960's, the most attended Tribal community gatherings, outside of those described above, were Amah Mutsun funerals. According to Adela Gilroy, the 1960's

were an unfortunate decade of many Amah Mutsun Tribal members' funerals, and many members of the Tribe attended these ceremonies.

7. The Amah Mutsun Tribal Community from the 1970's through 1990

In the 1970s, the Stanford Powwow was organized, a two-day celebration that brings together tribes from all over the Bay area. Every year, the Amah Mutsun Tribe sends at least 100 people who act as representatives. The Powwow hosts a rodeo and an exhibit of native american culture.

The Tribe has documented that from the 1970's through the 1990's, more than thirty Amah Mutsun summer gatherings and meetings took place at a variety of locations, such as Christmas Hill Park in Gilroy; Adam/Chitactac Heritage Park in Gilroy; and the San Juan Bautista Mission. The Tribe has reconstructed these events by relying on elders' memories, photographs of people at the events and flyers that were mailed to announce the events beginning in 1958.

Consequently, in addition to the funerals and baptisms that occur in any given year, tribal members also attended the Fiesta Day celebrations at the Mission, the Stanford Powwow, Tony Corona's birthday celebration, the annual July picnic and formal membership meetings that would occur when the tribe had to resolve a specific issue.

At all Amah Mutsun Tribal gatherings, including the more formal meetings, members always participate in traditional Amah Mutsun activities. For example, sacred Amah Mutsun prayers are held at the beginning of all gatherings and the traditional cleansing with smoke is usually performed. Id. The frequency of these community gatherings provides compelling evidence that the Amah Mutsun Tribe has a strong communal identity.

8. The Present Amah Mutsun Tribal Community 1990 to 2020

Today, the Amah Mutsun Tribe is an active community of members, each of whom can trace their individual descent directly to a San Juan Bautista Mission Indian. In addition to the annual gatherings discussed above, the Tribe also holds regular membership meetings.

The Amah Mutsun Tribe began conducting formal organizational meetings as early as 1989, which were usually held at least once a month thereafter, and which culminated in the first

petition for federal recognition submitted to the Bureau of Indian Affairs in 1995. The meetings are conducted by the Tribal Council, formally elected in 1989 and responsible for governing the day-to-day operations of the Tribe. These meetings were a mix of business, community and cultural concerns. Discussions ranged from how to meet and improve the members' living and economic conditions, how to seek Federal reinstatement and how to access ancestral sites for gatherings. Membership meetings are well-attended by the general membership and are used to discuss and vote upon Tribal matters.

The Tribal Council still works closely with the elders of the Tribe. As is common with many Indian tribes, the Amah Mutsun Tribe pays special regard and respect to their surviving elders. The elders who are still active and live near the ancestral homelands are as follows:

The elders are consulted whenever important decisions are to be made, and tribal members visit them frequently to look after their well-being and to hear stories from the past.

The Amah Mutsun of Mission San Juan Bautista, Irenne Zwierlein Chairperson, has been a part of the Governing Body of Petitioner #120 and recognized as such by The United States Department of the Interior from September 18, 1990 with its original notification to "hereby petitioning for federal acknowledgement" to the United States Department of Interior letter dated June 24, 2020 (See Exhibit 2) & (See Exhibits 4-18)

C. CRITERION 25 CFR 83.7(c): The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the Present.

1. Introduction

The Amah Mutsun Tribe has maintained political influence or authority over its members as defined in 25 CSF 83.1 since the Tribe's earliest recorded history. As is required by the regulation, the tribal leadership has, since pre-European times, communicated with the membership, exerted strong influence regarding the maintenance of tribal norms, and organized community activities of the Tribe.

In the years preceding the adoption of its Constitution and formal election of its Tribal

Council, elders and other leaders were responsible for maintaining the Tribal community of the Amah Mutsun Tribe. In the years since, the Tribal Council has worked in conjunction with tribal elders to safeguard the Tribe's welfare.

What follows is a summary of various histories, leaders and events that demonstrate and satisfy the criterion of 83.7(c).

2. Early Leadership of the Amah Mutsun Tribe

Before the arrival of the Europeans, each Amah Mutsun village was led by a charismatic male elder, called a "capitan" by the Spanish. This leader worked with tribal elders to lead the village and manage its affairs on a day-to-day basis. Mondragon declaration. The leaders were responsible for "feeding visitors, providing for the impoverished, and directing expeditions for hunting, fishing, gathering and warfare." Milliken's 1770's Report at ii, quoting Harrington. In times of war or drought or other crisis, the villages might choose a new leader based on the charisma, age and area of expertise of the particular person, considered with the type of crisis to be confronted. The leader would work with leaders from the other Amah Mutsun villages to resolve the common problem and then, when the crisis was resolved, the leader would resume his position as an average member of the tribal group. Mondragon declaration. This chosen leader often turned to the elders for spiritual advice before proceeding to action. Milliken Report at 24, quoting De la Cuesta.

There is also evidence that in the early era, Tribal leadership and influence was sometimes passed by descent, from father to son. A.L. Kroeber, *Elements of Culture in Native California*, in *The California Indians: A Source Book*, 27 (Heizer ed., Univ. of Cal. 1971). Such leaders, among other things, mediated disputes between individuals and families.

3. Amah Mutsun Authority and Influence in the post-Mission era.

Following the forced dispersal of the post-Mission era, the Amah Mutsun leadership centered around family authority and tribal elders. Active members of the Tribal community organized efforts beginning in the late 1800s to locate Amah Mutsun families and insure that the members were counted the official Federal California Indian censuses. Tribal members recount

that the earliest leader in the post-Mission period was Barbara Serria. She and her husband lived outside of the Mission compound and helped those who were struggling with the new demands of post-Mission survival.

During the early period, between 1900 and 1930, much of the Amah Mutsun leadership and center of activity related to Ascension Solorsano de Cervantes and her Gilroy home at the "elbow of the tribe." Mondragon declaration. Ascension was responsible for keeping the Amah Mutsun people active as a Tribe, and maintained control of where and when her Tribal people could work. Her home served as the center of the Amah Mutsun community for decades.

After Ascension's death in 1929, leadership passed to her daughter Maria. Maria's house in Monterey became a center for tribal activity. Maria treated the sick, gave support to families struggling with economic problems, and offered guidance to those who needed it. She also served as a "Tribal judge" to help resolve disputes between members and families. Her son remembers the house being filled with tribal members day and night. The leader's primary job was to maintain unity within the Tribal family.

In 1948, the tribal leaders appointed one of the Tribe's members, Eloiza Ardaiz, as their representative in the federal claims litigation authorized by Public Law 726, and approved the retention of counsel agreement on behalf of the Tribe. The Tribe made decisions together regarding the litigation but ultimately each individual only received a small check for under \$700.

Throughout the 50s, Bennie and George Gilroy also acted as leaders and organized the first of the more formal gatherings of the Mission Indian descendants. These gatherings have continued to the present, in an increasingly organized and structured fashion. Every year, Tony Corona's birthday celebration was held on January 4th and one summer picnic was hosted by different elders at a local park. These organized events, in addition to funerals and baptisms, allowed the Tribe to come together to exchange news, to make decisions, and to fortify accounts of Amah Mutsun history and to maintain ties. At these gatherings, decisions were made and opinions were formed in an informal way: when a tribal elder spoke, all ears were tuned to him.

After Maria's death in 1963, Joseph Mondragon, her son, and his brother Victor, took

over as leaders of the Tribe. Joseph has been active in tribal leadership now for several decades—he has lobbied the State and Federal governments regarding federal recognition, has helped to lead the debate about Tribal affairs and he has become a central figure in the weekend gatherings of the Amah Mutsun Tribe. Joseph also carries on Ascencion's legacy with respect to cultural education: he teaches classes on Amah Mutsun history at local schools and works to preserve the oral history within the Tribe with all the Tribe's younger members.

During this period, a number of Amah Mutsun elders played significant roles, as representatives of the Tribe, in the outside communities. Amah Mutsun leaders were elected to local governmental offices in nearby cities. Some worked on various Indian projects with the Santa Clara and Alameda Counties. Tribal leaders participated in providing the Amah Mutsun history at conference gatherings. Tribal elders taught classes on Amah Mutsun history at local grade schools and worked with teachers to develop curriculums on Native American history.

The current Chairperson is Irenne Zwierlein, who has been very active in Tribal leadership and community activities during the past several decades. (See Exhibits 4-18)

D. CRITERION 25 CFR 83.7(d): A copy of the Tribe's present governing document including its membership criteria.

The current Tribal Constitution is attached as Exhibit 20.

E. CRITERION 25 CFR 83.7(e): The Tribe'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. (See Exhibits 4-18)

Each of the tribal members of the Amah Mutsun Tribe can and has established direct lineage to the Amah Mutsun Tribe that was confined in the San Juan Bautista Mission compound, which, in turn, are part of the Amah Mutsun Tribe that lived in the San Juan Valley for centuries. The genealogy records of each Tribal member are being updated and will be provided at completion of the update.

F. CRITERION 25 CFR 83.7(f): Membership of the Petitioner is composed principally of persons who are not members of any acknowledged North American Indian Tribe.

The membership of the Amah Mutsun Tribe is composed of persons who are not members of any existing acknowledged North American Indian Tribe. The members of the Tribe, who are the descendants of the San Juan Bautista Mission Indian community, has functioned throughout history as a separate and autonomous Indian tribal entity. None of the membership of the Amah Mutsun Tribal Band is known to maintain a bilateral political relationship with any acknowledged tribe.

G. CRITERION 25 CFR 83.7(g): Neither the Petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

Neither the Amah Mutsun Tribe nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.

VI. CONCLUSION

In conclusion, the Amah Mutsun established their society before the Christian Era. The Amah Mutsun were a Native American group, with their own unique language, inhabiting villages in the San Juan Valley in Northern California, when George Washington was President of the United States. The Amah Mutsun culture survived successive efforts by the Spanish, Mexican and American governments to extirpate it. Actually, strengthened by their enslavement in the San Juan Bautista Mission, the Amah Mutsun adapted to circumstances of denigration and discrimination, but never gave in. The Tribe has persisted as a separate, distinct and cohesive entity, recognized as such by all who have seriously examined its history, and today deserves the Department's formal acknowledgement.

VII EXHIBIT LIST OF SUPPORTING DOCUMENTATION

- 1. United States Department of the Interior, Office Of The Secretary letter dated June 24, 2020.**
- 2. United States Department of the Interior, Bureau of Indian Affairs letter dated February 16, 1999.**
- 3. Letter from Senator Ben Nighthorse Campbell expressing support for federal recognition of the Amah Mutsun of the Mission San Juan Bautista, dated December 6, 2004.**
- 4. Mutsun Cultural Continuity in the 20th Century by E. Richard Hart, January 29, 2003.**
- 5. Amah Mutsun in the 20th Century by E. Richard Hart August 9, 2004**
- 6. The 1851 Treaties and Cultural Continuity: The Amah Mutsun of Mission San Juan Bautista by E. Richard Hart, October 26 2004**
- 7. The Mutsun of San Juan Bautista and The Indian Signers of the 1851-1852 Treaties by E. Richard Hart, December 24, 2004**
- 8. Villages and Cultural Sites Associated with Sargent Ranch by E. Richard Hart, January 3, 2005**
- 9. Legal History and Cultural Continuity: The Amah Mutsun of Mission San Juan Bautista and Federal Recognition, by E. Richard Hart, March 4, 2005.**
- 10. The Amah Mutsun and Sargen Ranch Land Tenure by E. Richard Hart, March 4, 2005.**
- 11. Ethnobotanical Resources on Sargent Ranch by E. Richard Hart, March 7, 2005**
- 12. Mission Records of Sargent Ranch Villages by E. Richard Hart March 9, 2005**
- 13. The Amah Mutsun of the Mission San Juan Bautista: Second Supplemental Report by E. Richard Hart, August 23, 2005.**
- 14. Recognition of the Amah Mutsun of San Juan Bautista and the Ralph L. Milliken Papers by E. Richard Hart, March 6, 2006.**
- 15. Mutsun Ethnobotany And Cultural Continuity Report, By Barbara R. Bocek, Ph.D. December 15, 2013.**
- 16. The Return of Hummingbird: Amah Mutsun Resilience, remembrance, and Recognition by Paricia C. Albers December 22, 2013.**
- 17. Membership List Tribal Council certification for the September 1, 2024 membership list. June 1, 2013 prior membership list. Explanations for the membership lists.**
- 18. Tribal Constitution**
- 19. Western Legal History Publication Volume 16, Number1 Winter/Spring 2003 - Reference pages 39-84: "Federal Recognition of Native American Tribes: The Case of California's Amah Mutsun. Author Richard Hart**