



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

SEP 15 2011

Ms. Cheryl A. Schmit
P.O. Box 355
Penryn, California 95663

Dear Ms. Schmit:

This letter is in response to your Freedom of Information Act (FOIA) request dated August 3, 2011, that the Office of Federal Acknowledgment (OFA) received on August 9, 2011. In your request, you sought a copy of the "current narrative" of the group known as the Amah Mutsun Band of Ohlone/Costanoan Indians (Petitioner #120). You also requested a "copy of the index of the records submitted to" OFA for the "Administrative Record."

We have carefully examined our files and are enclosing copies of all narrative submissions relating to Petitioner #120. Petitioner #120 submitted a 38-page narrative in 1995, a 57-page narrative in 2002, and a 46-page narrative in 2003. OFA does not have an index of records for the administrative record for Petitioner #120. We have and release to you a copy of a 3-page preliminary inventory of records on Petitioner #120, generated by the Federal Acknowledgment Information Resource (FAIR) database system.

Out of 144 pages responsive to your FOIA request, we have withheld 5 pages and redacted 4 pages under Exemption 6 of the FOIA. Exemption 6 (5 U.S.C. § 552(b)(6)) allows an agency to withhold a private individual's name, address, telephone number, and other genealogical information, "the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." The information withheld and redacted includes genealogy information, release of which would affect the privacy of living individuals. We do not perceive, nor have you enunciated, any public interest that would be served in disclosing this data that would outweigh the privacy interest of these living individuals.

In addition to myself, the official responsible for this partial denial is Ms. Laura Cloud, FOIA Officer. This decision was also made in consultation with Ms. Barbara Coen, Attorney Advisor, Office of the Solicitor. In accordance with 43 CFR § 2.28(a)(1) and 43 CFR § 2.28(a)(2), you have a right to treat this response as a denial of your request. You may appeal this matter by writing to:

Department of the Interior
Office of the Solicitor
1849 C Street, N.W., MS: 6556
Washington, DC 20240
Attn: FOIA Appeals Office

Your appeal must be received no later than 30 workdays after the date of the final response. Appeals arriving or delivered after 5 p.m. eastern standard time, Monday through Friday, will be deemed received on the next workday. You must include with your appeal copies of all correspondence between you and the bureau concerning your FOIA request, including a copy of your initial request and this letter. Failure to include this documentation with your appeal will result in the Department's rejection of your appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. Your letter should include in as much detail as possible any reason(s) why you believe the bureau's response is in error.

In your request, you are also seeking a fee waiver under 43 CFR § 2.19(b)(1), which provides for a waiver of fees if the disclosure of the requested records is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily for commercial activity. Factors considered in determining whether disclosure of information "is likely to contribute significantly to public understanding of the operation or activities of the government" are listed in 43 CFR Appendix D to Part 2. The statement provided in your request for a fee waiver pursuant to 43 CFR § 2.19(b)(1) did not contain sufficient evidence to support a finding that such factors exists. Therefore, your fee waiver is denied.

For purposes of this request, you are considered an "other requestor." The cost of fulfilling this request is broken down as follows: less than 15 minutes of search time, at no charge to you; 2 hours of managerial review time at \$15.00 per quarter hour (8 x \$15.00) for a cost of \$120.00, at no charge to you; and the duplication of 139 pages, with the first 100 pages at no charge to you (139-100 = 39 pages at \$0.13 per page) for a cost of \$5.07. The fee for providing copies of these documents is less than \$30. Therefore, you are not being charged for any of the costs in accordance with 43 CFR 2.16(b)(2).

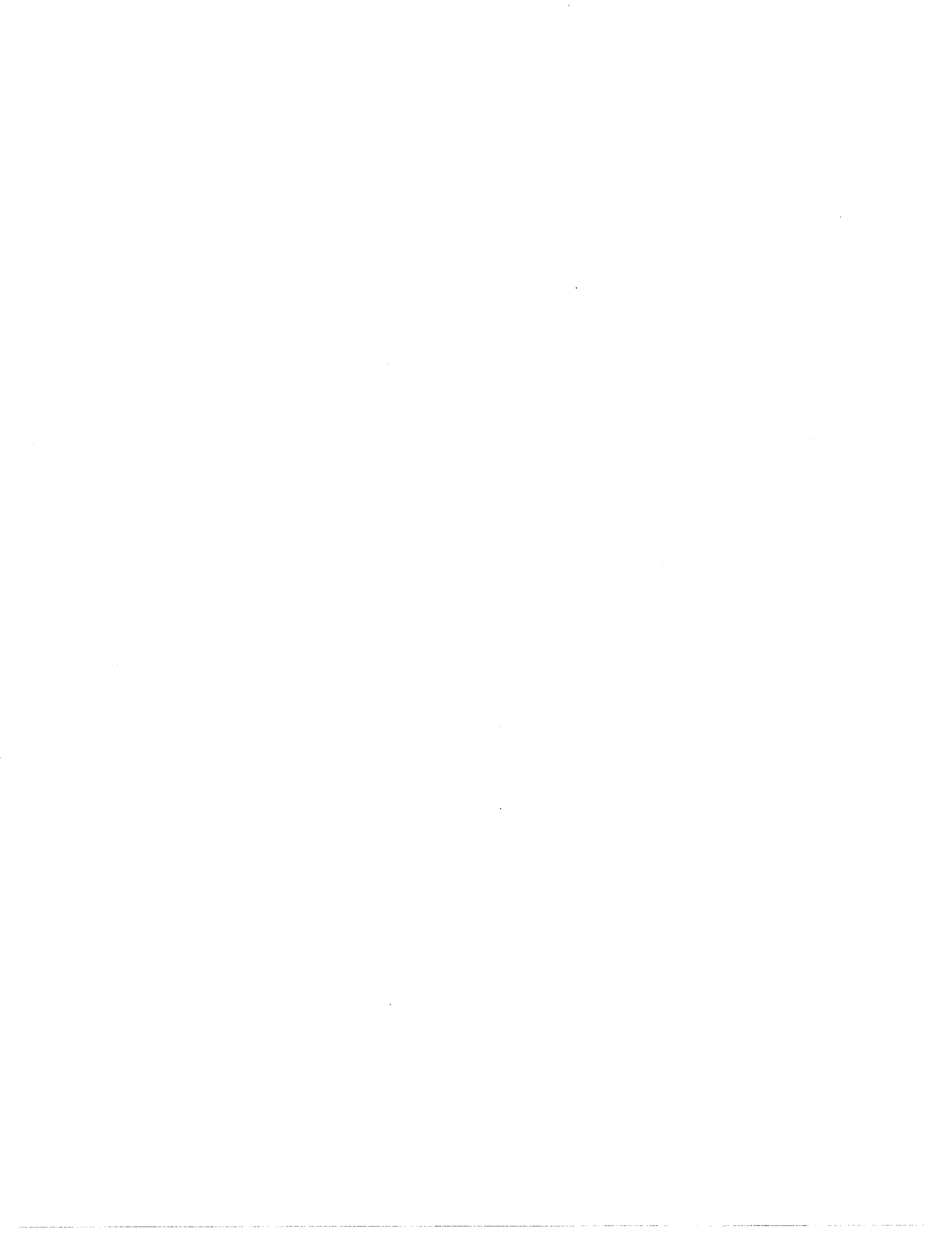
Should you have any questions regarding this response, please contact me at (202) 513-7650.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Lee Fleming". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Director, Office of Federal Acknowledgment

Enclosures



Volume Level Inventory - Basic: Amah Mutsun Tribal Band Petition Administrative Record

Documents Submitted by OFA - Administrative Correspondence [ACR]

2000.12.31

001. BAR/OFA Administrative Correspondence File for Amah Mutsun, Petitioner #120, 1990 to 2000. 203 pp

2004.12.31

002. BAR/OFA Administrative Correspondence File for Amah Mutsun, Petitioner #120, 2001 to 2004. 376 pp

Documents Submitted by [AMB]

1995.03.02

001. Amah Mutsun Tribal Band Reinstatement Request Document to President William Jefferson Clinton. 100 pp

1995.06.12

002. Addendum to Amah Mutsun Tribal Band Reinstatement Request Document to President William Jefferson Clinton. 210 pp

1995.08.22

003. Addendum to Amah Mutsun Tribal Band Reinstatement Request Document to Holly Reckord. 77 pp

1995.09.07

004. Addendum to Amah Mutsun Tribal Band Reinstatement Request Document to Holly Reckord. 77 pp

1996.09.20

005. National Hispanic and California Native American Museum and Cultural Center. 22 pp

006. Amah Mutsun Ancestral, Family and Pedigree Charts Volume I of V. 357 pp

007. Amah Mutsun Ancestral, Family and Pedigree Charts Volume II of V. 312 pp

008. Amah Mutsun Ancestral, Family and Pedigree Charts Volume III of V. 241 pp

009. Amah Mutsun Ancestral, Family and Pedigree Charts Volume IV of V. 205 pp

010. Amah Mutsun Ancestral, Family and Pedigree Charts Volume V of V. 296 pp

1996.09.27

011. National Hispanic and California Native American Museum and Cultural Center. 23 pp

012. Amah Mutsun PAF Ancestry File Diskettes. 2 pp

1998.05.01

013.	Amah Mutsun Tribal Band Exhibit A - "Study of Common and Particular California Indian Historical Factors and Condition."	197 pp
014.	Amah Mutsun Tribal Band Exhibit B - Video Documentary.	22 pp
1998.06.10		
015.	Amah Mutsun Tribal Band Exhibit C - National Anthropological Archives Museum.	237 pp
1998.06.15		
016.	Amah Mutsun Tribal Band Exhibit D - National Archives: 1928 California Indian Enrollment.	269 pp
017.	Amah Mutsun Tribal Band Exhibit E - National Archives: Foster Report.	25 pp
1998.06.24		
018.	Amah Mutsun Tribal Band Exhibit F- National Archives: Sacramento Area Office. [I]	201 pp
019.	Amah Mutsun Tribal Band Exhibit G - Local Library Research.	51 pp
020.	Amah Mutsun Tribal Band Exhibit H - Dorrington Report.	24 pp
1998.07.08		
021.	Amah Mutsun Tribal Band Exhibit I - National Archives: Sacramento Area Office. [II]	229 pp
1998.07.14		
022.	Amah Mutsun Tribal Band Exhibit J - Residency Analysis.	55 pp
023.	Amah Mutsun Tribal Band Exhibit K - Unratified Treaties with California Indians.	95 pp
024.	Amah Mutsun Tribal Band Exhibit L - Kinship Charts.	286 pp
2000.09.06		
025.	Amah Mutsun Tribal Band Constitution and Ordinances.	51 pp
2002.05.02		
026.	Amah Mutsun Tribal Band Petition Narrative.	61 pp
027.	Amah Mutsun Tribal Band Petition Exhibits 1 - 21.	391 pp
028.	Amah Mutsun Tribal Band Petition Appendices 1 - 10.	266 pp
029.	Amah Mutsun Tribal Band Petition Appendices 11 - 21.	209 pp
030.	Amah Mutsun Tribal Band Petition Appendices 22 - 32.	356 pp
2002.09.19		
031.	Amah Mutsun Tribal Band Applications 1- 44.	227 pp
032.	Amah Mutsun Tribal Band Applications 45 - 149.	419 pp

033.	Amah Mutsun Tribal Band Applications 150 - 239.	370 pp
034.	Amah Mutsun Tribal Band Applications 240 - 328.	361 pp
035.	Amah Mutsun Tribal Band Applications 329 - 429.	359 pp
036.	Amah Mutsun Tribal Band Applications 430 - 717.	317 pp
037.	Amah Mutsun Tribal Band Family Group Records 6 - 256.	369 pp
038.	Amah Mutsun Tribal Band Family Group Records 297 - 805.	281 pp
039.	Amah Mutsun Tribal Band Family Group Records 822 - 900.	258 pp
040.	Amah Mutsun Tribal Band Family Group Records 920 - 1035	285 pp
041.	Amah Mutsun Tribal Band Family Group Records 1038 - 2364.	316 pp

2003.08.15

042.	Amah Mutsun Tribal Band Updated Membership List.	75 pp
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Total Pages: 9,163



1995

**A Brief Historic Overview Pertaining to the Federal Status of the
Amah-Mutsun Tribe - Costanoan Tribal Group from
the San Francisco and Monterey Bay Regions:
Tribes that were Administratively Terminated
by the Bureau of Indian Affairs in 1927 by
Superintendent L.A. Dorrington, Sacramento Agency**

By
Alan Leventhal (Tribal Ethnohistorian), and Irene Zwielerlein (Chairwoman, Amah-Mutsun
Costanoan/Ohlone Tribe)

Archaeological evidence attests to the fact that Native American populations occupied the greater San Francisco-Monterey Bay regions for at least 10,000 - 12,000 years. This evidence has been published as part of a major Caltrans Project (Highway 101 Bypass) located in south San Jose at site Ca-SC1-178 (Hildebrandt 1983) and also derived from prehistoric site Ca-SCr-177 (Cartier et. al. 1993) located in Scott's Valley near Santa Cruz.

Over the millennia, California became one of the most linguistically complex areas of the world. Within the Monterey/San Francisco Bay region several major languages were spoken by over 125 autonomous tribal groups. The San Francisco Bay region south of Marin to Monterey Bay was occupied by many Ohlone/Costanoan speaking tribal groups.

**Some Key Dates and Events
in San Francisco/Monterey Bay Region History**

December 16, 1602 -
January 3, 1603

Sebastian Vizcaino sailed into Monterey Bay for repairs and supplies. Various tribal members from the Costanoan (Esselen and southern Ohlone) rancherias visit and provide food for Vizcaino and his crew.

November 26, 1769

Land expedition led by Gaspar de Portola and Fray Juan Crespi arrives and establishes a settlement at Monterey Bay.

December 27, 1770

The first Native American was baptized from the village of Achasta.

Advent of the Hispano-European Empire

As the Spanish padres and military men were establishing a foothold for the northernmost frontier of the Spanish Empire in Alta California, they came upon many villages of native populations inhabiting the greater Monterey Bay coastline. The Spaniards called these collective, yet autonomous, tribal groups *Costanos** or Coast Dwellers. At the time of contact, and prior to, these Monterey Bay coastal populations comprised Esselen, southern Costanoan and intermarried and multilingual speaking rancherias, all of whom were taken into the fold of Mission San Carlos. It was the converted Costanoan Indians, along with other Indians, who built and supported, as indentured laborers, the seven northern Franciscan missions, presidios and pueblos within the greater Costanoan region. The end result of the impact of European civilization, culminated in some cases with the complete destruction of many of these tribal groups.

*(The term *Costanos* has since been Anglicized to **Costanoan** by linguists and anthropologist in order to classify the languages and culture of these tribes. **Costanoan** is also the classification employed by the Bureau of Indian Affairs over this past century to identify all Ohlone/Costanoan descendants of the aboriginal tribal groups who occupied the San Francisco/Monterey Bay regions).

The California Indian Tribal Side of History: A Perspective from the Amah-Mutsun Band.

The documented ancestors of the present-day **Amah-Mutsun Band** were born before and during the late 18th century; into a world experiencing the adverse impact of Hispano-European contact and cultural transition.

Amah-Mutsun Band of Costanoan/Ohlone Indians

The Amah-Mutsun tribe are represented by the various surviving lineages who spoke the **Hoomontwash** or **Mutsun** Ohlone language. The majority of Mutsun speaking tribal groups were baptized at Mission San Juan Bautista. Some of the principal family members are historical Native American figures (e.g., Barbara Serra Solarsano, her daughter Ascencion Solarsano de Cervantes, Maria Guadalupe Ortega and her daughter Soledad Ortega Gilroy). Amah-Mutsun people still spoke their language fluently at the turn of the 20th century. Among these speakers was Ascencion Solarsano de Cervantes (a renowned Mutsun doctor), who also served (until her death in 1930) as principal linguistic and cultural consultant to J.P. Harrington of the Bureau of American Ethnology/Smithsonian Institution. Many of Ascencion's descendants are presently tribal officers and members. Joseph Mondragon, son of Maria Dionicia Mondragon (one of Ascencion's daughters), is presently the tribal administrator for the Amah Tribe.

Another principal lineage traces itself to Maria Guadalupe Ortega. Guadalupe Ortega's lineages have been traced through the San Juan Bautista mission records to the following rancherias: **Ausaima**, **Ochentac** (Millanistac) and **Unijaima**. Maria Guadalupe's father was Eladio Lajaj (SJB Bapt. #584), who was born at the local Unijaima/Ohlone Rancheria of the San Isidro/Gilroy area. Eladio's father was Serafin Chojois (a.k.a. as El Choto or pug-nose). Serafin was from the Ausaima/Ohlone Rancheria, located to the east of the Unijaima and north/northeast of the Mutsun's of the San Juan Valley. Eladio's mother was Teodora Ocrem, who was also from the Ausaima/Ohlone Rancheria. Maria Guadalupe's mother was Anselma (SJB Bapt. #1796) who was from the Guachirrones/Ohlone Rancheria of the Mountains to the west. It was Guadalupe Ortega's daughter Soledad who married Caterino Gilroy (son of John Gilroy). The current Chairwoman of the Amah-Mutsun tribe, Irene Zwierlein, is the great-granddaughter of Soledad Ortega Gilroy. There are approximately 600 enrolled tribal members.

Why is the Amah-Mutsun Band not Federally Recognized Today?

After conducting intensive genealogical and historical research over the past 12 years, as Unrecognized tribes seeking Federal Acknowledgment, we found that during 1851-1852 Congress authorized three commissioners to "treat" with the tribes of California. During this time 18 separate treaties were negotiated with 129 tribes signing. We also learned that the treaties were set up to accomplish two basic goals: first, to formally cede, through treaty, the majority of California to the United States Government; and second, to set aside 8.5 million acres of land in the interior of the state to be used by the California tribes as reservations lands (see attached map). Due to the prevalent attitudes held by the "post-conquest" elected California Senators toward Indians, these 18

treaties were never ratified by Congress. Apparently, they were also suppressed by the Senate, until their rediscovery in 1905. During this post-American-conquest period (1851-1905) many of the California tribal communities were recognized as existing by the United States Government, but were not entitled to receive any benefits, subsidies or land. The bottom-line was that these landless (and in many cases homeless) Indians had to fend for themselves as individuals or individual families.

This psychological and sociological impact on our respective tribal communities and families was devastating; so much so that it led Kroeber (one of the founding anthropologists at U.C. Berkeley) to conclude in 1925 that the Costanoan Indians were "extinct as far as practical purposes are concerned". This academic death knell would ultimately influence the ensuing generations of educators, politicians scholars and other public officials to accept, if not further, the absoluteness of tribal extinction. Furthermore, with the exception of J.P. Harrington, almost all of the early historical and anthropological "studies" failed to identify or discuss contemporary Native American realities of ever-changing mid-19th and 20th century cultural, community and family environments. Against immense odds and at times adverse conditions, our ancestors had to formulate strategies for survival. As potential marriage partners from our respective tribes became less and less available, due to population shifts and declines, as well as, changing economic conditions, ancestral tribal members continued to intermarry with other Indians from adjacent and nearby tribal groups. This intermarriage pattern nonetheless provided for the biological continuation and cultural identity for our respective tribal groups.

Even though our ancestors continued to give birth and speak Indian languages, the realities of our communities became more and more invisible to the dominant society, including the scholarly community. Therefore, the process of pronouncing our tribal groups extinct continues to this present day (see Kehoe 1992 as an example), even though Kroeber publicly reversed himself during the 1955 California Claims hearings in San Francisco and Berkeley. Furthermore, Heizer (Kroeber's student, colleague, and co-author) formally published the full text of the claims docket document in a Berkeley Anthropological Publication series in 1970 (Kroeber and Heizer 1970 - Contributions of the University of California Archaeological Research Facility, Papers on California Ethnography, No. 9).

Independently of the extinction pronouncements discussed above, we also discover that all of the known Costanoan-Esselen communities apparently were recognized by the United States Government and BIA. The various aforementioned tribal groups appear in several special censuses between 1902-1906, which were conducted by special agent C.E. Kelsey on behalf of the BIA/Interior Department. These tribal communities also appear on the official 1913 BIA tribal map for California (see attached). Here on this map, by 1913, we find that the Ohlones all but disappeared, as identifiable Costanoan Indians.

In 1924 American Indians became citizens of the United States. We also know that Native Americans throughout the different regions of the United States had served in all of its major wars including the American Revolution, The War of 1812, the Bear Flag Revolt, the American Civil War, World War I, World War II, the Korean War, Vietnam, and Desert Storm.

Perhaps one of the most crucial and pivotal, yet historically invisible and devastating, events happened in 1927. This single event adversely affected many of the aboriginal tribal communities of California. This unilateral decision occurred just one year before the enactment of the California Jurisdictional Act of 1928. It was perhaps the single most disenfranchising process that would **administratively terminate** and therefore, **ultimately deny Federal Acknowledgement** to all of the Ohlone tribal communities. This process of administrative termination did not take place in Washington D.C., but from the armchair and desk of Mr. L.A. Dorrington, Superintendent of Indian Field Service in Sacramento, California.

As a result of responding to an update status requested by the Commissioner of Indian Affairs, regarding the purchase "of land for homeless California Indians", Superintendent Dorrington, appears to have solely relied only on Kelsey's 1902-06 census data, rather than conducting any field/on-site tribal community needs assessment. Mr. Dorrington responded to the Commissioner's request with the following information and pronouncements about the Ohlone/Costanoan tribal communities:

Monterey County

The Indian population of Monterey County is small, consisting of approximately 79 persons, distributed as follows:

Pleyto.....	26
Jolon.....	25
Milpitas.....	8

The Pleyto band have provided their own homes and are not in need of any home site.

The Milpitas band do not require land for home site.

San Benito County

In San Benito County we find the San Juan Baptista band, which reside in the vicinity of the Mission San Juan Baptista, which is located near the town of Hollister. These Indians have been well cared for by the Catholic priests and no land is required (see Dorrington letter June 23, 1927).

Concluding Comments about our Disenfranchisement from Federal Recognition and Dorrington's Decision to Administratively Terminate our Tribes.

It is our position that had Dorrington conducted a responsible assessment as a public official, rather than evaluate the needs of the Costanoan/Ohlone Tribal communities from his arm chair, we believe that our tribal communities would have received home sites with the funding provided by special legislation for homeless Indians in California. Furthermore, had the purchase of home sites been accorded to any families from our respective tribal communities, then those purchased lands would have, by statute, been allocated rancheria/trust land status for the tribe. Therefore, our respective tribal communities would be Federally Recognized today. The fact that Dorrington did not adequately evaluate or identify the needs of the many Central Coastal Tribal communities, led him, either intentionally or unintentionally, to unilaterally and **administratively terminate** our relationship with the United States Government, and in final analysis ultimately undermine our only access at that time to the Federal Recognition process.

We believe that Dorrington based his final determinations on selected and limited information from Kelsey's 1904 and 1905-06 incomplete census data. For instance, Dorrington deliberately omitted any reference to the Esselen/Costanoan Indian people (families) who Kelsey had identified previously as residing in Monterey County. 50 people living within **Monterey (City)**, 45 people at **Bird Haven**, 19 people at **Mansfield**, 15 people at **Pacific**, 5 people at **Arroyo Seco**, and 4 people at **Sur**. Likewise he also omitted many of the Muwekma Costanoan/Ohlone families residing in other San Francisco Bay counties and communities: 8 people at **Niles (Alameda)**, 20 at **Byron** and 5 at **Danville (Contra Costa)**, 35 at **Redwood City** and 30 at **San Mateo (San Mateo County)**; and also the Amah-Mutsun Ohlone families residing in Santa Cruz County: 40 people at **Santa Cruz (City)** and 30 at **Watsonville**. The adverse effects resulting from

Dorrington's armchair assessment about the housing and general welfare needs for the Central Coastal tribal groups is clearly demonstrated in the case of the written inquiry sent to the Sacramento Indian Agency in 1936, by Mrs. Dolores Galvan, a Muwekma tribal elder (Verona band) about the status of her claim. Based upon the written statement of need and inquiry contained in Mrs. Galvan's correspondence, and the ensuing responses from several different branches of government, we have to conclude that Mr. Dorrington was wrong about his assessment of these tribal communities.

This historically invisible (so invisible in fact, that the Muwekma Ohlone tribe inadvertently discovered Dorrington's letter while conducting research at the Federal Archives at the Huntington Library), yet decisive event has adversely affected the well-being of our surviving populations within all of Central California coastal tribal groups. Our tribal group is as much California Indian as any other California Indian tribe, however, because we are not "**Federally Recognized**", we are second class citizens within our own aboriginal homelands causing difficulties in gaining validation by public institutions or agencies representing the dominant society, always having to prove who we are to these agencies regardless of all of our Mission Record, BIA and other historic documentation. This disenfranchisement and administrative termination was due to L.A. Dorrington, who as an appointed public official, decided to pontificate upon our status as tribes and declare unilaterally that we were not in any need of homes. Thusly, this administrative termination process would prevent our tribes to "reorganize" under the **Indian Reorganization Act of 1934**.

Evidence of Continuous Recognition by the United States Government

Given the historical factors cited above, nonetheless, the **Recognized Status** of our tribes have been continuously reaffirmed, both directly and indirectly, by various arms of the United States:

1. Treaty of Guadalupe Hildalgo 1848
2. The President of the United States authorizes three commissioners (Redick, Barbour and Wozencraft) to "Treat" with the California Tribes. As a result 18 treaties were negotiated and signed by 139 tribal chiefs and Indian headmen in good faith. In 1852 these treaties were not ratified by the U.S. Senate, therefore the surveyed tracts of land slated for cession, were never legally acquired by the United States. The Muwekma Tribe of the San Francisco Bay, Amah-Mutsun Tribe and Esselen Nation, were party to and intended beneficiaries of the following Treaties:
 - A. Treaty of Camp Belt, May 13, 1851;
 - B. Treaty of Camp Keyes, May 13, 1851;
 - E. Treaty of Dent's and Ventine's Crossing, May 28, 1851;
 - M. Treaty of Camp Fremont, March 19, 1851;
 - N. Treaty of Camp Barbour, April 29, 1851.
3. Our families were documented as Indians in all of the Post-1852 Federal censuses.
4. Formal requests and petitions had been made on behalf of our tribes and families for land and other benefits to President T. Roosevelt, the United States Congress, Department of the Interior, and the Bureau of Indian Affairs during the years 1903 and 1905. As a result

Congress authorized, through the Secretary of the Interior, Special Agent C.E. Kelsey to conduct an inspection and assessment on the "existing conditions of the California Indians, and to report to Congress at the next session some plan to improve the same" (Heizer 1979). Kelsey was only partially successful in this monumental task of inspection. Furthermore, as part of this assessment process Kelsey generated a special, but incomplete, "1905-1906 Census of Non-Reservation Indians". Even though he could not visit five of the Bay Area counties, some of the Muwekma relations do appear in that document for Alameda County. However, because Kelsey could not complete his census efforts within our respective tribal homelands (Bay Area Counties), we essentially "fell through the cracks" and became even more invisible to the United States Government and Bureau of Indian Affairs relative to the status of landless Indians in California and Federal Recognition process.

5. As a result of Kelsey's partially successful efforts, however, Congress did move and passed the Acts of 1906 (34 Stat. L., 325-333), and April 30, 1908 (35 Stat. L., 70-76), which authorized with "special appropriation ... to provide homes for the tribes in Northern California who were without lands ..." (Letter dated October 13, 1913 to Representative Raker from C.F. Hauke, Second Assistant Commissioner).
6. The Muwekma Tribe was reaffirmed by the United States Government in the following letters concerning funding for land acquisition for the "**Verona-Sacramento bands**" (August 19, 1916, C.F. Hauke to J. Terrell, Special Commissioner), "**Sacramento-Verona Bands**" (October 16, 1916, John Terrell, Special Commissioner Indian Service to the Commissioner of Indian Affairs), and nine years later as identified above as "**Verona Band in Alameda County**" (June 23, 1927, L.A. Dorrington to the Commissioner of Indian Affairs).
7. As mentioned above, our men served in the United States armed forces. Immediate family members served in World War I (prior to the Act to make all American Indians citizens in 1924), World War II, Korea, Vietnam and most recently in Desert Storm in 1991. Further research may yet identify immediate family veterans from earlier wars and service prior to World War I.
8. Our various direct tribal ancestors had provided cultural and linguistic information from 1921-1939 to J.P. Harrington, Cultural Anthropologist/Linguist for the Smithsonian Institution, **funded by the Federal Government.**
9. Our families were **enrolled and approved by the Bureau of Indian Affairs** during the 1928-1933 enrollment census under the Jurisdictional Act of 1928.
10. The 82nd Congress reaffirmed their relationship with the Costanoan tribes in their House Report No. 2503 entitled Report with Respect to the **House Resolution Authorizing the Committee on Interior and Insular Affairs to Conduct an Investigation of the Bureau of Indian Affairs Pursuant to House Resolution 698**; December 15, 1952. In this Congressional report the United States Government recognizes the existence of the Costanoan tribes and land within their ancestral territory. On page 217 the Costanoans are listed on the "**Chart of Tribes and Data in Part I and Part II**". In Part I - **Directory of Indian Tribal and Band Groups** the Costanoan tribes are identified as **Costano** and misperceived as "a small group of Indians south of San

Francisco Bay. They are locally known as Santa Cruz Indians" (page 331). Later under **Santa Cruz**, the tribes are identified as "a small group of Costanoan stock formerly occupying that part of California, lying south of San Francisco and Suisan (Suisun) Bay west of the San Joaquin River and extending south to a little beyond Monterey" (page 567).

Then in the **Special Supplementary Data**, we discover that for the 1950 Census, they identify the tribes residing within 7 counties as follows: Alameda County - urban Indians; Contra Costa County - urban Indians; Monterey County - Salinan; San Francisco County - urban Indians; San Mateo County - urban Indians; Santa Clara County - **Costanoan**; and Santa Cruz County - **Costanoan** (page 671). Finally under the subject of **Miscellaneous Indian Lands** within California, they identify the following: "Formerly Sacramento Agency, Rancherias, miscellaneous, Amador ..., Sacramento, **San Benito**, ... Counties, ..." (pages 716-717) thus suggesting that the United States recognizes some relationship with the Costanoans and land within their ancestral territory.

11. Our families continued to participate in the **California Claims Settlement** from 1930 up until disbursement of the checks for \$668.51 for eligible tribal recipients in 1972.
12. Costanoan/Ohlone Amah-Mutsun tribes have been succinctly named and identified by the U.S. Army and Navy for purposes of having input under PL 100-526, the Base Closure and Realignment Act of 1988 (e.g., letters to the respective tribes dated: May 10, 1993 - Paul W. Johnson, Deputy Assistant Secretary of the Army; November 1, 1993 - John H. Kennedy, Head, Environmental Planning Branch, Department of the Navy; Fort Ord: Dr. Lucy Whalley, "Consultation with Native American Groups Concerning Properties of Cultural Significance at Fort Ord", 1993; and many others).
13. Amah-Mutsun has been formally named and recognized by the U.S. Army Corps of Engineers in accordance to the Native American Graves and Repatriation Act (NAGPRA) of 1990 for the Guadalupe River Flood Control Project in the City of San Jose, California (Letter signed by Lewis A. Whitney, Chief, Engineering Division, January 31, 1994).

Implications of Federal Reinstatement and Recognition: Past, Present and Future

Without having the benefits of any funding resources or any formal reservation lands, since the mid-to-late 19th century the various lineages and family members comprising our three tribal groups have had to formulate survival strategies for each successive generation. Our respective tribal groups have also had to endure the distinction of being pronounced extinct (Kroeber 1925), and then demonstrate the impossible, by coming back from extinction. In actuality, we were not extinct, we became invisible and insignificant to the dominant society. Furthermore, because we did not have any reservations nor conformed to the dominant society's stereotypic view of performing-regalia dressed California Indians (because we had to deal with just basic family survival), our respective tribes as well as our sovereign rights were further diminished during most of the 20th century. Over the past score of years, our respective tribes and families have been the recipients of additional indignities, perpetrated by the Bureau of Indian Affairs as well as other various Federal, State, County and Municipal Agencies and personnel, because of our deteriorated historic position and lack of Federal Acknowledgment. However, as we have persevered and continue to organize ourselves as fully functioning tribal governments and document our respective tribal and family histories as we pursue Federal Recognition, we have found that these negative factors have greatly diminished, and these once-adverse agencies are now paying attention to and respecting us. The only reason why this has happened is because we have demonstrated continuity, we have proposed mutually beneficial and constructive partnerships with both the private and public sectors and finally, through a variety of educational processes, we have successfully dissolved many of the myths about our respective people and tribes, by supplying all of the necessary documents that not only prove who we are, but also demonstrate that we never left our ancestral homes. Federal Recognition will validate to the dominant society who we are, and serve as a vehicle that will guarantee our children's survival and cultural heritage into the 21st century.

**THE AMAH BAND OF INDIANS PETITION
FOR STATUS CLARIFICATION, OR
FEDERAL ACKNOWLEDGEMENT,
PREPARED FOR SUBMISSION TO THE
U.S. DEPARTMENT OF INTERIOR**

The Amah Band located in the San Benito, Monterey, Santa Clara, and Santa Cruz counties of California, submits this petition for federal acknowledgement of its status as an Indian Tribe according to the requirements of 25 CFR 83.1-11. (As recorded in 1921 and 1934 by John P. Harrington)

The office of the Amah Band (Irene Zwierlein, chairperson) is located at 789 Cañada Road, Woodside, California 94062.

Although the United States Government has not conducted relations with the Amah Band based upon unratified treaties, the Federal government has already acknowledged a government-to-government relationship with the Band and its members on a separate and distinct political status through actions of Congress and the Department of Interior over the past 145 years. The Amah Band seeks reaffirmation of the inter-governmental relationship through acknowledgement of their duly constituted Council.

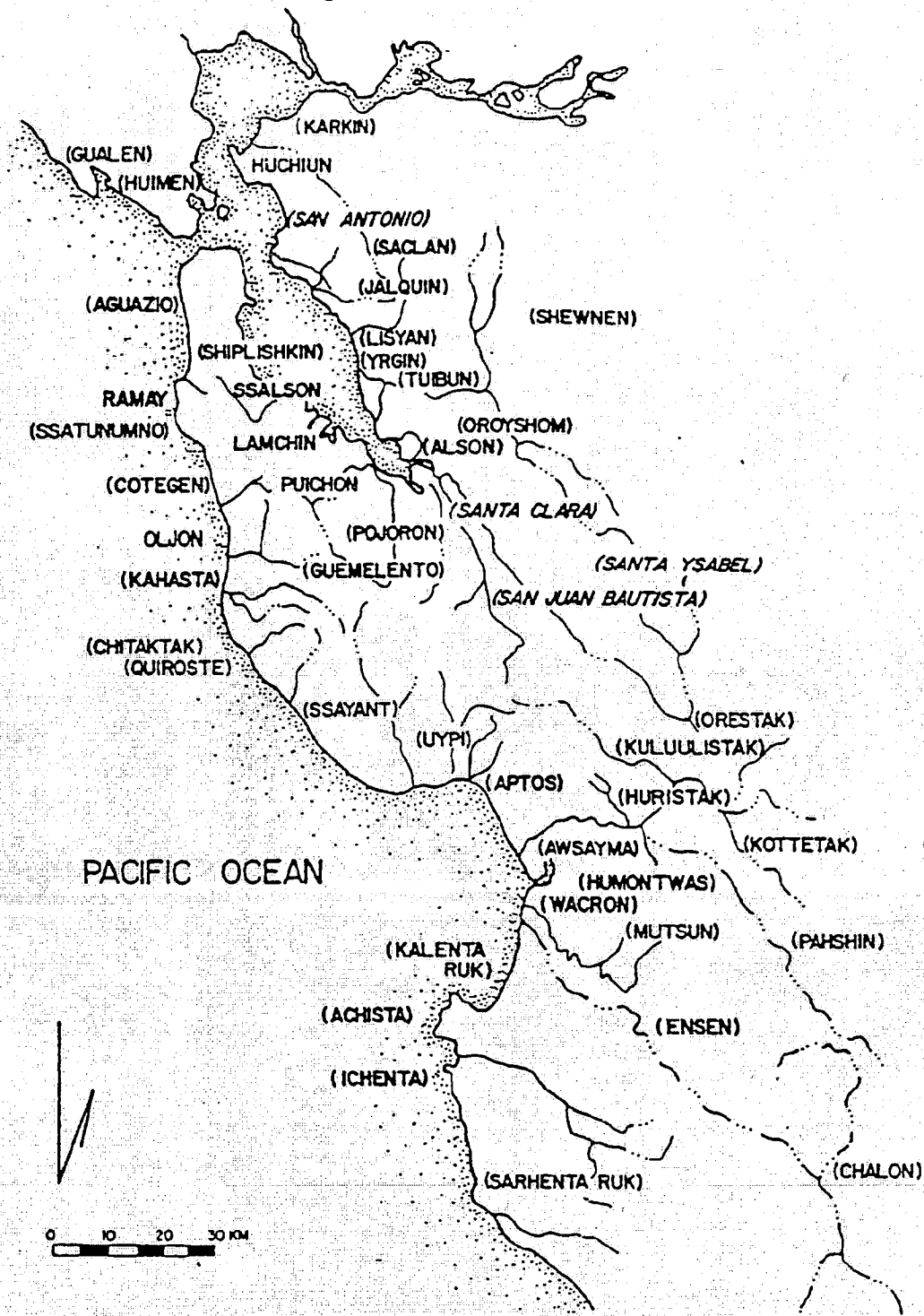
Since pre-contact times the Amah/Mutsun people ("Mutsun" the dialect spoken by these people and "Amah" the Mutsun word meaning "people") have been identified as "aboriginals" of the area of Santa Clara, Santa Cruz, San Benito and Monterey Counties, and a portion of the overall Ohlone/Costanoan territory from Big Sur to as far north as the Carquinez Strait, including both sides of the San Francisco Bay. Many important Costanoan archeological sites have been surveyed in the area. Their presence in the area seem to correspond with the appearance of the Late Period components within archaeological sites around the San Francisco Bay area (Levy 1972-1978).

In pre-contact times Central California was inhabited by an aboriginal population estimated to number 300,000.¹ They inhabited the area for thousands of years and lived in a peaceful co-existence with the other aboriginals of the territory. The concept of land ownership (as we know it) was virtually unknown to them, they existed within specific areas and respected the areas inhabited by other bands.² Through countless inter-tribal marriages the Bands' geographical location extended throughout the entire area and many times overlapped.

In the mid 1760's the Spanish Government sent expeditions to keep California free of foreign (Russian) invasion. The Spanish encountered the aboriginals of Central California and named them "Costanoan" meaning "people of the coast". The term "Costanoan" refers to the coastal tribes and later the term became a way of designating eight linguistically related languages as a family group. The existence of these aboriginal inhabitants were well documented as early as 1602, when Sebastian Vizcaino rediscovered Monterey Bay³, and in the De Anza Diaries.⁴ The Spanish had little knowledge of the great diversity of these people. Though the Costanoan lived in a relatively small area of land they had eight main languages, from these languages there emerged many linguistic dialects (Figure 1). From 1769 through 1823, the Spanish established 21 Franciscan Missions throughout California. Seven missions were founded in Costanoan territory:

1 Hooper, Chad Domesticate or Exterminate (New York: Redwood Coast Publication, 1975)
2 Margolian, Malcolm The Ohlone Way. Indian Life in the San Francisco-Monterey Bay Area (Berkeley: Heday Books, 1978)
3 Bean, Walton California: An Interpretive History (New York: McCraw-Hill Book Company, 1968)
4 Bolton, Herbert De Anza Expedition in California vol I-V (Berkeley: Unica Press, 1930)

Figure 1



Mission San Carlos Borrommo, Mission San Juan Bautista, Mission Soledad, Mission Santa Cruz, Mission Santa Clara, Mission San Jose, and Mission Dolores. It was not many years before the members of the language stock had been brought into association with these establishments (Figure 2). The Costanoan people were clustered around the seven missions founded within their *aboriginal* territory.⁵ Albert L. Kroeber in *The Language of the Coast of California South of San Francisco* (1925), associated the different Costanoan linguistic groups with the respective Franciscan mission, the end result was that the dialects he was able to distinguish became known chiefly by the names of the missions.

In 1797, Father Junipero Serra established the mission at San Juan Bautista and left Father Felipe Arroyo de la Cuesta in charge. Father de la Cuesta acquired great knowledge through his experience with the mission Indians, so much so he wrote five volumes on the local Indian language, *Grammar of the Mutsun Language, Spoken at the Mission of San Juan Bautista Alta California* (published 1869). The foremost goal of the Mission system was the conversion of the native population to Christianity. The purpose was twofold: (1) to established settlement of the vast Spanish territory, and (2) to maintain an ample supply of cheap labor for the building and maintenance of the mission and their surrounding ranches. Thus, the indigenous people inhabiting today counties of San Benito, Monterey, Santa Clara, and Santa Cruz, were forced into the Mission system: this, and Christianity demanded a high price, not just the loss of many lives, but cessation of most, if not all, cultural activities: tradition, language, and religion were all suppressed. However, once Christianized, the neophyte Indians were permitted contact with their relatives and visits to their former homes near the Missions in San Francisco Presidio, Mission San Jose and Mission Santa Clara.⁶

The Mission padres maintained excellent records of their subjects (the Mission Indians) for the Spanish Government. Books dating from 1773 through 1834 record countless births, marriages, and baptisms of individuals of the Moot-Sun, Mut-SOON and/or Mot-sun (Mutsun) tribe (Figures 3-5). C. Hart Merriam in his "Ethnological Notes on Central California Indian Tribes" (1967) also labels the language stock of the San Juan Bautista area as being in the Moot-Sun or Mutsun.⁷ That is the direct lineage of the Amah Mutsun members living in this same territory today.

In the 1800's the missions began to see great changes, the Spanish Government planned the secularization of the missions, however this did not occur until after the Mexican Republic gained its independence from Spain. On August 17, 1833, the Mexican Congress ratified the Secularization Law which forced the closure of the missions within a few years and divided the mission lands amongst the indigenous population.⁸ The plan never saw light, the missions were closed, but the mission lands were divided into large grants among the Spanish-Mexican citizens known as "Californios". The "Californios" used their vast lands primarily for grazing cattle. Thus, the large cattle industry of California was established. The mission Indians were displaced. For survival, they worked for the new land owners as cowhands (vaqueros) and farm laborers, the women worked as domestic servants.⁹ The Indian was literally forced to live on the fringe of society as noted in the following references to Indian Corners:

5 Merriam, C. Hart Ethnological Notes on Central California Indian Tribes (Berkeley:University of California Archeological Research Facility, Department of Anthropology, 1967)

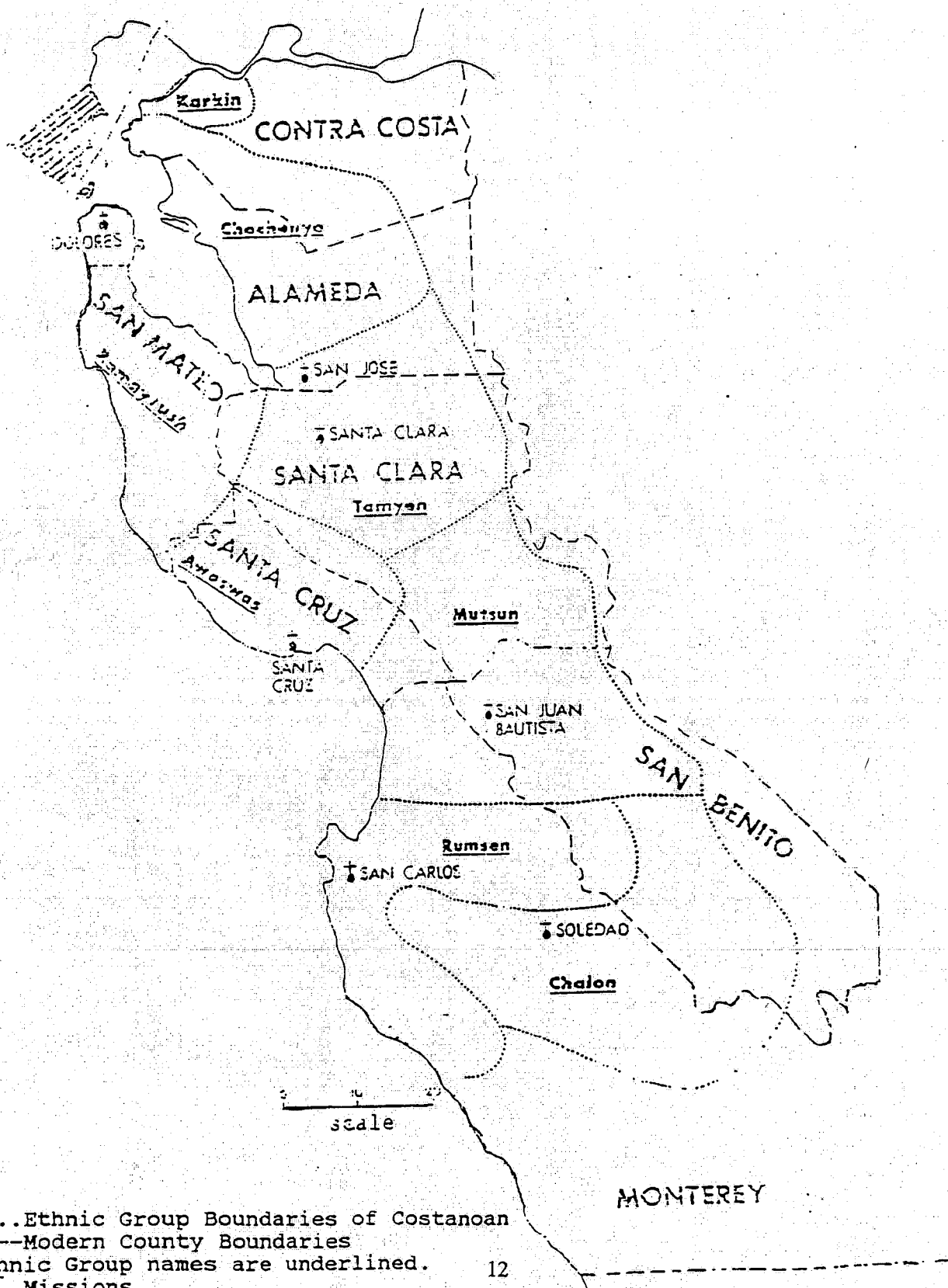
6 Pierce, Marjorie East of the Gabilans (Santa Cruz: Western Tanagers Press, 1976)

7 (Merriam, 1967).

8 Mylar, Isaac L. Early Days of the Mission San Juan Bautista (Watsonville: Evening Pajaronian, 1929)

9 Kinnard, Lawrence History of the Greater San Francisco Bay Region vol I (New York Lewis Historical Publication, 1969)

Figure 2



.....Ethnic Group Boundaries of Costanoan
-----Modern County Boundaries
Ethnic Group names are underlined.
✝ Missions
Data supplied by Dr. Richard Levy

VIVA JESUS

EN ONCE DIAS DEL MES DE JULIO DEL AÑO DEL SEÑOR 1797 EN LA IGLESIA DE ESTA MISION DEL GLORIOSO SAN JUAN BAUTISTA, BAUTICE SOLEMNEMENTE Y PUSE LOS SANTOS OLEOS A LOS PARVULOS SIGUIENTES: PRIMERAMENTE:

1. JUAN BAUTISTA DE LA RANCHERIA DE ABSAYMC.

A un niño de edad como 10 años, hijo de Padres Gentiles difuntos de la Rancheria de Absaymc, llamado en su gentilidad Tirachis, púsele por nombre Juan Bautista. Fue su Padrino Juan Ballesteros a quien advertí el parentesco espiritual y demás obligaciones.

2. PEDRO DE ABSAYMC

Item a otro de edad como 10 años hermano de padre del antecedente y de la misma rancheria, llamado en su gentilidad Ramora; púsele por nombre Pedro. Fue su padrino Antonio Enriquez y para que conste lo firmé.

Fr. Jose Manuel de Martiarena

3. JOSEFA DE MOTSSUM

Dia 20 de Agosto de 1797 en la Iglesia de esta Misión bauticé solemnemente y puse los Santos Oleos a las adultas siguientes: Primeramente a una adulta de edad como 60 años, ~~hija de~~ padres difuntos de la Rancheria de Motssum llamada en su gentilidad Joajssim, púsele por nombre Josefa. Fue su madrina Mariana de Jesus hija agregada de esta Misión.

4. MANUELA DE MOTSSUM

Item a otra de edad como 16 años hija de padres gentiles llamado ~~Neqoc~~, su madre difunta de la Rancheria de Motssum. Púsele por nombre Manuela; fue su madrina la de la antecedente a quien advertí las obligaciones y demás acostumbrado y para que conste lo firmo en dicho dia mes y año.

Fr. Pedro Adriano Martínez

5. FRANCISCO JAVIER ANOTNIO BALLESTEROS

Dia 22 de Agosto de 1797 bauticé solemnemente y puse los santos oleos a un párvulo que nació el dia antecedente hijo de Juan de Dios Ballesteros, cayo de esta escolta y de Teresa Sepúlveda su legitima esposa. Púsele por nombre Francisco Javier Antonio. Fueron sus padrinos Ignacio Barrera segundo carpintero de la Fragata Concepcion y Antonia Redondo mujer de José Manuel Higuera a quienes advertí el parentesco espiritual y demás acostumbrado y para que conste lo firmo

Fr. Pedro Adriano Martínez

6. GREGORIO DE LA RANCHERIA DE RISCA, ADULTO

Dia 27 de Agosto de 1797 en la Iglesia de esta Misión de San Juan Bautista bauticé solemnemente y puse los santos oleos a un adulto de edad como 17 años llamado en su gentilidad Yaquess hijo de padres gentiles Ununa y Nuguruma de la Rancheria de Risca. Púsele por nombre Gregorio. Fue su padrino José Guadalupe Ramirez a quien advertí todas las obligaciones acostumbradas.

233. ISAIAS DE AUSAIMA

Dia. 8 de Septiembre de 1798 en la Iglesia de esta Misión de San Juan Bautista bauticé solemnemente a un niño hijo de Román bautizado al No. 226 y su madre gentil, llamada Echiquita de la Ranheria de los Aussimas. Le puse por nombre Isaias. Fue su padrino Osmundo a quien adverti lo debido y para que conste lo firme.

Fr. Jose Martiarena

234. LORENZO ADULTO MOTZON

Dia. 23 de Septiembre de 1798 en la Iglesia de esta Misión de San Juan Bautista bauticé solemnemente a uno como de 30 años hermano de Padre de los del No. 11, 46, 173. Le puse por nombre Lorenzo. Fue su padrino Osmundo del Carmelo a quien adverti lo debido (llamado Timer)

235. LORENZA DE AUSAIMA

It. a una adulta como de 20 años muger del No. 226 de la Ranheria de los Ausaimas. Le puse por nombre Lorenza Echiquet.

236. TECLA ADULTA DE POITOQUIR.

It. a una como de 13 años hija de Padre difunto (como la antecedente) llamada Chequesa de la Ranheria de Poitquir. Le puse por nombre Tecla. Fue madrina de ambas Coleta la Carmela a quien adverti lo debido y para que conste lo firme

Fr. Jose Martiarena

237. FRANCISCO DE ASIS ADULTO CALEDARUC.

Dia. 4 de Octubre de 1798 en la Iglesia de esta Misión de San Juan Bautista bauticé solemnemente y puse los Santos Oleos a los adultos siguientes:

Francisco de Asis adulto de edad 22 años hijo de Padres Gentiles Tepere de la Ranheria de Calendarruc Tiguta Llamado Muirte.

238. FRANCISCA DE ASIS ADULTA MOTSUM

It. una adulta de edad 17 años muger del antecedente de los Motsunes hija de padres gentiles difuntos, Púsele por nombre Francisca de Asis.

239. PEDRO ADRIANO ADULTO DE TIPISASTAC

Itt. un adulto de edad 14 años hermano del de la partida 39. Púsele por nombre Pedro Adriano. Fueron Padrinos Osmundo y Coleta a quienes adverti lo acostumbrado y para que conste lo firme

Fr. Pedro Adriano Martinez

240. CLETO ADULTO MOTSSUM

Dia. 13 de Octubre de 1798 en la Iglesia de esta Misión de San Juan Bautista bauticé solemnemente a un adulto como de 45 años de edad, Padre de la bautizada al No. 126 de la Ranheria de los Motssomes. Le puse por nombre Cleto.

241. CLEMENTE

It. a un adulto como de 20 años hijo de padres gentiles Janichica Siprerte de la Ranheria Riquillitca, llamado en su gentilidad Raton Dxirgoté. Padrino de ambos Osmundo a quien adverti lo debido.

1314. ERMENEGILDO ADULTO AUSAIMA. It. a Ermenegildo Maria como de 77 años padre de Jose Manuel partida 74.

1315. ERMENEGILDA ADULTA GUACHIRRON DE LA PLAYA. It. a Ermenegilda de la ranchería de los Guachirrones de la Playa madre de Mauricio como de 58 años ; partida de su hijo es la 818 y Maria Margarita partida 1305 fueron padrinos Anastasio y Maria Micaela de las mugeres a quienes adverti lo debido y para que conste lo firmo.

Fr. Jose Martiarena.

1316. ANTONIO MARIA DOLORES PARVULO GUACHIRRON DE LA PLAYA. Dia 27 de Mayo de 1804 en la Iglesia de esta Misión bautice solemnemente a un muchacho como de 6 años hijo de padres gentiles Treviya difunto y su muger, le puse por nombre Antonia Maria Dolores.

1317. AQUILEYA PARVULA GUACHIRRON DE LA PLAYA. It. a una hermana suya como de 4 años a quien puse por nombre Aquileya.

1318 JOSEFA MARIA TRINIDAD PARVULA GUACHIRRON. It. a Josefa Maria de la Trinidad como de 9 años hija de padres gentiles Elepir y su muger hermana de Manuela Antonia partida 835.

1319. FELIPE PARVULO GUACHIRRON. It. a Felipe como de 2 años hijo de padres gentiles Majaches y su muger fueron padrinos Mannicio de los varones y su muger Coleta de las mugeres a quienes adverti lo debido y para que conste lo firmo.

Fr. Jose Martiarena.

1320. NORVERTO ADULTO MOTSUN. Dia 2 de Junio de 1804 en la Iglesia de esta Misión de San Juan Bautista bautice solemnemente a un adulto como de 40 años de edad de la ranchería de los Motsunes llamado Oquech; le puse por nombre Norverto es tio de Silvestre Partida 86.

1321. ERASMA DE CALENDARRUC. It. a Erasma muger del antecedente de la ranchería de Calendarruc. como de 40 años.

1322. PEDRO REGALADO ADULTO PAGESIN. It. a Pedro Regalado padre de Francisco Regis partida 440 y marido de Maria Magdalena partida 1339 de la ranchería de los Pagsines, llamado en su gentilidad ~~xxxxxxx~~ Malgesto.

1323. ERASMO ADULTO CALENDARRUC. It. a Erasmo como de 72 años de la ranchería de Calendarruc, llamado en su gentilidad Jachquis

1324. FELIPA ADULTA GUACHIRRONA DE LA PLAYA. It. a Felipa de la ranchería de los Guachirrones de la Playa madre de Margarita partida 1029 es como de 50 años fue padrino de los varones Anselmo y de las mugeres Maria Micaela a quienes adverti lo debido para que conste lo firmo.

Fr. Jose Martiarena

1325. ONORIA PARVULA DE LA MISION. Dia 17 de Junio de 1804 en la Iglesia de esta Misión de San Juan Bautista bautice solemnemente a una niña pocos dias antes hija legitima de Leoncio y de Leoncia Maria bautizados partidas 950 y 951 a la que puse por nombre Honoria, fue madrina Onoria agregada de la Misión del Carmelo a la que adverti el parentesco y demás obligaciones y cosas y para que conste lo firmo.

Fr. Domingo de Yturrate

On the other side of San Juan, at the junction of the road where it turned and ran to Hollister, in one direction, and up to the Flint Ranch, or, as it was called the Flint Home in the other direction, there was located, in early days, a number of Indian huts. From this settlement the place was always designated as "Indian Corners".¹⁰

"Grandma (Ascension Solorzano) lived in this little house in San Juan Bautista, up by San Juan Grade Road. Just around this little dirt road were little houses, they belonged to other Indians. That was called "Indian Corners".¹¹

Mamie Lavagnino Avilla, who was born in 1888. Her memories of the old days include those of the Indians who used to live on Fourth Street near the Native Daughters' adobe. She remembers them as fine people. One in particular, named Hovita, worked for her mother doing laundry and housework. She said there were also many Indians at "Indian Corners" where the San Juan Grade and the Mission Vineyards Road form a "Y" and that she owns several little houses there which she rents, mostly to descendants of the Indians.¹²

In the 1840's California witnessed more dramatic changes. Late in 1846 through 1847 Captain John C. Fremont lead the Bear Flag Revolt. Many still believe it was a scheme by President James L. Polk to acquire California for the United States.¹³ In 1848 gold was discovered at Sutter's Fort and the rush began, people from all over the world set their sites on the gold fields of California. A few months after the discovery, the Treaty of Guadalupe Hidalgo was signed, the Mexican Republic lost its entire Southwest territories to the United States. In the Treaty the United States agreed to recognize the rights of the Indians. Since the birth of the Republic the Federal government had recognized the right of Indians occupancy of their home lands.¹⁴ As hundreds of immigrants poured into the newly acquired American lands, pressure on the Federal government concerning the indigenous population rose. The immigrants seeking gold in 1849 became known as the "Forty-Niners", they had no other concern but to meet their economic needs, the native population and their property rights meant little or nothing to them.

The "Forty-Niners", in so far as land was concerned, were a rapacious lot. And the United States, in the course of an unparalleled expansion period, had to find ways and means to establishing a "new order" with respect to land. If squatters produced towns with functioning councils and law-making bodies to legalize their squatting, the older rancheros were driven from land rightfully theirs by an earlier law, all this was part and parcel of the territorial expansion program upon which President James L. Polk and an influential Washington group had energetically initiated.¹⁵

Manifest Destiny, the belief that the United States of America was destined to rule the lands from "sea to shining sea" brought with it the idea of genocide of the indigenous population or anyone who stood in the way of "progress".

Finally in September 1850, California was admitted into the Union as the 31st state of the United States of America. The Federal government had a responsibility to deal with the indigenous

10 (Mylar, 1929).

11 Mr. Tony Corona, interview by Elvia A. Castillo, tape recording, Hollister, California 30 April 1993.

12 (Pierce, 1976).

13 (Kinnard, 1969).

14 "The Unratified Indian Treaties of 1851", Los Tulares, 1958.

15 (Kinnard, 1969).

population. In 1851, the government sent the Treaty Commission to California, its objective was that for "some consideration" the Indian would cede part of their lands.¹⁶ The Commission's end result was 18 treaties made with the California Indians:

By its actions the United States recognized the tribes of California. In negotiating treaties with them in the 1850's, the American Treaty commissioners acknowledged the legal competency of the California tribes to enter into meaningful political agreements. Treaty commissioners and other federal agents negotiated an unknown number of agreements with the California tribes; and in assuring the Indians that these agreements would become treaties, these agents affirmed the fiduciary responsibility of the United States toward these tribes. Between March 19, 1851 and January 7, 1852, using a special appropriation made on September 19, 1850 for the purpose, the United States treaty commissioners entered 18 such agreements with 139 signatories; but in executive session, on July 8, 1852, the Senate refused to ratify them as treaties, due to objections from California's legislature and the business community.¹⁷

"The lands ceded were not specified clearly in the agreements or related documents, but at the time, the areas were presumed to encompass the entire State of California. As for the treaties and related documents themselves, the Senate placed them under an injunction of secrecy until January 18, 1905."¹⁸

The Treaty Commissioners included the Amah people under the eighteen treaties made in 1851 and 1852. Five of the treaties (treaties "A", "B", "E", "M", and "N") were on behalf of the Amah Band of the Costanoan people. Treaties "A" and "B" were written by Commissioner George W. Baubour and treaties "E", "M" and "N" were written by Commissioner Oliver M. Wozencraft (Figures 6-7).

- A. Treaty of Camp Belt, May 13, 1851
- B. Treaty of Camp Keyes, May 13, 1851
- E. Treaty of Dents's and Ventines Crossing, May 28, 1851
- M. Treaty of Camp Fremont, March 19, 1851
- N. Treaty of Camp Barbour, April 29, 1851

Though the Eighteen Unratified Indian Treaties of 1851 (as they became known) remained in secret until 1905, the Federal government took everything ceded.

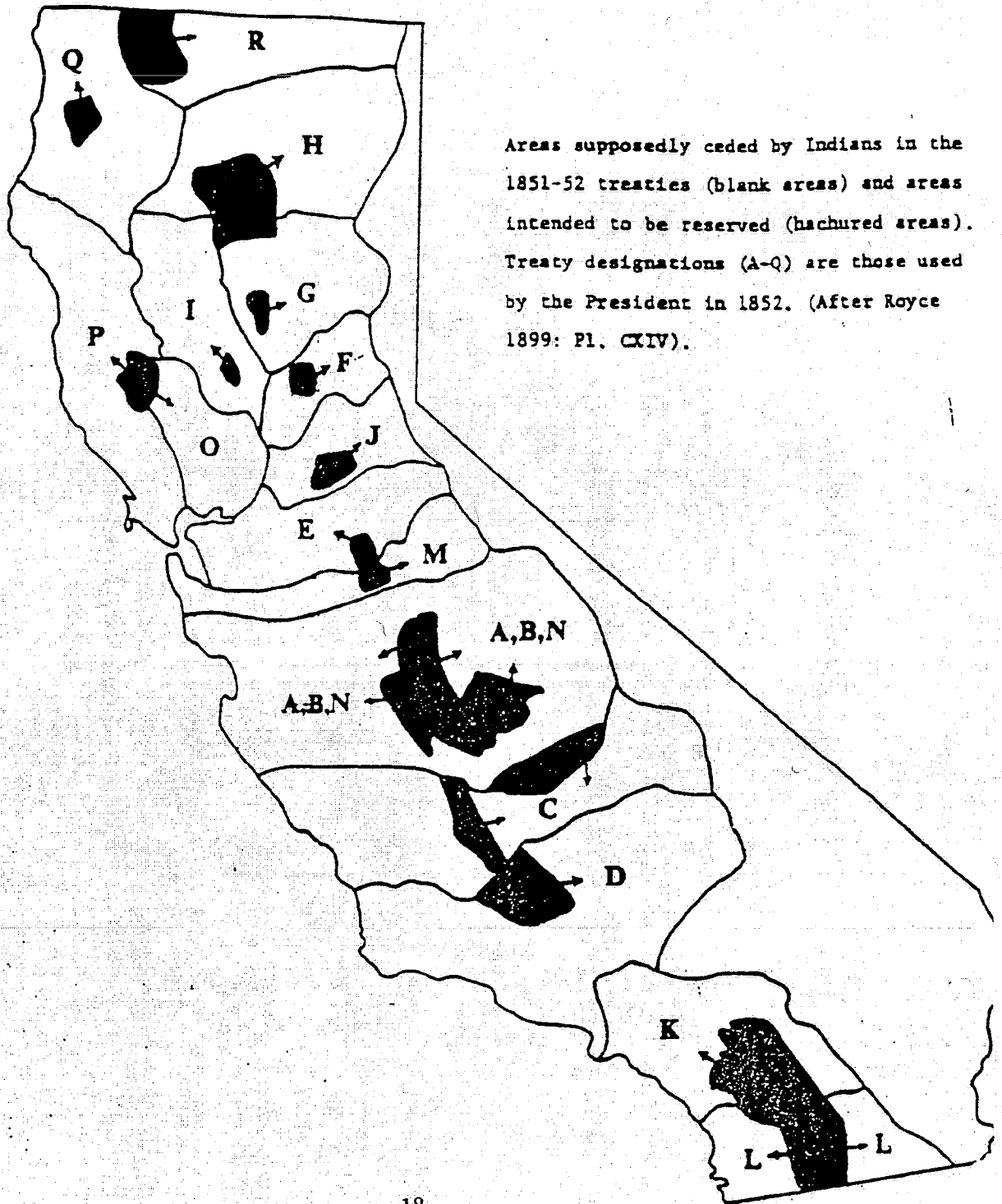
In 1905, an attorney, C.E. Kelsey, from San Jose was appointed as Special Indian Agent for the California Indians with the charge of ascertaining the number and location of Indians living outside reservation lands. The Census of Non-Reservation California Indians, 1905-1906, was never published, instead it was sent to Washington D.C. and filed. It did however, provide new information on the California Indian population. At the time the Bureau of Indian Affairs (BIA) believed the Indian population to be only 15,000-16,000, but Kelsey's Census provided a more accurate count and location of over 20,000 non-reservation Indians. Though Kelsey was recalled to Washington and forced to omit nine California counties, his census proved that a much

¹⁶ Anderson, George Treaty Making and Treaty Rejection by the Federal Government in California: 1850-1852 (Socorro: Ballena Press, 1978).

¹⁷ Ibid.

¹⁸ Ibid.

Figure 6



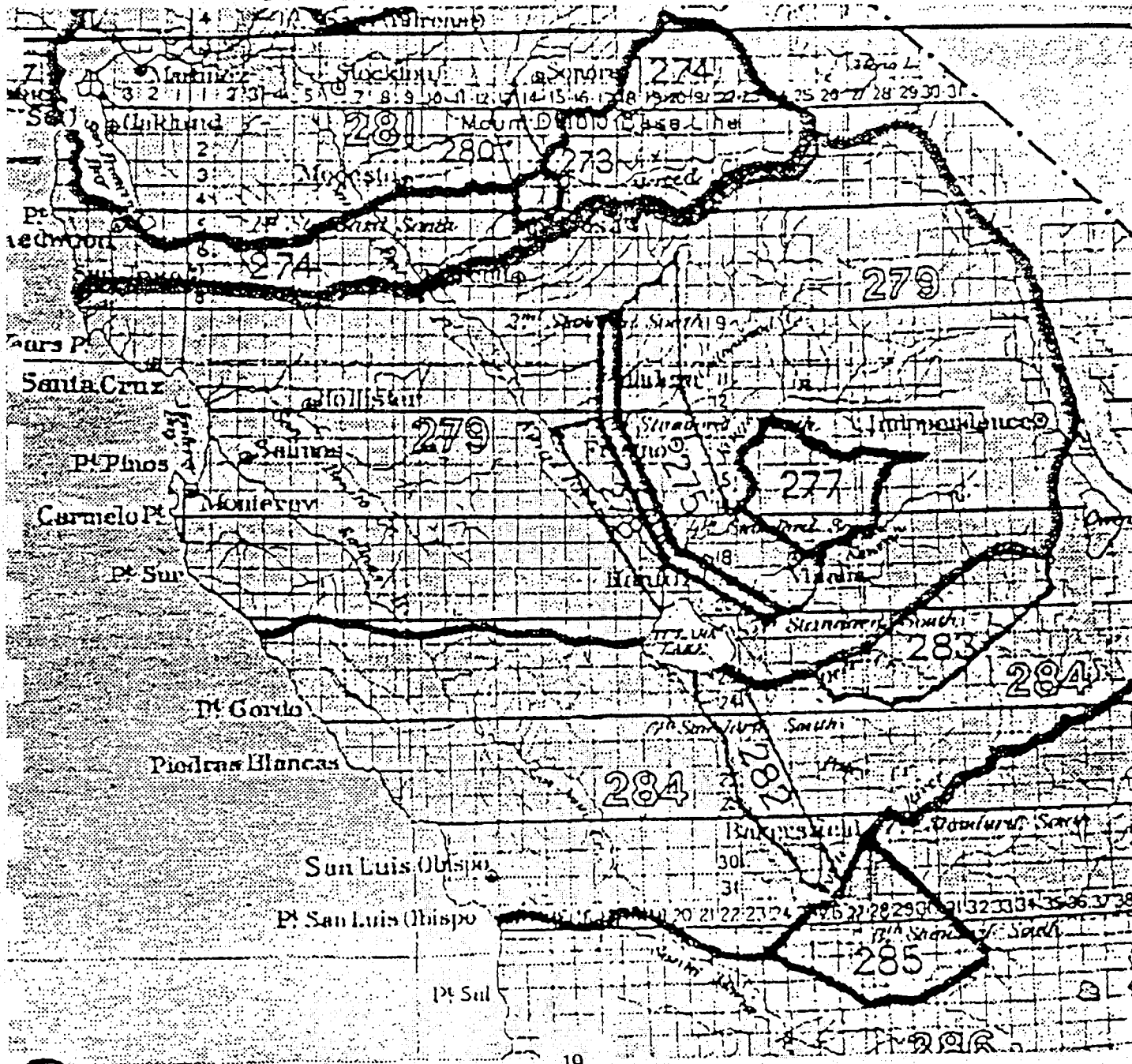
Areas supposedly ceded by Indians in the 1851-52 treaties (blank areas) and areas intended to be reserved (hachured areas). Treaty designations (A-Q) are those used by the President in 1852. (After Royce 1899: Pl. CXIV).

Figure 7

This map shows some of the reservations proposed by the Indian treaties of 1851. Those in the center of the map concern Tulare County. Numbers 275, 276, 277, 278, 282 and 283 were to be reservations. These contained over three million acres, largely valley land. In consideration the Indians ceded to the United States all their rights in the areas numbered 279 and 284.

The U. S. Senate rejected the eighteen treaties, largely because of the vigorous objection of the California Legislature, which reflected the feeling of the whites in the state.

The treaties remained secret until 1905. In 1923 Congress authorized a suit in the Court of Claims to determine compensation to California Indians for their losses.



larger Indian population existed in the State.¹⁹

In 1928 Congress authorized a suit in the Court of Claims and determined that though the Federal government took the 8.5 million acres of land in the San Joaquin Valley ceded in the Eighteen Unratified Indian Treaties of 1851, it had paid virtually nothing.²⁰ Compensation for their losses was still due to the California Indians. To compensate the Indians, Congress enacted the Act of May 18, 1928 (45 Stat. L.602) or the Jurisdiction Act of 1928. The statute called for all California Indians to file applications, in essence, an Indian census was to be conducted. Under the Act, the Indians filed applications of enrollment with the Department of Interior, Office of Indian Affairs for the State of California (Figure 8). The application required that the individual prove lineal descentance of Indians that resided in the State when the Eighteen Unratified Treaties were negotiated. The census ran from 1928 through 1933. Indians who filed applications and were recognized as such under the said Act, were placed on what has been referred to as the "Approved Rolls", or the "1933 Roll of California Indians".²¹

In 1950, in connection with the California Indians Claims cases a new Roll was undertaken. The Bureau of Indian Affairs accepted applications for individuals who were able to prove Indian ancestry. These new applicants were issued numbers and placed on the "Supplemental Rolls". The "Supplemental Rolls" were used to signify that the individual had filed his application after the initial Rolls were taken in 1928.²² Under the Act of May 24, 1950, Indians on the "Approved Rolls" and the "Supplemental Rolls" were to be compensated for the lands lost in the San Joaquin Valley. The Act was finally enacted in 1952, that year the U.S. Treasury issued stipends of \$150.00 to each Indian on the "Rolls". The monies issued however, were not for the purchase of the land, but merely interest earned from the land.²³

Under another act of Congress, the Settlement Act of 1964, the third and final roll (census) of the California Indians was conducted. The purpose was again to compensate the Indians for their ancestors' lands specified in the Eighteen Unratified Treaties of 1851. The Indians on the "Rolls" received a mere \$668.51, as a final judgement for their lands in the San Joaquin Valley.²⁴ Many of the Amah members received these stipends for their ancestors' lands (Figure 9).

Based on limited research with the Costanoan, Alfred Kroeber (1925) wrote:

"A few scattered individuals survive, whose parents were attached to the missions of San Jose, Santa Clara, San Juan Bautista, and San Carlos de Monterey; but they are of mixed tribal ancestry and live almost lost among other Indians and obscure Mexicans. At best some knowledge of the ancestral speech remains among them. The old habits of life have long since been abandoned. The larger part of a century has passed since the missions were abolished, and nearly a century and a half since they commenced to be founded. These periods have sufficed to efface even traditional recollections of the forefathers' habits, except for occasional fragments of knowledge."²⁵

19 U.S. Government Code of Federal Regulations, Department of Interior (Washington D.C.: Government Printing Office, 1991)

20 Ibid.

21 Ibid.

22 Ibid.

23 Dyer, Ruth C. The Indian's Land Title in California: a Case in Federal Equity, 1851-1942 (San Francisco: R and E Research Associates, 1975)

24 Ibid.

25 Kroeber, Alfred L. The Languages of the Coast of California South of San Francisco (Berkeley: University of California Berkeley, 1904)

o--ok

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

Application Number 8113

Application for enrollment
with the Indians of the State of California under
the Act of May 18, 1928 (45 Stat. L. 602)

The Secretary of the Interior,
Washington, D. C.

Sir:

I hereby make application for the enrollment of myself (and minor children living on May 18, 1928) as Indians of the State of California in accordance with the provisions of the Act of Congress of May 18, 1928 (45 Stat. L. 602). The evidence of identity is herewith subjoined.

1. State the full names, ages, sex, and dates of birth of yourself and your minor children living on May 18, 1928.

English Names	Relationship in Family	Ages in 1928	Sex	Dates of Birth Month Day Year	Degree of Indian Blood
Mondragon, Maria Dionisia	Head	31	F	8-3-1897	4/4
Herrera, Martha	Dau	16	F	7-29-1912	1/2
Mondragon, Joe, Jr.	Son	7	M	9-25-1921	1/2
" Paul	Son	6	M	1-25-1922	1/2
<i>Reflected, born after May 18, 1928</i> Victor	Son		M	11-8-1928	1/2
** Born after May 18, 1928.					
Cervantes, Ascencion Solarsana	Mother,	73	F	7-22-1855	4/4
Cervantes, Henry	Nephew	29	M	6-25-1899	1/2

Husband - Mexican

2. Residence on May 18, 1928 Monterey, Monterey Co., California.
Monterey,
3. Post Office 272 Laine Street Monterey California.
Town or City, Box Number or County State
Rural Route Number.

Note: * Does not live on Trust Lands.

4. Place of birth of yourself and each of your minor children:
San Juan, San Benito County, California.

Name Mondragon, Maria Dionisia
 Application Number 8113
 REPRODUCED AT THE NATIONAL ARCHIVES

Where have you and your children resided since birth?

Monterey and San Benito County, California.

6. Are you married? Yes.

7. If a married woman, give your name before you were married.

María Dionicia Cervantes.

8. Name and exact date of birth (Month, Day, and Year) of your wife (or husband)

1. Jesus Herrera--- 1-4-1918 Died

2. Jose Mondragon--- 1876.

9. Is he (or she) of Indian blood? If so, state the name of the Tribe or Band, degree of Indian blood.

No. Both of them came from Mexico.

10. What is your degree of Indian blood and to what Tribe or Band of Indians, State of California do you belong?

4/4

Mission Indian, San Juan-Bautista

Degree of Indian Blood

Name of Tribe or Band

Mission, San Benito Co., California

11. To what Treaty or Treaties were you or your ancestors a party, and where (or they) reside on June 1, 1852? Where and when were said Treaties negoti.....

I do not know.

12. Give the names of your California Indian ancestors living on June 1, 1852, through whom you claim, who were parties to any Treaty or Treaties with the United States. If you claim through more than one ancestor living on the date, set forth each claim separately. State your descent from said ancestor or ancestors setting forth your relationship to them.

Names

Tribe or Band

Relationship by

Jose Cervantes Mission Indian, San Juan Bautista Father
Mission, San Benito Co., California

Ascencion Solorsano " " Mother
Cervantes. (See Nos 15 and 26). Mother

REPRODUCED AT THE NATIONAL ARCHIVES

REPRODUCED AT THE NATIONAL ARCHIVES

13. Give the names of the Chiefs, Captains and Headmen of the Tribe or Band to which your ancestors belonged on June 1, 1852, who executed the Treaty or Treaties herein referred to, if you knew them.

I do not know.

14. What lands in the State of California do you claim were taken from you or your California Indian ancestors by the United States without compensation, or which were appropriated by the United States to its own purposes and for which the United States has refused or failed to compensate you?

In San Benito and Monterey Counties,
California.

15. Give names of your father and mother and your mother's name before her marriage. If either is a white person, so state.

Father— English Name Jose Cervantes 4/4
 Degree of Indian Blood

Indian Name _____

Mother— English Name Ascencion Solersano Cervantes 4/4
 Degree of Indian Blood

Indian Name _____

Maiden Name Ascencion Solersano

16. Where were they born?

Father San Juan Bautista Mission, San Benito Co., California

Mother _____

17. When and where were your parents married?

San Juan Bautista Mission, San Benito Co., Calif.

18. How were they married, in accordance with the law, or by Indian custom?

Indian Custom.

19. Where did they reside after their marriage?

San Bento and Santa Clara Counties, California.

20. Where did they reside on June 1, 1852, if living at that time?

San Benito County, California.

21. Dates of death of your father and mother.

Father June 1919 Mother January 28, 1929

22. Were you or your minor children or either of your parents ever enrolled for land or other benefits?

No.

23. If so, give the number of your allotment, state where it is located, and the name of the Indian School or Agency under whose jurisdiction it now is.

Never allotted

24. If enrolled on a Census Roll, state your Census Roll Number on the Census of June 30, 1928, and the name of the Indian School or Agency under whose jurisdiction you are.

None taken in 1928.

Census Roll No. June 30, 1928

Sacramento Indian Agency,

Sacramento, California

Name of Indian School or Agency

25. State the amount and kind of property you now own, and what is your occupation.

I have no property.

Occupation--- Housewife.

26. State English and Indian names of your grandparents on both father's and mother's side, if possible. If any are white persons so state.

Father's Side

Mother's Side

Names	Degree of Indian Blood.	Names	Degree of Blood.
? Cervantes	4/4	Miguel Solorsana	4/4
? Cervantes	4/4	Barbara Sierra Solorsana	

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REPRODUCED AT THE NATIONAL ARCHIVES

27. Where were they born?

San Juan Bautista Mission, - San Benito County,
California.

28. Where did they reside during their lives, and where were they living on June 1, 1852?

San Juan Bautista Mission, San Benito County,
California.

REMARKS

(Under this head the applicant may give any additional information that he believes will assist in proving his claims.)

I solemnly swear that the foregoing statements made by me are true to the best of my knowledge and belief.

Witnesses to Mark

(Signature) *Maria Dionisia Mendragon*

Subscribed and sworn to before me this

22nd

day of July 19 50.

My commission expires

John J. Baker

Examiner of Inheritance.

AFFIDAVIT

(The following affidavit must be sworn to by two or more witnesses who are acquainted with the applicant.)

Personally appeared before me Maria Antonia Sanchez Solera
and Claudia Corona who, being duly sworn, on oath depose and
that they are well acquainted with Maria Dionicia Mondragon
who makes the foregoing application and statements, and have known her persons
for 33 years and 33 years, respectively; that they know that she is
California Indian blood of the degree and lineage stated in the above application
that the facts stated with reference to her ancestors, the parentage of
children, their ages and degree of Indian blood, and their places of residence
true; that they know her to be the identical person she represents her
to be, and that all statements made by her are true, to the best of their
edge and belief, and that they have no interest whatever in her claim.

Witnesses to Mark

Signature of Witnesses

 Maria Antonia Sanchez Solera

 Claudia Corona

Subscribed and sworn to before me this 22nd

 July , 19 30 .

My commission expires

 Fred A. Baker
Examiner of Inheritance.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
INDIAN FIELD SERVICE

REPRODUCED AT THE NATIONAL ARCHIVES

Born November 1st 1906 San Juan Bautista Married ^{no}
Santos Corona 334 East rd St. Pittsburg Calif.

Born May 7, 1909 San Juan Bautista So
Mrs. Antonia Ketchum 129 Rosanna St. Gibroy Calif

Children Donald Ketchum ^{Born} August 7, 1927 Monterey Cal

Floria Ketchum Born June 14, 1929 Gibroy Calif.

Antonio Corona New Monterey Calif. married no children

Mag Margaret Corona, 114 Mill St. Santa Maria ^{Calif}
Santa Barbara Co.

Born 1907 San Juan Bautista.

Figure 9

TREASURY BUREAU OF ACCOUNTS DENVER, COLORADO

Check No. 2,533,282
SYMBOL 3131

DIVISION OF DISBURSEMENT

Treasurer of the United States ¹⁵⁻⁵¹/₀₀₀

PAY TO THE ORDER OF ANTONIO CORONA
200 MAPLE ST
HOLLISTER CA 95023

12 | 18 | 72
BIA-IADC

CALIFORNIA JUDGEMENT FUNDS
1944 & '964

COLLARS
5***668 52

C00013663

DO NOT FOLD, SPINDE OR MUTILATE
KNOW YOUR ENDORSER... REQUIRE IDENTIFICATION

1:0000:0051:

Kroeber, however, recanted his position in 1955 as part of exhibits presented in *Indians of California vs United States*, allowed under the Indian Claims Act of 1944:

Increasing acculturation and increasing genetic dilution, the California Indian is much less conspicuous in the total population than he used to be. Racially he survives, but he is socially submerged.²⁶

Today, Kroeber's statement can still only be considered partially correct. Recognized members of the Amah Band have volunteered many man hours and worked at jobs in every facet of society. They have been elected government officials in the City of Gilroy. They have worked on various projects with the Santa Clara County and Alameda County, Parks and Recreation as advisors, participated in conferences and educational seminars, and given lectures on their Indian history. Members of the Band have helped the Santa Clara County Board of Supervisors with the county's Indian Burial Policy as descendants of the Tribe and as monitors. At the State level they have worked with the California Department of Transportation as monitors. They have worked with the University of California Berkeley as monitors at archeological sites. The Amah people have also been active with the Veterans Administrations. They have worked with the U.S. Army Corps of Engineer on the Guadalupe River Project in San Jose. They have also gone to Washington D.C. and met with the National Parks Service (Muriel Crespi and Francis McManamon) to discuss and draft Public Law 101-601 (The Native American Graves Protection and Repatriation Act).

The Amah people have also participated in a variety of Federal and State programs targeted to Indians, its members have been recognized as entitled to such participation based on their identification as members of the Amah Band. Participation of tribal families in Indian Schools and Indian Health Clinics continues today.

Since 1988 recognition of some of the tribal members' rights of stewardship and tribal status has already been given by the Native American Heritage Commission (NAHC). The NAHC identified many family members of "Costanoan ancestral descent", thus establishing a relationship with them and the State of California.

The Band is a California non-profit public benefit corporation, the "Amah Mutsun Tribal Foundation" and is also classified under the Internal Revenue Service (IRS). (see Appendix for documents)

The members continue to be active American citizens, they are registered to vote and pay taxes. Many bravely served in the Armed Forces, some retired, others died in our nation's wars. They come from every spectrum of society and from different economic levels. They do exist and proudly call themselves Amah, aboriginals and/or Native Americans. Today, in the mist of the recently rediscovered inter-family and inter-tribal relationships the members are far from being "socially submerged".

The Amah Band membership is composed entirely of individuals who have established descendance from aboriginals who have been identified from pre-contact times to the present. Research on behalf of the Amah families was begun in 1966. The main individuals in the lineages have been located. Documented evidence of ancestry starts with the first Spanish expeditions to California. There is no known written language of the Costanoan people. What knowledge they possessed was handed down from generation to generation by simple word of mouth.

26 Kroeber, Alfred L. Papers on California Ethnography (Berkeley: University of California Berkeley, 1904)

John P. Harrington, a linguist and ethnographer from the Smithsonian Institute, Washington D.C. (1907-1957) left an extraordinary collection of notes on all phases of the Mutsun life, great credit is due to a remarkable Amah Indian woman, Ascension Solorzano de Cervantes (also written Ascencion Solarzano) (Figure 10).

Ascension Solorzano was a very renowned and respected person during her life. People knew of her from all over Central California.²⁷ She was known as a "doctora" a healer because she possessed an extensive knowledge of herbal medicine. She was known for her kindness and her willingness to care for those who had no place to go and for the ill. Anyone who needed help would always find an open door at Ascension's home at 129 South Rosanna Street in Gilroy. (Part of the house burnt in 1972, but was rebuilt, Ascension's grand daughter, Antonia Marie Corona [Ketchum] elder band member, lives there today).²⁸

Harrington found Ascension to be an excellent linguistic informant. He attributed her knowledge to the fact that both her parents were full blooded Mutsun (Mut-SOON), who spoke the language together. Her mother, Barbara Serria, was interviewed by linguists and ethnographers, C. Hart Merriam, for his "Ethnological notes on Central California Indian Tribes" and by Theodore Kroeber for his *Almost Ancestors* (Figure 11). Her father, Miguel Solorzano, was a coffin-maker and a grave digger for the Mission padres. Ascension lived most of her life with them and nursed them through their last days at the family home in Gilroy.²⁹

In 1929, Ascension left Gilroy and moved to Monterey. She was suffering from stomach cancer and her daughter, Dionisia Mondragon, wished to care for her. Harrington moved into Dionisia's basement and it was at this time that he did his most extensive work with Ascension. Ascension had acquired a tremendous knowledge on all aspects of the Mutsun way of life through her parents and the many peoples she had had contact with. Harrington's notes well document the Mutsun history (before, during and after the mission period), geography, customs, religion (old Indian prayers and songs), ceremonies, mythology, the use of herbs and native wild plants and treatments of over 60 ailments.³⁰

Harrington, however, believed the most significant aspect of his work with Ascension was the rechecking and review of history and the contemporary recordings of the Mutsun language, which included the re-examination of Arroyo de la Cuesta's Vocabulario Mutsun.³¹

Harrington's reports also provides a wealth of biographical information on Ascension and her family. Ascension was married at age 14 and had 17 children. She died on January 29, 1930, and became the last Amah Indian buried in the sacred grounds of the San Juan Bautista Mission cemetery.³² Today many of the Amah members proudly trace their lineage to Ascension Solorzano de Cervantes, eight of the council members are directly related to her (Figures 12-15).

27 "The Woman Who Remembered Paradise", San Francisco Chronicle, 10 July 1988.

28 Mrs. Antonia Marie Corona (Ketchum), interview by Elvia A. Castillo, tape recording, Hollister, California 30 April 1993.

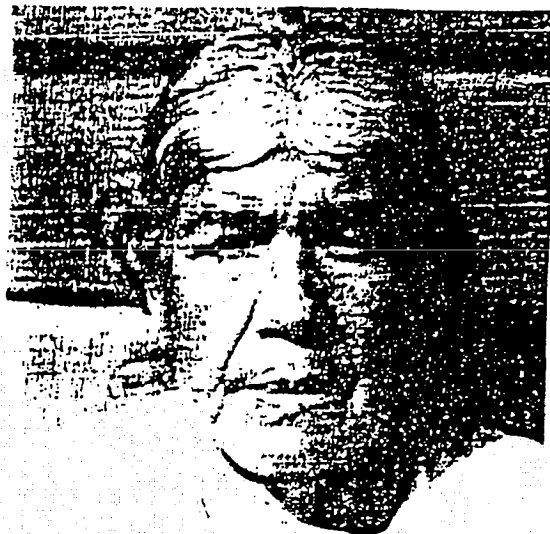
29 Mills, Elaine L. ed The Papers of John Peabody Harrington in the Smithsonian Institute 1907-1957 vol III: A Guide to the Field Notes: Native African History, Language and Culture of the North and Central California (New York: Kraus International Publications, 1900)

30 Ibid.

31 Ibid.

32 Hatlo, Jim "San Juan's Last Indian Remembered", Free Lance, 18 July 1973.

Figure 10



Photograph of Ascension Solorzano and grave site
(Courtesy of Tony Corona)



Figure 11



pages 33-36, + 38
Withheld under
Exemption G
Ancestry charts,
Genealogy

SPECIAL ATTENTION MAIL

To be opened only by _____

Office _____

STOP NO. _____

Exemption 6

Joseph Mondragon: [REDACTED] (Tribal Administrator)

Victor Mondragon: [REDACTED]

Charles Higuera: [REDACTED]

Donald Corona: [REDACTED] (Secretary of Council)

Melvin M. Ketchum III [REDACTED]

Martha Serna Azevedo: [REDACTED]

Andrew Orozco: [REDACTED]

Several different lineage and linguistic groups compose the band, council chairperson Irene D. Zwierlein is highly instrumental in the Bands genealogical research. At their own expense, she and family members have traveled to Salt Lake City and spent many hours reviewing volume after volume of the old California Mission books. She has contacted and visited countless churches, schools, county clerks' and recorders' offices and the Bureau of Vital Statistics. With the aid of birth certificates, she has been able to piece together the members' lineages.

Irene has been able to trace her own family's ancestry as far back as 1734 (Figure 16). She has traced her family and tribal members' families to the seven missions established in the Costanoan territory. Thus, all members of the Amah Band can document their direct descendance to the Mission Indian. They have never been members of reservations nor of rancherias.

The Amah Band established its own Constitution and Articles of Membership which describes in full the criteria for membership and procedures through which the group currently governs its affairs and its members.

The Amah (Mutsun) Band is not expressly terminated nor is it forbidden to participate in the Federal-Indian relationship by statute.

In retrospect, the Amah Mutsun people have been identified from pre-contact times to the present as "aboriginals" who have inhabited the same geographical area for ten thousand years. They survived the Spanish and Mexican governments who once possessed their lands. Today, they still survive and simply ask this Government for what is just and rightfully theirs -- recognition.

*Not the
issue for
(A)*

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Petition for Acknowledgment Amah Mutsun Tribal Band

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Petition for Acknowledgment

Amah Mutsun Tribal Band

I. EXECUTIVE SUMMARY

The Amah Mutsun Tribal Band (the "Amah Mutsun Tribe" or the "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 CFR Part 83).

The Amah Mutsun Tribal Band office is located at 789 Canada Road, Woodside, California, 94062. The Amah Mutsun Tribal Council, the Tribe's governing body, is as follows:

- Irene Zweirlein, Chairperson
Representing the Gilroy lineage.
- Joseph M. Mondragon, Tribal Administrator
- Joseph E. Mondragon, Council Member
Representing the Cervantes-Solarsano lineage.
- Melvin M. Ketchum, III, Vice Chairperson
- Scott Ketchum, Sergeant of Arms
Representing the Solarsano-Corona lineage.
- Carey Ardaiz, Council Member
Representing the Cano Soto-Alvarado lineage.
- Steven Bojorques Council Member
Representing the Isadora Bojorques and Juanita Justamente lineage.
- Kathryn Hicks, Secretary.

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, there are over 400 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.

II. REQUEST FOR ACTIVE CONSIDERATION

Based on this Petition and Supporting Appendices, 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 CSF Part 83).¹ The Tribe’s original request for acknowledgment was submitted on January 25, 1995, along with certain supporting documentation. On February 16, 1999, the BIA, Branch of Acknowledgment and Research (“BAR”), completed an initial review of the original request pursuant to Sections 83.10(b) and (c) of the acknowledgment regulations, 25 CFR Part 83, and issued a Technical Assistance letter under Section 83.10(c). The BAR identified areas of the Tribe’s request that it believed required supplementation.

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

III. THE PETITION AND SUPPORTING APPENDICES

As requested by BIA in 1999, this Petition provides a full narrative of the Amah Mutsun Tribe, including a focus on the institutional history of the Tribe to the present and the Tribe’s ancestors’ involvement in the Tribe. The Supporting Appendices contain all of the documents and records cited in the Petition, including bibliographic information and source of each document noted on the face of the document. The Appendices include the following records:

- The Amah Mutsun Tribal Constitution and the Enrollment/Membership Ordinance ratified by the Tribe on June 9, 1991;

¹ Tribal Chairwoman Irenne Zwierlein traveled to Washington, D.C. to meet with Mr. Fleming, Branch Chief of the Bureau of Acknowledgement and Research, on March 6, 2002. A letter of introduction, signed by the current members of the Tribal Council, was presented at that initial meeting and is attached as Exhibit 1.

- Federal and State governmental records, including census rolls, identifications by California political entities, and federal and state correspondence which evidence external historical identification of the Amah Mutsun Tribe;
- The historical and bibliographic source material, which spans more than a century, upon which this Petition is based (or the location of such material);
- The oral histories and declarations of Elders of the Amah Mutsun Tribe, which provide historical source material upon which this Petition is based; and
- Amah Mutsun Tribal materials, including copies of meeting flyers and announcements, which further evidence the continuous existence of the Tribe during the last century.

The genealogical charts, tables and records and the official membership list will be provided as soon as they are completed by the genealogist working with the Tribe. We anticipate that these records will document the direct lineage of every current member of the Amah Mutsun Tribe to their ancestor tribal members of the Amah Mutsun Tribe from the San Juan Bautista Mission compound.

This Petition is organized to address each of the acknowledgment criteria set forth in 25 CFR 83.7(a)-(g). Since there is an overlap of the information relevant to each of the criteria, portions of certain sections may be repeated for ease of reference or internal references to relevant sections and pages are provided where appropriate.

IV. 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.²

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, we believe that every AMTB member has an authentic descendency 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,

² The Tribe is currently working with accredited genealogist Karen Clifford and anthropologist Anthony Garcia and to trace the history of the Tribe. See letter of introduction

California tribes did not need to develop elaborate hierarchies with powerful chieftains who could protect them in times of scarcity and war.³

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. Mondragon declaration (Exhibit 3). 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. *Id.*

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.⁴ Chitactac-Adams Heritage

and resume in Exhibit 2.

³ Hurtado states that “[u]nlike Indians in other parts of the Far West, California natives did not form large and powerful nations with warrior societies that fought the U.S. Army. They lived in much smaller groups and often quickly accommodated to white incursions. When California Indians resisted, they fought whites as individuals and small communities rather than forming grand alliances to ‘go on the warpath.’” Albert L. Hurtado, *Indian Survival on the California Frontier* 7 (Yale University 1988) (Appendix 1).

⁴ Tribal members interviewed by anthropologist C. Hart Merriam in 1902 said that the Amah Mutsun tribe “occupied [the] San Juan Valley long before the Padres came” because “it was their original home.” C. Hart Merriam, *Ethnographic Notes on California Indian Tribes*, in *Reports of the University of California Archaeological Survey*, No. 68, Part III, 371 (Robert

County Park, Master Plan, 2 (Parks and Recreation Dept., County of Santa Clara, 1992) (hereinafter "Chitactac Master Plan") (Appendix 3). 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. *Id.* at 2. 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") (Appendix 4). The Tribe was geographically isolated from its neighbors due to the physiography of the Valley. *See* Maps (Appendix 5).

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.⁵ It is indisputable, though, that there were numerous villages in the San

Heizer ed., Univ. of Cal. Archaeological Research Facility 1967) (hereinafter "Merriam, Ethnographic Notes") (Appendix 2.).

⁵ According to one source, the villages in the San Juan Valley that were eventually taken into the Mission San Juan Bautista included: Absymc, Ausaima, Calendurruc, Guachurrone, Mutsun, Orestaco (Popelotchom), Pagsin, Porosonma, Poytoquir, Risca, Schapana, Tamarox, Teboulta, Thapana, Thrillrii, Tipisat, Tureftaca, Uitaljamia, Unijaima. Mission San Juan Batista, Thomas Savage, 1878 CC44, Bancroft Library (Appendix 6). There are at least 6 lists compiled by various authors containing variations of these names. Scholars and anthropologists drew names from the Mission's baptismal records, and later, from other records including interrogatories and Spanish land grants. These name variations necessarily arise in a situation such as this where very few people were actually exposed to all the Tribes in the Valley prior to the establishment of the Mission. As a result, language barriers between the aboriginal people and the early Spanish arrivals (including the use of various phonetic spellings of the village names), as well as difficulties encountered by modern anthropologists in interpreting the work of the early scholars, may be responsible for the disparities in the lists. Also, the early scholars may not have realized the difference between the rancherias and the villages. (see FN 6 below)

For example, Father Felipe de la Cuesta, who first studied the neophytes and Indian villages around the Mission beginning in 1808, noted that there were 20 villages in the Valley from which Indians were taken into the Mission. Father John Martin, *Mission San Juan Bautista: The Causes and Effects of its Rise and Decline* 35 (dissertation submitted to Univ. of Santa Clara, 1933) (hereinafter "Martin Dissertation") (Appendix 7). Taylor identified 15 original "Rancherias." Alexander S. Taylor, *California Indianology*, see Appendix 8, Exhibit A. Merriam, writing in 1926, noted 21 Mission San Juan Bautista Tribes (villages), which were also somewhat different from the other three lists discussed above. C. Hart Merriam, *Personal research papers*, Film #1022, Reel #8, Series N, "List of Names of Bands, Tribes, or Villages." (Appendix 9). Engelhardt and Bancroft agreed on the names of 22 villages. *See* Zephyrin

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 commonalities 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.⁶

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.⁷ They trapped squirrels and fish in unique ways.⁸ They wove baskets that were so skillfully crafted that they

Engelhardt, *The Franciscans in California*, (Harbor Springs 1897); Hubert Howe Bancroft, *The Works*, Vol. XVIII, 557, Fn 17 (The History Co., San Francisco, 1890) (sources not provided here).

⁶ Due to the unique development and organizational structure of California tribes, anthropologists employ different terms to identify groupings of Indians in California. For example, in his Senate testimony in 1926, C. Hart Merriam acknowledges the problem of defining Indian groups in California. He states: "These difficulties [in identifying the Indian who participated in the 1851 treaties] are partly in the interpretation of the word 'tribe,' (for anthropologists are not agreed to as to the definition of tribe), but mainly in distinguishing tribes from villages. Many of the so-called tribes enumerated in the Eighteen [Unratified] Treaties were not tribes at all; they were simply rancherias or villages. But these were not all of the same rank. In some cases there was a head or ruling village with several subordinate villages, and a definite tract of land that belonged to it; a number of such rancherias constitute a tribe." C. Hart Merriam papers, Film #1022, Reel #80, *Indian Welfare: Investigations of the Indian Bureau*, 6 (U.C. Berkeley, Bancroft Library 1926) (hereinafter "Merriam Testimony") (Appendix 10). Levy coined the term 'tribelet' which is defined as "one or more villages and a number of camps within a tribelet territory." Levy at 487. The 20 villages in the San Juan Valley who shared the cultural characteristics discussed below made up the Amah Mutsun Tribe.

⁷ Martin writes that "[t]he pagan San Juan Indians as a rule went naked." The women wore a handful of grass or a piece of deerskin. Sometimes the men wore a cape of sealskin or of rabbit. In cold weather a deer skin was employed." Martin Dissertation at 55.

⁸ For example, to catch squirrels, the Amah Mutsun would light a tree on fire and cover all holes in the tree with manure. After the fire had burnt itself out, the squirrels would be found lying at the mouth of the holes, overcome by smoke inhalation. Martin Dissertation, 38-9. To catch fish, tribal members would sometimes use nets, but often, then would line a bag with leaves and prop open the mouth with a branch. Then children would scare the fish who would dart into the camouflaged bag and be trapped. *Id.* at 40; *see also* Mondragon declaration.

could be used to carry water, and cook food with hot stones.⁹ They lived in round huts.¹⁰ They practiced collective rituals.¹¹ Members of the various villages intermarried.¹² Artifacts related to these activities have been unearthed in recent times.¹³

⁹ Joseph Mondragon describes how the stones, which had been heated by fire, would be placed inside the baskets to heat the water. The boiling water would then be used to cook the food. *See* Mondragon declaration.

¹⁰ Barbara Solarsano, a San Juan Bautista Mission Indian, told Merriam that prior to the arrival of the Spanish, homes were circular and conical and were made of tule or brush and were big enough for two families. Merriam, *Ethnographic Notes* at 373.

¹¹ A member of Anza's expedition observed some of the monuments to these rituals when he passed through in 1776. Describing a cemetery located in the territory where the Amah Mutsun historically resided, he wrote "on the poles were hung something like snails and some tule skirts which the women wear. Some arrows were stuck in the ground, and there were some feathers which perhaps were treasures of the person buried there." Bolton's *Anza Diaries, Diary of Father Pedro Font, the 1776 Anza Expedition from San Francisco Bay to Monterey, March 24, 1776*. (This source could not be included in the Appendices.)

Observers at the Mission San Juan Bautista described the ritual for mourning a death: "When there was a death in the family the women cut their hair and burned it, painted their faces black, and wore black beads and earrings." They wept and had a particular rhythm for grief moaning, and sometimes "professional weepers were employed for the occasion." Marjorie Pierce, *East of the Gabilans 30* (Western Tanager Press 1981) (Appendix 11).

¹² Milliken's data shows that the various "Tribes," as he calls them, intermarried prior to the arrival of the Spanish. Randall Milliken et. al., *Archeological Test Excavations at Fourteen Sites Along Highways 101 and 152, Vol. 2: History, Ethnohistory, and Historic Archeology*, pgs 50-54 (submitted to CalTrans Sept 1993) (hereinafter "Milliken Report") (Appendix 12). Milliken also struggles with the definition of a Tribe with respect to the California Indians. He notes that the "socio-political groups of west-central California were clusters of unrelated family groups which formed cooperative communities," and as such, they fit one definition of a tribe. Milliken Report at 24. However, he also notes that the definition of "tribe" often refers to those who share a language," and as a result, some anthropologists have grouped all Costanoans under one umbrella. *Id.* Due to the unique situation in California, Milliken chooses to refer to each village group as a "Tribe" despite the fact that the villages shared a common language, common cultural practices and they often acted in concert. While Milliken's data is a valuable source of information, the Amah Mutsun Tribal Band believes that the villages of the San Juan Valley composed one tribal entity, and when they were brought together at the Mission San Juan Bautista, their tribal bonds solidified.

¹³ Artifacts from early Amah Mutsun activities have been found at the sites of the original Amah Mutsun villages. At the Chitactac-Adams park, for example, many traces of the ancient culture can be seen: bedrock mortars used to pound the acorns and other food, cupules and grooves, shell samples and tools, cooking stones, pestles, beads and other ornaments, and even artistic petroglyphs in the "cup-and-ring" motif. Chitactac Master Plan at 39. *See also* map, page 6 in App. 3 and App. 5, to pinpoint location of the park in relation to the Amah Mutsun

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, sample record attached hereto as Exhibit 4. 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") (Appendix 13). In day-to-day affairs, tribal members relied on the wisdom of the village elders. *Id.* 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. Mondragon declaration. 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. *Id.* 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.¹⁵ *Id.* Prior to the arrival of the Spanish, the Mutsun language had been spoken

villages. These petroglyphs are unique to the Amah Mutsun villages in that, unlike in other regions, the concentric circle pattern does not appear with other forms of rock art. Chitactac-Adams Master Plan at 6-7, 40.

¹⁴ Prior to the 1870s, the borders of Monterey County encompassed the ancestral lands of the Amah Mutsun Tribe in the San Juan Valley.

¹⁵ The Costanoan region stretches from San Francisco to Monterey and the eight languages included Karkin, Ramaytush, Chochenyo, Tamyen, Awaswas, Chalon, Mutsun, and Rumsen. Levy at 486. The language of each tribe was most similar to the language of the neighboring tribes, but they were distinct from each other and completely different from languages outside the Costanoan family. *Id.*

in the San Juan Valley for hundreds of years, *id.* at 485, and it was one of the first American Indian languages extensively studied in North America.¹⁶

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.¹⁷ 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

¹⁶ Father Arroyo de la Cuesta studied the Mutsun language between 1808 and 1832 and was the first to compile a detailed grammar and vocabulary book containing "2884 words, phrases and sentences of the Mutsun Indians" and grammar of the language "which is a branch of Costanoan speech." Martin Dissertation at 37-8. Martin also states that "[t]he San Juan Indians, who called themselves the Ama tribe, had the five vowels in their language." *Id.*

¹⁷ In 1776, Anza describes passing by a village of 17 huts from which emerged three "heathen inhabitants" who gave the explorer a present of three fish. Based on directional references made in the diary, Milliken concludes that this village was located in the present Old Gilroy area. Milliken Report at 66. The Amah Mutsun villages encompassed the territory around Old Gilroy.

¹⁸ Father Martin wrote that the Church at the Mission San Juan Bautista was erected for the "Mutsun Indians." Martin Dissertation at 35.

¹⁹ Hurtado notes that because the non-Indian population was less than 3500 in California, "the missions and Indian labor were the basis for California's economy. Neophytes constructed

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. See Zwierlein declaration, Exhibit A.

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.²¹ 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) (Appendix 14).

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.²²

the buildings, herded the cattle, worked the fields, and did whatever was required to keep the missions running." Hurtado at 24.

²⁰ Normal family relationships were disrupted. According to Father Martin, "[a]t the Mission, young girls and [unmarried] women were carefully guarded and kept under lock and key at night." Martin Dissertation at 18.

²¹ Taylor states that from the moment the Indian was baptized, "he is supposed to have taken eternal vows," and is not permitted to return to his village. Taylor, see Appendix 8, Exhibit B. This is justified by the priests under the theory that "they could not conscientiously administer baptism to beings of so little mind, unless the government would assume the rights of god-father and be responsible in some measure for their perseverance." *Id.*

²² Two Spanish sergeants who had set out from the Mission San Juan Bautista in November 1815 in search of "runaway Indians" described their first encounter as follows:

On the same afternoon as sunset I decided to send two men on horseback, hidden in the winding of the river, to stop these Indians who were going to their rancharia.

After a little, two Indians appeared before them...but seeing that they were to be

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. Zwierlein declaration. 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. *Id.*

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.²³ They were not allowed to return to their villages.²⁴ They were punished if these rules were broken.²⁵ As a

attacked by the soldiers they abandoned horse and saddle and swam across the river... The soldier ... knew from the saddle that it belonged to the runaway Indian Antonio from the Mission of La Soledad.

Inocente Garcia, Diaries, Copies of Historical Accounts, Film #1022, Reel #73, unpagged (Univ. of Cal., Bancroft Library) (Appendix 16).

²³ In the early days, immediately after the Mission had been built, priests and explorers were interested in the cultural practices of the original inhabitants. De la Cuesta noted the Tribe's use of songs. He wrote, "[t]hey are very fond of music and song. They learn with facility what is taught them, but on the instruments also remember the pagan tunes... They have songs for games... for funerals, for the time of being cured, for wartime, for the chase, for the dances of men, for the dances of women, for the entertaining of boys, and others for counting, for fables." Martin Dissertation at 61.

However, the priests quickly became more interested in stamping out "pagan" practices. In response to the 1812 Interrogatorio posed by the Spanish government, a priest at the Mission San Juan Bautista responded: "One of the other of the recently converted still observes the [traditional] custom; but, at present, they are abandoning their superstitions and vain observances in consequence of the steady preaching and Gospel instructions which we give them in order to destroy such practices." Father Zephyrin Engelhardt, Mission San Juan Bautista: A School of Church Music 16 (Mission Santa Barbara 1931) (Appendix 17).

²⁴ Martin states that the priests were justified in penalizing the neophytes for leaving the Mission San Juan Bautista compound. "Today, absence without leave would not seem to be a grievous fault. But in those days it meant probably that the Indian had gone back to the hills to take part in immoral pagan practices and, perhaps, even to foment an attack on the faithful Indians." Martin Dissertation at 60.

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result, the Amah Mutsun conducted their tribal activities and spoke their language in secret. Mondragon declaration. 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. *Id.* 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...”²⁷ Taylor, *see* Appendix 8, Exhibit C.

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

²⁵ Corporal punishment was widespread. Father Venegas described with approval the early technique of one robust priest who was tired of enduring the disobedience of the Indians: “Father Ugate ... took the Indian by the hair, just as he was laughing most immoderately and making signs of mockery to the others, lifted him up into the air swinging him to and fro three or four times.” When that turned out to be an ineffective deterrent, the priests resorted to harsher methods, like lashings with the whip, and imprisonment. Martin Dissertation at 59, quoting Engelhardt.

Women were also punished. Taylor writes that the Indian caciques at all the Bay area Missions, acted as “blind executors of the wishes of their superiors” and were elected by the people as magistrates. These caciques punished the women far from the village, “so far distant that their cries may not excite too lively a compassion...” but the men are punished before everyone so that “the punishment may serve as an example.” And, “[the disobedient Indians] generally ask for grace, then the executioner diminishes the force of the blows, but the number is always irrevocably fixed.” Taylor, *see* Appendix 8, Exhibit C.

²⁶ In response to the Spanish government’s Interrogatorio in 1812, priests at the Mission San Juan Bautista stated that “[a]t present, we Missionary Fathers educate the young and other rational people, and we occupy them in a Christian and civil manner in all the branches of agriculture, carpenter work, etc.” Engelhardt at 15.

²⁷ In another example, Hurtado notes that to control sexual behavior, single women were locked in dormitories at night. However, “[m]issionaries complained about Indians breaking their marriage vows and secretly keeping up native customs, indicating that the Franciscans were not wholly successful in converting neophytes to Hispanic practices.” Hurtado at 24-5.

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.²⁸ Taylor, *see* Appendix 8, Exhibit D. The incredible losses suffered by the Amah Mutsun tribe taught an important lesson: avoid the "well-meaning" foreigners who promise salvation and civilization. Zwierlein declaration.

Although the Mission period unsurprisingly supplies little documentary evidence of the pre-contact 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. Mondragon declaration. 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. *Id.* 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. *Id.*

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, *id.*, 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") (Appendix 18). 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.²⁹ However, under pressure from the Mexican and Spanish

²⁸ Taylor recorded these 1,248 Indians as members of the "Mutxuna" Tribe. Taylor, *see* Appendix 8, Exhibit E at 32. Mutxuna is undoubtedly a variation on the word "Mutsun."

²⁹ Rawls writes, "[u]nder the secularization decree of 1834 half of the mission lands were to be reserved for those Indians who wished to remain at the missions; few Indians, however, were able to retain their property for long. Most of the former mission lands, as well as other tracts along the coast and in the valleys of California, were granted to private citizens by the new

citizens who wanted land, the Mexicans did not follow through: none of the land was officially turned over to the Amah Mutsun. Rawls at 20.

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.³⁰ 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. See Zwierlein declaration.

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."³¹ Roy Nash, Sacramento Indian Agency, Address to the Western Regional Conference, August 14, 1940, page 7 (Appendix 20).

Mexican government. Under Mexico's liberal colonization policy individuals could obtain rancho grants in California of up to 50,000 acres. During the entire Spanish period only twenty private land grants had been made, whereas 500 ranchos were created by the Mexican government." James J. Rawls, *Indians of California, The Changing Image*, 20 (Univ. of Okla. Press 1984) (Appendix 19); see also Engelhardt at 60-61.

³⁰ Rawls writes that "[m]ost of the former mission Indians, however, were taken over by the rancheros and continued to work without interruption for their new masters. The important difference between work at the rancho and at the mission was that in the rancho the communal relationship was lacking: the profits of Indian labor were appropriated almost entirely by the rancho." Rawls at 20. The virtual slavery of the Mission system continued on the rancherias.

Also, "[a]gricultural and household labor was supplied by Christianized Indians who lived in different kinds of settlements [on the rancheria] depending on marital status." King Report at 50.

³¹ The attitude of the newcomers is evident in Bancroft's *History of California*: "We do not know why the Digger Indians of California were so shabbily treated by nature; why with such fair surroundings they were made so much lower in the scale of intelligence than their neighbors; but being low, and unsophisticated, in a measure harmless until trodden upon, surely it was not a

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." *Id.* 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." *Id.*

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.³² Persecuted once again, as they had been by Spanish and Mexican conquerors, the Amah Mutsun sought shelter in a Spanish identity.³³ Mondragon declaration.

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") (Appendix 22). At

mark of high merit on the part of the newcomers to exterminate them so quickly." Hubert Howe Bancroft, *The Works, History of California, Vol. XXIV, 1860-1890*, at 474 (The History Co., San Francisco, 1890) (hereinafter *Bancroft, History of Cal.*) (Appendix 21).

In his testimony to the Senate, Merriam provided an example of the harsh treatment of Indians in California by the new white arrivals. On April 16, 1859 a California newspaper "mentions that men were hired to hunt for Indians were being paid 'so much for each scalp or some other satisfactory evidence that they had been killed. The money has been made up by subscription.'" Merriam Testimony at 20.

³² Bancroft writes, "The most prominent feature of their contact with the gold-seekers was abuse on the part of the white men, and consequent retaliation. A hatred for Indians was acquired on the plains, from which the milder tribes of California had to suffer." Bancroft, *History of Cal.* at 476.

³³ Ironically, it may be that the Amah Mutsun's success at adopting a spanish/ mexican identity saved the tribe in the long run. Numerous historians tell of the war in California between the new white settlers and the Indians. Cook stated that by 1865, "counties were virtually cleared of all Indians who lived in rancherias and tribal relations." Cook at 282. The

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.³⁴ Subsequent study of the 18 negotiated treaties yields no definitive proof of whether the Amah Mutsun were represented at the negotiations.³⁵ Immediately after the treaties were completed, a powerful business and local political lobby quashed all hopes of getting the treaties ratified in the Senate.³⁶ 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 (Appendix 24).

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

Spanish religion, language and habits imposed on the Amah Mutsun Tribe in the Mission probably insulated them to a certain degree from this violence.

³⁴ Robert Heizer analyzed the treaty negotiations as follows: "The three commissioners did not have the slightest idea of the actual extent of tribal lands of any group they met with ... Taken all together, one cannot imagine a more poorly conceived, more inaccurate, less informed, and less democratic process than the making of the 18 treaties in 1852-1853 with the California Indians. It was a farce from beginning to end..." Robert Heizer, *The Eighteen Unratified Treaties of 1851-1852 Between the California Indians and the U.S. Government*, 5 (U.C. Berkeley, 1972) (Appendix 23).

³⁵ Merriam testified before the Senate that even if specific tribes had participated in the 1851 negotiations, it is unlikely that the tribes sent a chief to the military encampments. The California Indians had already been tricked by Anglos: relying on the Anglos' promises of blankets, oil, food and money, the Indians gathered in a designated place where they were subsequently slaughtered. Merriam Testimony at 11. In this testimony, Merriam also recommended that all Indians of California receive compensation for the promises made in the aborted treaties, regardless of whether they had actually signed the treaties. Merriam Testimony at 15. This led to the 1928 Enrollment Process where the Bureau of Indian Affairs attempted to count the Indians still residing in California.

³⁶ Special Agent Kelsey describes the treaties as providing a benefit to the Indians to the tune of \$11,000,000 1906 dollars. The treaties were not ratified in the Senate because they were "strongly opposed by the [gold] miners." Heizer, *Eight Documents* at 126-7.

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, 10 (1852) (Appendix 25). 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.³⁷ See Zwierlein declaration.

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") (Appendix 26). 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. *Id.* 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

³⁷ Kelsey reports that in 1834 there were 34,000 Indian converts in the strip of Missions along the California coast. By 1906, only 3000 of their descendants were still alive. Heizer, Eight Documents at 125.

were without lands.”³⁸ 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 Bautista Band, which reside in the vicinity of the Mission San Juan Bautista, . . . 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, at 16 (Appendix 28). The Mission, which made no land grants to the local Indians, had been closed in 1834. Dorrington’s cynical attitude towards the San Juan Bautista 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. Zwielerin declaration. At this time, members lived in San Benito County, Monterey County and Santa Clara County. Zwielerin declaration. By 1928, many tribal members were not afraid to cooperate with federal authorities and they were included in the 1928 Indian Enrollment Process.³⁹ On their Enrollment forms, tribal members were accurately identified as “Mission Indian, San Juan Bautista” for the first time. See sample Enrollment form, Exhibit 6.

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

³⁸ During the following decade, the government attempted to buy land for various landless tribes. As of 1915, there were still 4500 homeless Indians not provided for by the congressional appropriations. Allogan Slagle, *Unfinished Justice II: A Study of Common and Particular California Indian Historical Factors and Conditions*, 22 (submitted to the Advisory Council on California Indian Policy, April 1996) (Appendix 27).

³⁹ Pursuant to authorizing legislation, the government permitted all those of Indian descent to enroll with the Bureau of Indian Affairs. This Enrollment List was subsequently used to

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") (Appendix 29).⁴⁰ Harrington's notes show the re-emergence of a cohesive tribal unit, allowing itself to re-emerge 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 at 2 (Appendix 29). She married another Amah Mutsun member and raised a family which came to total 17 children.⁴¹

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. Mondragon declaration. 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

determine which groups could receive a portion of the settlement from the litigation arising out of the 1851 treaties.

⁴⁰ Harrington's notes are extensive, filling 115 boxes and over 40,000 pages. A small excerpt is provided in Appendix 29 and Appendix 31. More detailed references concerning Harrington's work on the Amah Mutsun Tribe will be supplied upon request.

⁴¹ Ascencion married her first husband, a Mexican, when she was 14. Her second husband, whom she married a few years later, probably around 1874, was an Amah Mutsun named Jose Segundo Cervantes. She was with him until his death in 1918. Harrington, Field Notes at 9; *see also* Mondragon declaration.

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 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 from approximately 11 core families.

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. See Exhibit 7. 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. Zwierlein declaration.

In 1947, the Tribe participated in federal litigation to recover compensation from the government for promises it had made during the 1850 negotiations.⁴² In a series of tribal

⁴² In 1944, the U.S. Court of Claims awarded relief to the Indians of California for compensation promised under the agreements of the 1850s. Indians of proven Californian Indian descent, or their descendants, living in California on July 1, 1852 and May 14, 1928 were qualified to participate. Slagle at 59. The government examined the line of descent from the Indians listed on the 1928 Enrollment Form to current members. The Indians of California were awarded \$17,053,941.98 for the 18 reservations negotiated in the 1850 treaties. The government deducted \$12,029,099.64 as an offset for the amount spent to help the Indians and purchase reservation land between 1850 and 1944. Stewart at 706. In 1946, the Indian Claims Commission Act authorized "identifiable" groups of Indians to bring claims against the U.S. government for a period of five years. The Amah Mutsun's action was filed at this time. Their

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. Zwierein declaration. In 1952 and 1972, some 50 members of the tribe received payments of \$68 and \$678 pursuant to this litigation. *Id.*; *see also* Exhibit 8.

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.”⁴³ It was not a time conducive to the buttressing of tribal identity and cultural heritage.

However, the Tribe’s persistence in unified activities, with both formal and informal gatherings, ultimately led to the formation of a non-profit public benefit corporation in 1993. Zwierein declaration. The Hummingbird Tribal Foundation was organized to begin the process of gaining federal recognition. Formal organizational meetings and a formal leadership structure have been in place since 1989, which operates in conjunction with the traditional tribal structure, to resolve member concerns and carry on the business of the tribe. Zwierein declaration.

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

suit was settled and the Indians of California were awarded \$29,100,000. This amounted to \$678 per eligible Indian, which was distributed in 1972. *Id.* at 708-9.

⁴³ Roy Nash remarked in his 1940 report, that the fate of the California Indians was pre-determined: “There are only 24,000 names on the Final Roll of California Indians, and certainly 25 % of those no one would recognize as Indian if he met them in a crowd. The 1940 Census will show close to 8 million people in California. Three hundred whites to every Indian in the state. They are destined to be absorbed, both culturally and as to blood, as inevitably as Lake Tahoe absorbs a handful of salt.” Nash Report at 27.

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legislation regarding Indian tribes; and tribal members, as representatives of their tribe, have participated in state events that celebrate Native American heritage.⁴⁴

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

V. 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 363.⁴⁵

⁴⁴ At the meeting with Mr. Fleming from the Bureau of Interior on March 6, 2002, tribal chairwoman Irenne Zwierlein informed BIA of a splinter group that has broken off from the main body of the Amah Mutsun Tribe. While the splinter group did not observe the procedures for removing a tribal officer or establishing new leadership, it makes claims that Ms. Zwierlein is not the chairwoman. However, the Tribal Council as a whole, as well as a majority of the tribal members, reaffirm that she represents the Tribe. Thus, as of today, the membership of the Tribe is limited to those whose names are submitted with the genealogical documents accompanying this petition. See Exhibit 9.

⁴⁵ As is discussed above, Richard Levy studied the Costanoan language group and identified eight distinct languages, "as different from one another as Spanish is from French." Mutsun was one of these languages, spoken by the Tribe of the Pajaro River drainage area. Levy at 485. The Costanoans shared many cultural practices and in that way, are sometimes referred to as a single group. Yet, Levy affirms that the Costanoan group is composed of many distinct Tribes. *Id.*

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Merriam states that there are three tribes of Ohlone stock: Hoo mon twash, Mootsun and Roomsen. 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 them Mutsun in 1797 (spelling variations abounded: Muxtanes, Mootson, Mutsunes). Martin Dissertation at 35. Taylor referred to them as Muxtuna. Taylor, *see* Appendix 8, Exhibit E at 32. At this time, the Tribe was also referred to as the Monterey Indians because, before 1870, the Valley was located in Monterey County. Taylor, *see* Appendix 8, Exhibit B.

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. *See e.g.* 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. *See e.g.* 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. *See* Zwierlein declaration, Exhibit A.

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. Zwierlein declaration. 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 AMTB. 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.

VI. 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).

Copies of the above resolutions are attached as Exhibit 10.

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. . . ." Exhibit 10.

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." Exhibit 10.

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. Taylor, *see* Appendix 8, Exhibit E at 32.
- 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 “Hoomontwosh 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). (Appendix 31).

- 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 (Appendix 26). 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 non-reservation Indians. RG 75 Reno Indian Annual Narrative and Statistical Reports, 1912-1924, Box 6, Folder "Annual Narrative Reports 1923 Reno Indian Agency, at 5. (Appendix 30).
- 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.” Exhibit 6.
- 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. *See* Retention Agreement attached as Exhibit 11.
- 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. *See* Sample Treasury check attached as Exhibit 8.
- 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 Exhibit 12. 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. See e.g. Shea Homes letter, 1992.
- 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. See letters attached as Exhibit 13. 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. *See* letters attached as Exhibit 14.
 - 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. *See* MOU and letters attached as Exhibit 16.

- 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. *See* letter attached as Exhibit 17.
- 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. *See* letter attached as Exhibit 17.
- 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. Zwielerlein declaration.
- 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." *See* letter attached as Exhibit 18.

- In 2000, Lieutenant Governor for the State of California, Cruz Bustamante, 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. See letter attached as Exhibit 19.

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. Zwierein declaration. Tribal members in these areas frequently spent time together. *Id.*

The oral history of Joseph Mondragon recounts how Ascencion and her parents galvanized tribal activity in the early 1900s. Ascencion's parents had been privileged Mission Indians, permitted to live outside the Mission compound because her father, Miguel, practiced the important trade of coffin-making. Mondragon declaration. Their ranch was somewhat isolated and allowed the Tribe to practice the ancient tribal ways and speak the Mutsun language without detection or interference by white authorities. In addition, the town of Indian Corners grew up in close proximity to the ranch, and became a center for Amah Mutsun tribal members after the Mission closed.⁴⁶ At Indian Corners, traditional practices were revived and the Tribe was able to re-establish itself. Zwierein declaration.

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.⁴⁷ 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.

⁴⁶ A powerful cattle rancher forced Barbara and her family off the land in 1908. Tribal lore tells the story that Barbara and Miguel had been away from the house when an agent of the powerful cattlerancher, Miller-Lux, approached Barbara's brother and offered the paltry sum of \$400 and 2 steers in exchange for Barbara's land. The brother quickly agreed and when Barbara and Miguel returned, the door was padlocked. They had no recourse to the legal system and were forced to leave. Harrington, *Field Notes* at 4; *see also* Mondragon declaration.

⁴⁷ Barbara Solarsano is the mother of Ascencion and great-grandmother of current tribal council member Joseph Mondragon.

Solorsano 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 Solorsano 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. *Id.*

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.

⁴⁸ For example, the Roomseen tribe always had dogs, the San Jose and Santa Clara Indians wore their hair long, and the Kahkoon dressed in the skins of sea otters. *Id.* at 371-380.

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. Zwierein 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. Zwierein declaration. 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. *Id.*

As recorded by Harrington, the Smithsonian historian who studied Ascencion and the Tribe, Ascencion 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. *Id.*

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. Mondragon declaration.

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. Mondragon declaration. 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. Mondragon declaration.

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.⁴⁹ Zwierlein declaration; *see also* enrollment log attached as Exhibit 21.

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

⁴⁹ The Amah Mutsun tribe had for years been calling themselves the Amah, but the officials were slow to adopt that terminology. The name probably originated as a derivation of the village name Ausaima.

to renew a sense of community and to recognize the importance of their shared past. Mondragon declaration.

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. Zwierein declaration.

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. Mondragon declaration.

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. *Id.*

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. *Id.*

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. *Id*

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. *Id*

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. *Id*

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. *Id*

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. Mondragon declaration.

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. See Exhibit 7. 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 [REDACTED] Gilroy, the 1960's were an unfortunate decade of many Amah Mutsun Tribal members' funerals, and many members of the Tribe attended these ceremonies. Zwierlein declaration.

Exemption 6

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

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. Mondragon declaration.

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. Mondragon declaration.

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.

Today, the Amah Mutsun Tribe is an active community of over 400 tribal 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. Zwierlein declaration.

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. *Id.*

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:

- Vincent Corona, birth 1904
- Antonio Mare Corona Ketchum, birth 1909
- Robert Bojorques, birth 1916

Exemption 6 • [REDACTED], birth 1918

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.

In April 1993, the Amah Mutsun Tribe formed a non-profit public benefit corporation, the Hummingbird Tribal Foundation. The corporation is a monument to the growing strength of the Amah Mutsun community—it was founded to help begin the formal process of gaining federal recognition for the Tribe. To that end, tribe members have garnered all available resources to conduct research and locate existing evidence. All the members participate in this effort, whether it consists of combing through the attic for old newspaper articles, searching Mission records for references to known ancestors, or identifying ancestors in old photographs.

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). (Appendix 32). 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. *Id.*

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. *Id.* 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. *Id.*

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. Zwielerlein declaration.

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. Mondragon declaration.

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. Zwielerlein declaration.

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.

In 1991, the Tribe developed more formal mechanisms to regulate tribal affairs: the elders wrote a Constitution, which provided for an elected Tribal Council, among other things, and an Enrollment/Membership Ordinance was passed. But even after authority was formally

vested in the tribal council, council members often consulted with elders on proposed courses of action. In 1993, Tribal leaders formed, for the benefit of the Tribe, a non-profit benefit corporation. Zwierein declaration.

The Tribe has for the past several years, conducted Tribal business and general membership meetings on a regular and duly-noticed basis, and a newsletter is also regularly published. The current Chairperson is Irene Zwierein, who has been very active in Tribal leadership and community activities during the past several decades. *Id*

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

As discussed above, the Amah Mutsun Tribe adopted a Constitution and Enrollment/Membership Ordinance in 1991. Copies of each of these documents is included in the Supporting Appendices as Exhibits 20 and 21. The Tribe also maintains a current Membership List. A verified, official copy of the Membership List will be provided by the genealogist as soon as certain details of the research are completed.

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.

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 as well as an official membership list will be provided in the immediate future as certain details of the research are completed by genealogist Karen Clifford. In the meantime, if you have any questions, Ms. Clifford can be contacted at Genealogy Research Associates, Inc., at 1-801-363-1315.

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. The current membership list will be provided by the genealogist as soon as certain details are verified.

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.

VII. 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.

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APPENDIX LIST
AMAH MUTSUN TRIBAL BAND
PETITION FOR ACKNOWLEDGMENT

VOLUME 1

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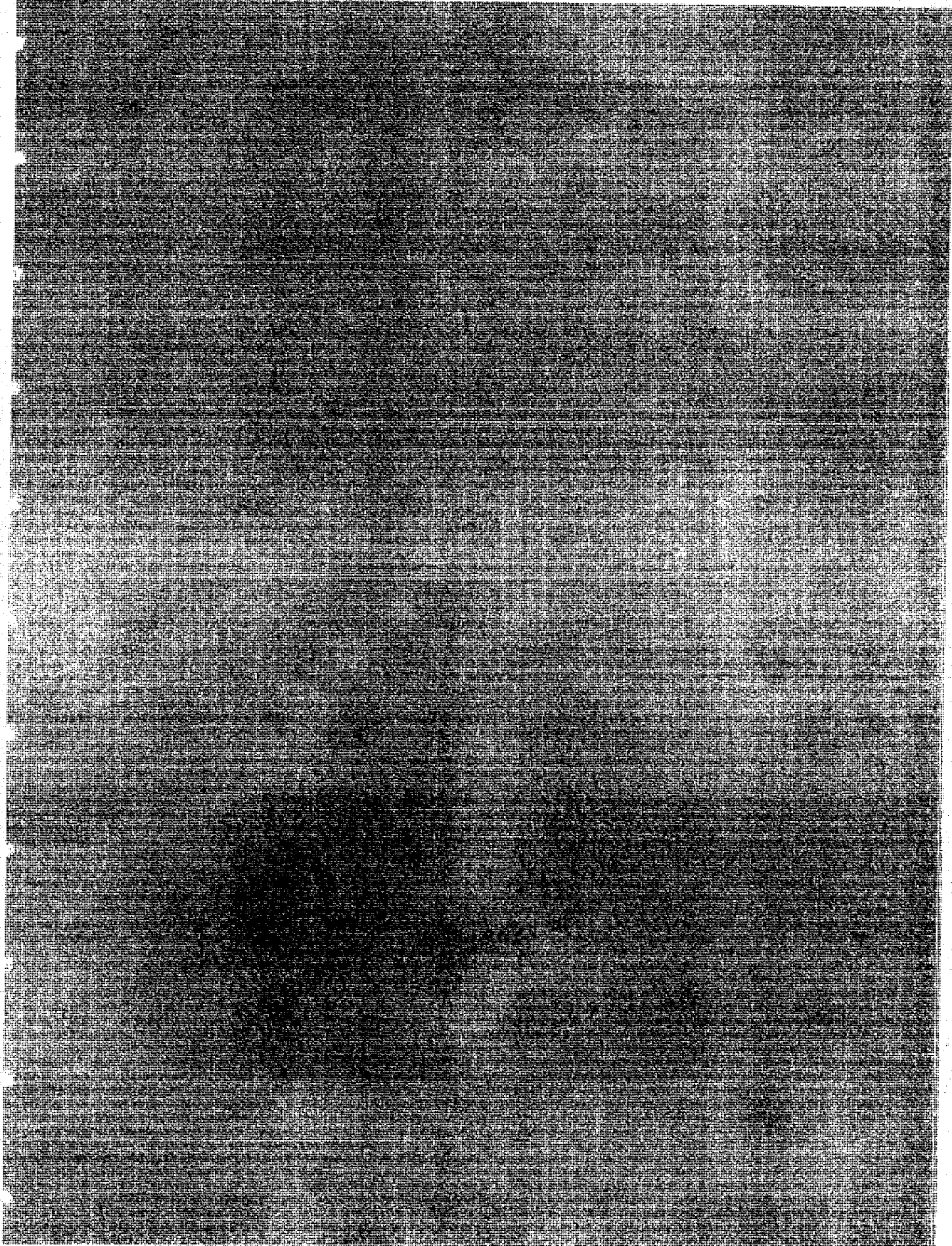
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**Mutsun Cultural Continuity in the 20th Century
A Preliminary Assessment**

by

E. Richard Hart

January 29, 2003

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Abstract

The Amah Mutsun Tribal Band has submitted a petition to the Branch of Acknowledgment and Research (BAR) seeking recognition by the United States. Four volumes of accompanying exhibits and appendices provide historical evidence in support of the tribe's claim for recognition. Some of the criteria established by BAR relate to cultural continuity and leadership in the twentieth century. Considerable additional documentary evidence provides convincing grounds to conclude that the Amah Mutsun Tribal Band meets those criteria for federal acknowledgment as an Indian tribe. The tribe has been a distinct entity in both the pre-missionization and post-missionization periods. Extensive linguistic studies have demonstrated that Mutsun is a unique language which was spoken within definable boundaries among tribal members living in a number of villages, or *rancherías*, prior to the arrival of the Spaniards. The Mutsun were forcibly gathered under the Spanish civil and religious authorities at Mission San Juan Bautista. After their consolidation there they became known as San Juaneños and continued to practice traditional activities, to speak Mutsun among themselves, to pass on tribal traditions and to recognize tribal leadership. Tribal traditions and language continued to be passed down generation to generation after the region came under United States jurisdiction. Tribal leadership also continued to be recognized generation to generation among the San Juaneños.

The Mutsun Tribe had a unique language, definable territory, mutually held cultural beliefs and recognized leaders. Today's Amah Mutsun Tribal Band members are the descendants of the pre-Spanish Mutsun and San Juaneños. A remarkable documentary record

of the Mutsun in the twentieth century was recorded by the ethnologist and linguist John Peabody Harrington, working between 1920 and 1935 with Mutsun people, especially Ascención Solórsano, who was the most influential Mutsun leader in the twentieth century. She was widely recognized as such by both Mutsun people and by the non-Indian community. Her cultural knowledge of the Mutsun people and language provided an unprecedented look at tribal heritage as it was passed from aboriginal times into the twentieth century.

The Mutsun Language

Linguistic studies of Mutsun have been carried out from 1815 to the present. The results of these studies have demonstrated that Mutsun was a separate language, spoken in all the villages within a distinct region.

Mutsun is a separate language in the Costanoan sub-group of the Utian Family within the Penutian Stock. It was spoken in the region of the San Juan Bautista Mission and the Pajaro River drainage.¹ It has been estimated that at the time of the arrival of the Spaniards there were some 2,700 Mutsun speakers among the villages in the Pajaro River drainage. Mutsun was a separate language, as different from the other Costanoan languages, "as Spanish is from French."² In 1770 there were at least ten villages in the Mutsun-speaking region, one of which was itself named Mutsun, from whence the name for the language was drawn.³

Between 1770 and 1797 the Spanish government established seven missions within Costanoan territory, including San Juan Bautista located in the valley near the Mutsun villages.

¹Shipley, William F. "Native Languages," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, pp. 81, 84, and 89.

²Levy, Richard. "Costanoan," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, p. 486.

³Levy, Richard. "Costanoan," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, p. 485.

The Indian residents of these villages were "missionized," gathered and forced to live under the authority of the missions. By about 1810 the Spaniards had largely eliminated the Mutsun villages and the people had all become known as "San Juan" or "San Juaneños" Indians.⁴

Although the Spaniards pressured the San Juaneños to abandon their language, the Mutsun language continued to survive. In 1814, Father Felipe Arroyo de la Cuesta, a priest at Mission San Juan Bautista, noted that the Spanish authorities were having trouble getting the Indians to give up their language. He added, optimistically, "When the conquest is complete, and some generations shall have passed by, they will be able to speak Spanish well."⁵ John Wesley Powell, Director of the Bureau of American Ethnology under the Smithsonian Institution, reported in 1885, that the native languages had not disappeared nearly a century after missionization began. "As a matter of fact, however, in their own families and when away from the white men they discard Spanish entirely."⁶

Despite the fact that the Indians were taught Spanish at the mission, de la Cuesta understood the necessity of learning Mutsun in order to communicate with the Indians under his charge. He collected nearly 3,000 Mutsun phrases, which he published in 1815.⁷ De la Cuesta also translated prayers, songs, doctrines, confessions, acts, and other vocabulary into

⁴Engelhardt, Zephyrin. *Mission San Juan Bautista*; Santa Barbara, California: Mission Santa Barbara, 1931, p. 19. In de la Cuesta's 1812 response to an *Interrogatorio*, he reported that when Indians escaped from the mission they "return to the mountains as fugitives," suggesting the villages had by that point ceased to be occupied by the Indians.

Levy, Richard. "Costanoan," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, p. 486, provides an overview of the history of the period among the Costanoans.

⁵De la Cuesta, Felipe Arroyo. "Repuesta" ("replies" to the *Interrogatorio*), May 1, 1814, as translated and reprinted in: Engelhardt, Zephyrin. *Mission San Juan Bautista: A School of Church Music*, Mission Santa Barbara: Santa Barbara, California, 1931, p. 15.

⁶Powell, John Wesley. "Annual Report of the Director," *Sixth Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution, 1884-'85*. Washington: Government Printing Office, 1888, p. xxxi.

⁷De La Cuesta, A. Fr. Philipp. Ab. Ar. Yo. *Alphabs. Rivulus Obeundus, Exprimationun Causa, Horum Indorum Mutsun, Missionis Sanct. Joann. Baptistae*. Conveniunt Rebus Nomina Saepe Suis, 1815.

Mutsun and drafted a prayer book titled "El Oro Molido," which linguist J. P. Harrington called "the most important Indian document from the Franciscan period of California history." "El Oro Molido" or "Ground Up Gold" contained "precepts, acts, doctrine, a confession and a benediction" in the Mutsun language.⁸ Linguist J. Alden Mason later also commented on the importance of de la Cuesta's work, saying the phrases and grammar "form one of the fullest and most complete collections of data extant on a Pacific Coast language." He added that, "there is little doubt that the missionary knew the language well and interpreted its psychology and spirit fairly correctly."⁹

In 1861 and 1862, as part of "Shea's Library of American Linguistics," the Smithsonian Institution reprinted de la Cuesta's grammar and phrases in their entirety.¹⁰ Publication of de la Cuesta's work by the Smithsonian Institution likely prompted Albert S. Gatschet, a prominent linguist from the Institution, to conduct his own fieldwork among Mutsun speakers. His work was published first in 1877, in *Magazine of American History*, and later in the early 1880s in *American Antiquarian*.¹¹

⁸ Mills, Elaine L. (ed.) *The Papers of John Peabody Harrington in the Smithsonian Institution, 1907-1957*, Volume Two, "A Guide to the Field Notes, Native American History, Language and Culture of Northern and Central California," Kraus International Publications: White Plains, New York: Smithsonian Institution, 1985, pp.94-95, provides the quotations.

Engelhardt, Zephyrin. *Mission San Juan Bautista: A School of Church Music*, Mission Santa Barbara: Santa Barbara, California, 1931, pp. 16 and 125-126, also discusses the document.

⁹Mason, J. Alden. "The Mutsun Dialect of Costanoan Based on the Vocabulary of De La Cuesta," *University of California Publications in American Archaeology and Ethnology*, Vol. 11, No. 7, March 9, 1916, Berkeley, pp. 399-472.

¹⁰De la Cuesta, Rev. F. Felipe Arroyo. *Vocabulary or Phrase Book of the Mutsun Language of Alta California*. New York: Cramoisy Press, 1862, reprinted de la Cuesta's original 1815 publication under the auspices of the Smithsonian Institution, and as a part of Shea's Library of American Linguistics (Vol. VIII).

Mason, J. Alden. "The Mutsun Dialect of Costanoan Based on the Vocabulary of De La Cuesta," *University of California Publications in American Archaeology and Ethnology*, Vol. 11, No. 7, March 9, 1916, Berkeley, pp. 399-472.

¹¹Hodge, Frederick Webb. *Handbook of American Indians North of Mexico*; Totowa, New Jersey: Rowman and Littlefield, Part 1, 1975 (reprinting original publication by Smithsonian of 1905), pp. 941 and 964, briefly commented on his work with Gatschet, which attempted to categorize dialects, languages, and families.

Gatschet, Albert S. "Indian Languages of the Pacific States and Territories," *Magazine of American*

After the establishment of the Bureau of American Ethnology in 1879, headed by John Wesley Powell, further interest was generated in the Mutsun language. Between 1884 and 1888, Henry W. Henshaw did fieldwork among Costanoan tribes, including the Mutsun.¹² He acquired a Mutsun vocabulary from a woman whom he identified simply as "Maria." This vocabulary led Powell to finally determine the correct demarcation of the several Costanoan languages into the correct families. Henshaw's vocabulary was also helpful in identifying the Indian place names for geographical locations in the region.¹³

The importance of the Mutsun language can be seen by the continuing interest of some of the best linguists in the world in the early 20th century. Between 1902 and 1905, C. Hart Merriam obtained linguistic material from Barbara Sierra and her daughter Ascención Solórsano early in the century.¹⁴

History 1(1): 145-171.

Gatschet, Albert S. "Specimen of the Chúm to Language," *American Antiquarian*, Vol. V (1883), Nos. 1 and 2; Bancroft Library.

¹²Powell, John Wesley. "Annual Report of the Director," *Sixth Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution, 1884-'85*. Washington: Government Printing Office, 1888, pp. xxxi-xxxviii.

Powell, John Wesley. "Annual Report of the Director," *Tenth Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution, 1888-'89*. Washington: Government Printing Office, 1893, pp. xiv-xv.

¹³Goddard, Ives. "The Description of the Native Languages of North America Before Boas," *Handbook of North American Indians*, Volume 17 "Languages"; Washington: Smithsonian Institution, 1996, p. 40.

Goddard, Ives. "The Classification of the Native Languages of North America," *Handbook of North American Indians*, Volume 17 "Languages"; Washington: Smithsonian Institution, 1996, pp. 296 and 304.

Afable, Patricia O. and Madison S. Beeler. "Place Names," *Handbook of North American Indians*, Volume 17 "Languages"; Washington: Smithsonian Institution, 1996, p. 197.

Heizer, Robert F. "California Indian Linguistic Records: The Mission Indian Vocabularies of H. W. Henshaw," *University of California Anthropological Records*, 15(2):85-202, 1955, Berkeley.

John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 41, frame numbers 92, 94, 95, and 101. Harrington used BAE Manuscript No. 296, in which the San Juan vocabulary is found following p. 228. He also notes BAE ms. 860.

¹⁴Merriam to Harrington, September 8, 1929, with attached notes from Harrington's consultation with Ascención Solórsano. John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 41, frame numbers 74-78.

Peabody, John Harrington. "The Papers of John Peabody Harrington in the Smithsonian Institution, 1907-1957," National Anthropological Archives, Smithsonian Institution. Microfilmed: Millwood, New York:

Alfred Kroeber continued his work with de la Cuesta's publications early in the 20th century, creating a card index with the sentences in de la Cuesta's phrases. J. Alden Mason worked on Mutsun language, using de la Cuesta's publications and the work of Kroeber. In 1916 he published "The Mutsun Dialect of Costanoan Based on the Vocabulary of De La Cuesta."¹⁵

Finally, of course, was the monumental work of John Peabody Harrington with Ascención Solórsano in the 1920s, which continued in the 1930s with other members of her family, and resulted in one of the best linguistic and ethnological records of a tribe and tribal language in North America that exists in the 20th century.¹⁶

In his article in the Smithsonian's *Handbook of North American Indians* 1978 volume on California, linguist Richard Levy provides the most up-to-date assessment of scholarship on Mutsun language. Levy, who did his work in the 1970s, referred to previous work on the Mutsun language, mapped the boundaries of the Mutsun-speaking region, and provided the names of ten Mutsun villages within it. He described the Mutsun region as being the Pajaro River drainage.¹⁷

Krauss International, 1984. Excerpts from "Interviews with the San Juan Indians." This material is found in Harrington's "San Juan Report" in frames 240-996 of roll 58 and frames 1-1126 of roll 59. *Almost Ancestors: The First Californians*. San Francisco: Sierra Club, 1968, pp. 22 and 166.

Kroeber, Theodora and Robert F. Heizer (edited by F. David Hales).

¹⁵Mason, J. Alden. "The Mutsun Dialect of Costanoan Based on the Vocabulary of De La Cuesta," *University of California Publications in American Archaeology and Ethnology*, Vol. 11, No. 7, March 9, 1916, Berkeley, pp. 399-472.

¹⁶Peabody, John Harrington. "The Papers of John Peabody Harrington in the Smithsonian Institution, 1907-1957," National Anthropological Archives, Smithsonian Institution. Microfilmed: Millwood, New York: Krauss International, 1984, especially microfilm rolls 36-37 and 41-61.

¹⁷Levy, Richard. "Costanoan." *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, p. 485.

Mutsun Culture

The documentary record from the late 18th century to the early 20th century provides an excellent picture of the traditional culture of the Mutsun people. The extraordinary record of Mutsun culture documented by Harrington while working with Ascención Solórsano in the 1920s, when compared with the early record compiled by mission priests, demonstrates the cultural strong bonds which have united the Mutsun band.

The earliest extensive record of Mutsun culture was recorded by Father Felipe Arroyo de la Cuesta in 1814. The Spanish government, on October 6, 1812, issued a questionnaire, or *interrogatorio*, which was sent out to all of the civil and ecclesiastical authorities in Spanish California. Thirty-six questions regarding the Indians in their jurisdiction were put to the priests running the various missions, including San Juan Bautista. The questionnaire did not reach San Juan Bautista until early in 1814. Father de la Cuesta signed a response to the questions and submitted it on May 1, 1814.¹⁸ In his response to the questionnaire, de la Cuesta reported that the San Juanefío people told traditional stories to their children, maintained traditions about hunting, games and utilitarian affairs. Mutsun people who had been forced under the control of the mission continued to pass on these traditions.¹⁹ According to de la Cuesta, the San Juanefíos,

...whose history amounts to ridiculous fables, which are passed from generation to generation, and who relate them only for the purpose of passing the time, laughing, or to entertain the boys....The whole scientific knowledge of these people consists

¹⁸De la Cuesta, Felipe Arroyo. "Repuesta" ("replies" to the Interrogatorio), May 1, 1814, as translated and reprinted in: Engelhardt, Zephyrin. *Mission San Juan Bautista: A School of Church Music*, Mission Santa Barbara: Santa Barbara, California, 1931, p. 15. "Cabins" was the translation for the tribal members living structures. The same translation was used for pre-Spanish, traditional structures.

¹⁹ Martin, John M. "Mission San Juan Bautista, California: The Causes and Effects of its Rise and Decline," Ph.D. Dissertation, University of Santa Clara, 1933, pp. 58-60, described the flogging and other punishments inflicted on Indians who tried to escape from the mission.

in the better way of telling the stories or in a greater aptitude in hunting and fishing.²⁰

Although the missionaries were attempting to teach the people agriculture, de la Cuesta said the San Juaneños continued to collect and eat traditional foods.

They have in their little cabins an abundance of acorns and wild seeds—their ancient food. They will not let a chance pass by to catch rats, squirrels, moles, rabbits and other animals, which they were wont to eat, and eat even now, for which reason it is not easy to compute their daily amount of food.²¹

The Mutsun people were one of several tribes that were distinct parts of a wider Costanoan culture group, with similar cultural patterns. Anthropological studies on the Costanoans conducted in the 20th century provide additional details of Mutsun traditional tribal life. Alfred Kroeber's early, but limited, view of Costanoan culture was completed in 1919 and published in 1925 by the Bureau of American Ethnology. Kroeber noted the former village named Mutsun which was located near San Juan Bautista Mission and said that with good weather, the people wore few clothes. He reported that the people harvested fish, and he also mentioned gathering practices to obtain vegetal foods. Prior to the establishment of missions, Kroeber said the people lived in tule lodges. His research among the Costanoans, however, was so limited that he had little of substance to add regarding religion, mythology, or social life among the people.²²

²⁰De la Cuesta, Felipe Arroyo. "Repuesta" ("replies" to the Interrogatorio), May 1, 1814, as translated and reprinted in: Engelhardt, Zephyrin. *Mission San Juan Bautista: A School of Church Music*, Mission Santa Barbara: Santa Barbara, California, 1931, p. 22.

²¹De la Cuesta, Felipe Arroyo. "Repuesta" ("replies" to the Interrogatorio), May 1, 1814, as translated and reprinted in: Engelhardt, Zephyrin. *Mission San Juan Bautista: A School of Church Music*, Mission Santa Barbara: Santa Barbara, California, 1931, p. 18.

²²Kroeber, Alfred L. *Handbook of the Indians of California*. New York: Dover Publications, Inc., 1976 (originally published as *Bulletin 78* of the Bureau of American Ethnology, Smithsonian Institution, in 1925), pp. 462-473.

Richard Levy's chapter on the "Costanoan" in the 1978 California volume of the Smithsonian's *Handbook of North American Indians* provides a better summary of Costanoan culture, drawing on most the extant sources relating to the culture group, including sources that related particularly to the Mutsun-speaking villages. Levy described approximately fifty "separate and politically autonomous [Costanoan] nations," which he called "tribelets." These included ten Mutsun villages within the San Benito drainage, in the vicinity of the future site of San Juan Bautista Mission. The religion of the Costanoans included prayers to the sun, accompanied by blowing smoke toward the sky, offerings of shells, beads, seeds and other items. Dreams were significant omens of things to come. According to Levy,

Shamans controlled the weather and could cause the rain to start or stop. They cured disease by cutting the skin of the patient, sucking out disease objects, and exhibiting the disease objects to the onlookers.²³

Levy also described dances and songs of religious leaders, who also used herbs to cure disease. There were traditions of "bear witches" and social ceremonials and dances that were accompanied by traditional music, using traditionally made instruments. Traditional stories, including coyote stories, were passed down generation to generation.

According to Levy, the most important plant food was the acorn (noted in 1814 among the Mutsun by de la Cuesta), collected using sticks to knock the acorns from several oak species in the region. Other plant food included buckeye nuts, seeds of pine, cherry and other trees, berries, roots and other plants. Animals contributing to the Costanoan diet included deer, elk, antelope, bear, mountain lion, sea lion and whale. Many small mammals and birds were also harvested and eaten, as well as steelhead, salmon and other fish found in the region. Spears and baskets were used to bring in fish. A number of insects and insect larvae were also eaten, as were honey and mollusks found along the coast. Grass thatched houses were the

²³Levy, Richard. "Costanoan," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, pp. 485-486 and quoted at 489.

most common structures. The people also had sweathouses, dance enclosures and assembly houses. Tule raft-like boats were used by the people to travel on water. Rocks, minerals and many other types of animal and vegetable matter provided materials for utilitarian and ornamental objects used on a day to day basis by the people. Costanoans also mined for cinnabar and hematite for use as pigments, according to Levy.²⁴

During the missionization of the California Indian tribes in the late 18th century, the Mutsun-speaking people were forced under the control of San Juan Bautista Mission. Forced out of their traditional villages and essentially held as captive serfs to work the mission fields, among non-Indians the Mutsuns also became known as the San Juans, or San Juanefios.²⁵ The work of Father Arroyo de la Cuesta in the early 19th century, as well as later linguistic work of Gatschet and Henshaw, provided some clues to the specific culture of the San Juan Indians. But it was not until the early 20th century that significant anthropological work on the Mutsun, or San Juans, was undertaken, first in a limited way by C. Hart Merriam, and then in great detail by John P. Harrington.

In 1902 Merriam met an old Indian woman named Barbara Solórsano living near Mission San Juan Bautista. She identified the name of her tribe and Merriam was able to purchase an example of her people's basketry from her. She told him her people had

²⁴Levy, Richard. "Costanoan," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, pp. 4889-492.

"Ohlone" is another term used to describe the Costanoan peoples. A number of works provide examples of "Ohlone" lifeways, songs, stories and oral histories. These are pertinent to a study of the Mutsun-speaking people and the San Juanefios, and include the following:

Margolin, Malcolm. *The Ohlone Way: Indian Life in the San Francisco-Monterey Bay Area*. Heyday Books: Berkeley, 1978.

Margolin, Malcolm (ed.). *The Way We Lived: California Indian Stories, Songs & Reminiscences*. California Historical Society: Berkeley, 1981.

²⁵ Martin, John M. "Mission San Juan Bautista, California: The Causes and Effects of its Rise and Decline," Ph.D. Dissertation, University of Santa Clara, 1933, pp. 58-60.

Engelhardt, Zephyrin. *Mission San Juan Bautista*; Santa Barbara, California: Mission Santa Barbara, 1931, p. 19.

“occupied San Juan Valley long before the Padres came.”²⁶ Merriam conducted some limited fieldwork with Barbara Solórsano and with her daughter Ascención over the next three years and copied down linguistic notes on the Mutsun language.²⁷

But it was J. P. Harrington, working closely with Ascención, beginning nearly twenty years later, that provided the first comprehensive, in-depth view of San Juanefío culture. John Peabody Harrington conducted research among Native Americans for the Smithsonian Institution between 1907 and 1957. After his death in 1961 his papers, which numbered over a million pages, were eventually deposited in the Smithsonian. The Smithsonian sorted them, and in the 1970s and 1980s, microfilmed Harrington’s papers. Harrington interviewed Ascención Solórsano extensively in 1921 and 1929, living in the Solórsano household for an extended period during the latter year, while Ascención was dying of cancer.

Harrington called Ascención Solórsano’s knowledge of Mutsun language and culture “astonishing.” Of the hundreds of thousands of pages of Harrington’s papers that were microfilmed, at least twenty-three rolls of microfilm, more than 25,000 pages of material relate to Ascención Solórsano, Mutsun Indians, and the Mutsun language. These materials include songs, vocabularies, geographical place names, and cultural details on language, jewelry, face-painting, kinship terms, material culture, minerals and paints, myths, people, place names, clothing, religion and philosophy, the San Juan Bautista Mission, songs, riddles, sayings, stories, swimming, other tribes’ names, cooking baskets, fiestas, hunting and fishing, historical

²⁶Merriam, C. Hart. “Ethnographic Notes on California Indian Tribes III. Ethnological Notes on Central California Indian Tribes,” *Reports of the University of California Archaeological Survey*, No. 68, Part III, Berkeley: University of California Archaeological Research Facility, December 1967, p. 371. Harrington later corrected Merriam, pointing out that what Merriam thought was her tribal name (“Hoó-mont-wash”) was actually a directional word.

²⁷Merriam to Harrington, September 8, 1929, with attached notes from Harrington’s consultation with Ascención Solórsano. John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 41, frame numbers 74-78.

anecdotes and war. This remarkable material, provided to Harrington by Ascención Solórsano provides an important record of Mutsun culture in all its diversity.

Harrington was born in 1884 and was graduated in 1905 from Stanford University. He had met Alfred Kroeber in 1903, and became aware of questions regarding native languages in California. The year after graduating from Stanford he began his field career, which spanned more than fifty years, thirty-nine of which he spent in the employ of the Bureau of American Ethnology. He was a man "driven by genius and so obsessed with zeal for recording data that he ignored the traditional routes to academic prestige, rejected all efforts to bring his name to public attention, and considered any activity which took him away from fieldwork with informants to be a waste of time." Most of his work was done among California Indians, though he also did significant work among other tribes, especially in the Southwest. He died in 1961, leaving five tons of field notes, including at least 80,000 pages of notes on California tribes.²⁸

Robert F. Heizer acknowledged the "important research" among California tribes by Harrington in his introduction to the Smithsonian's "California" volume of the *Handbook of North American Indians*. Harrington was friends with Merriam, but both of them had "antipathy" towards Kroeber. Harrington, said Heizer, was "almost pathologically secretive."²⁹ But, as Lowell John Bean said, Harrington's life work was virtually a

²⁸Walsh, Jane MacLaren. *John Peabody Harrington: The Man and his California Indian Fieldnotes*. Ramona, California: Ballena Press, 1976, pp. 5-7, 9-19, and 26, which also includes a bibliography of Harrington's California work, which was said to include 80,000 pages of notes.

Laird, Carobeth. *Encounter with an Angry God: Recollections of My Life With John Peabody Harrington*. Malki Museum Press: Banning, California, 1975, with an introduction Henry W. Lawton, pp. xv-xxii.

Callaghan, Catherine A. "Book Review: *John Peabody Harrington: The Man and his California Indian Fieldnotes*," *Journal of San Diego History*, Spring, 1977, Volume 23, Number 2 (Spring, 1977), reported that at his death Harrington left over five tons of notes.

²⁹Heizer, Robert F. "Introduction," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, pp. 10-11.

“parahuman existence,” and as scholars, “we must thank the gods that Harrington came along, whatever his faults or peculiarities.”³⁰

Harrington’s work documenting Mutsun or San Juaneño culture was some of his best. Working with Ascención Solórsano, Harrington documented many aspects of traditional Mutsun culture, including songs, vocabulary, grammar, place names, and medicinal cures. He collected a number of Mutsun songs from Solórsano.³¹ Over a century before, in 1814 De la Cuesta had commented on the importance of music and song to the Mutsun.

They are very fond of music and song. They learn with facility what is taught them, but on their instruments also remember the pagan tunes. Of these latter there are many and various. They have songs for games, but those for the men are distinct from those of the women.³²

Ascención Solórsano remembered many Mutsun songs when Harrington worked with her in the 20th century. According to notes transcribed by Solórsano’s granddaughter, Marta Herrera, many of these songs were often “doctor songs.”³³ Other songs were associated with fiestas, with traditional dances for both men and women.³⁴ In his notes on the songs, Harrington described the “kúksui,” who danced in the hills and wore a special headdress.³⁵

³⁰Bean, Lowell John. “Foreword,” *John Peabody Harrington: The Man and his California Indian Fieldnotes* (by Jane MacLaren Walsh). Ramona, California: Ballena Press, 1976, p. 5.

³¹See, for example:

John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 36, frame numbers 10, 38, 43 and 50.

³²De la Cuesta, Felipe Arroyo. “Repuesta” (“replies” to the Interrogatorio), May 1, 1814, as translated and reprinted in: Engelhardt, Zephyrin. *Mission San Juan Bautista: A School of Church Music*, Mission Santa Barbara: Santa Barbara, California, 1931, p. 21.

³³John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 36, frame numbers 52 and 66.

³⁴John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 36, frame numbers 53, 56, 64,

³⁵John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 36, frame numbers 33, 72, and 80-81.

Today, Mutsun people still tell stories about Kúksui, a “devil” with cloven hooves.³⁶ Herrera’s notes on one Kúksui song indicate that “White people used to come from far & wide to see [the Kúksui song],” which “was sung in the sweat house.” Ascención Solórsano explained that some Hispanic Californians had acquired the tradition, but that they simply pronounced the word differently--that the Indians said “Kúksui,” but the Spanish Californians simplified the term: “cú cu sui.”³⁷

Harrington did what he called “rehearings” with Ascención Solórsano. To do this, he obtained copies of the vocabularies, grammars and phrases that were obtained by Henshaw, Merriam, and de la Cuesta. He then read them back to Ascención in order that she could correct them and comment upon them.

Harrington read back to Ascención Solórsano a vocabulary of Mutsun words obtained by C. Hart Merriam in about 1902 from her mother. Ascención was able to elaborate on the words, for instance, providing the Mutsun word for “tobacco.”³⁸

Arroyo de la Cuesta recorded a Mutsun Vocabulary at San Juan Bautista in 1815. De la Cuesta’s vocabulary is actually a list of nearly 3,000 phrases in the Mutsun language. Harrington conducted a rehearing of all of these phrases with Ascención Solórsano in 1929, obtaining correct pronunciation, meaning, and often, memories triggered by the Mutsun words. This material is found on seventeen rolls of microfilm, more than 25,000 pages of notes. Other notes by Harrington regarding his conversations with Ascención Solórsano are

³⁶Mondragon, Joseph. Interview by E. Richard Hart, October 15, 2002, San Francisco, transcript of tape #1, p. 22.

³⁷John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 36, frame numbers 80-81.

³⁸John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 41, frame number 70.

De la Cuesta, Felipe Arroyo. “Repuesta” (“replies” to the Interrogatorio), May 1, 1814, as translated and reprinted in: Engelhardt, Zephyrin. *Mission San Juan Bautista: A School of Church Music*, Mission Santa Barbara: Santa Barbara, California, 1931, p. 18, reported on some Mutsun tobacco practices.

also found in these rolls. For instance, Harrington read Chapter 31 ("The Costanoans") of Kroeber's *Handbook of Indians of California* to Solórsano, and went over Kroeber's map of Costanoan villages with her, drawing responses from her.³⁹

Solórsano added many stories and provided much additional information on the thousands of pages of notes Harrington made during this rehearing. For instance, he reported that Solórsano said her maternal grandmother "used to go to S. Benito arroyo & used [to] bathe in it..." They also got drinking water there, using buckets and dippers.⁴⁰

Harrington also obtained copies of other manuscripts written by de la Cuesta from the Bancroft Library and read those back to Ascención Solórsano. These included prayers, songs, doctrines, confessions, acts, and other vocabulary. In one 1929 rehearing, Harrington read through de la Cuesta's prayer book, which he called "the most important Indian document from the Franciscan period of California history."⁴¹ Solórsano reviewed the texts with Harrington and described their meaning, adding other information, such as where a traditional Indian song had been used as part of the Catholic religious text of de la Cuesta.⁴² The rehearing of Arroyo de la Cuesta's "Vocabulario Mutsun" also prompted Solórsano to recall traditional stories she had heard, including one about how a girl became a sirena (mermaid).⁴³

³⁹Mills, Elaine L. (ed.) *The Papers of John Peabody Harrington in the Smithsonian Institution, 1907-1957*, Volume Two, "A Guide to the Field Notes, Native American History, Language and Culture of Northern and Central California," Kraus International Publications: White Plains, New York: Smithsonian Institution, 1985, pp. 92-94.

⁴⁰John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 41, frame number 163.

⁴¹Mills, Elaine L. (ed.) *The Papers of John Peabody Harrington in the Smithsonian Institution, 1907-1957*, Volume Two, "A Guide to the Field Notes, Native American History, Language and Culture of Northern and Central California," Kraus International Publications: White Plains, New York: Smithsonian Institution, 1985, pp.94-95.

⁴²John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 57, for example, frame numbers 409, 412, 413, 414, 653, 654, and 655.

⁴³John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 58, for example, frame numbers 1 and 182.

Harrington's "San Juan Report" is found on portions of two rolls of microfilm. This report was basically an edited and reorganized description of the Mutsun people taken from Ascención Solórsano. He put this material together in 1930, again assisted by Marta Herrera (with whom he worked for another five years) and Dionisia Mondragón. Considerable biographical material is included on the family of Ascención Solórsano. Information about Mutsun culture includes details on language, jewelry, face-painting, kinship terms, material culture, minerals and paints, myths, people, place names, clothing, religion and philosophy, the San Juan Bautista Mission, songs, riddles, sayings, stories, swimming, other tribes' names, cooking baskets, fiestas, hunting and fishing, historical anecdotes and war. This exceptional record, documented by Harrington while conducting fieldwork with Ascención Solórsano, provides one of the most outstanding commentaries on tribal life provided by one traditional Native American.⁴⁴

Harrington also provided a very detailed description of elements of material culture among the Costanoan, most of which he acquired from Ascención Solórsano, and which therefore pertains directly to the San Juan people. Using a methodology conceived by

⁴⁴Mills, Elaine L. (ed.) *The Papers of John Peabody Harrington in the Smithsonian Institution, 1907-1957*, Volume Two, "A Guide to the Field Notes, Native American History, Language and Culture of Northern and Central California," Kraus International Publications: White Plains, New York: Smithsonian Institution, 1985, pp. 96-97.

John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 58, for example, frame numbers 240, 241, 246.

John M. Martin, in his University of Santa Clara, California Ph.D. Philosophy dissertation looked at the folklore and traditions of the San Juan Indians. Information that he reported, much of which came from de la Cuesta, can be found in the following sources.

Martin, John M. "Mission San Juan Bautista, California," Ph.D. dissertation for the Faculty of Philosophy, University of Santa Clara, California, 1933.

Martin, John M. *Indian Legends from Mission San Juan Bautista*. Mission San Juan Bautista: Angel Press, 1977, is a popular publication containing some of the San Juan folklore and stories.

Heizer, Robert F. "Mythology: Regional Patterns and History of Research," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, pp. 655, reported that the mythology of the Costanoan peoples was probably related to a central California complex of tribal peoples.

Kroeber⁴⁵ in his "Culture Element Distributions: XIX Central California Coast," Harrington provided extensive details on hunting and fishing practices, kinds of animals that were used, food that was gathered, methods of food preparation, construction of traditional houses, navigation on water, grinding utensils, household implements, tools and processes used with tools, ornamental stone, bone and shell work, and weapons. In the same work he provides many details on clothing, body adornment and piercings, weaving and basketry, and cradles. [See attached photograph of Maria Dionisia Mondragon with cradle basket.] Harrington also documented Mutsun practices such as methods of keeping calendars and counting, understanding of "astronomy," games using "money," marriage, and kinship.⁴⁶

The overall documentary record of Mutsun culture shows a culture of extraordinary depth and variety, touching on every aspect of spiritual, recreational and utilitarian life. This culture was preserved by the Mutsun people through traditional means, passing along the information and knowledge from generation to generation by word of mouth or demonstration.

Territory

Traditionally the Mutsun people lived in villages in the drainage of the San Pajaro and San Benito Rivers. While the villages and bands were semi-autonomous and, by all accounts, the people very independent, the people shared the Mutsun language and Mutsun culture, and lived in ten to twenty villages, or *rancherias*, prior to the arrival of the Spaniards. Spanish authorities consolidated the Mutsun people around Mission San Juan Bautista starting in 1797 and prevented them from returning to their traditional villages in the Pajaro Basin.

⁴⁵Heizer, Robert F. "Introduction," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, pp. 10-11. Kroeber's "Culture Element Survey of Native Western North America," was completed between 1934 and 1938.

⁴⁶Harrington, John P. "Culture Element Distributions: XIX Central California Coast," *Anthropological Records*, 7:1, Berkeley and Los Angeles: University of California Press, 1942, 46 pp.

Nevertheless, the Mutsun people maintained their traditional knowledge of their territory, villages, and natural resources. The Amah Mutsun Tribal Band members are descendants of the Mutsun Tribe, whose territory was in the drainage of the San Pajaro and San Benito Rivers.

Richard Levy, in his article on the "Costanoan" in the *California Handbook of North American Indians*, published by the Smithsonian Institution in 1978, said that prior to missionization, the Mutsun speaking people were a recognized ethnic group with a distinct territory in the Pajaro River drainage. They lived in permanent villages and used their territory for necessary subsistence.

During various seasons of the year parties went out from the villages to temporary camps at scattered locations in the tribelet territory to engage in fishing, hunting, and collection of plant foods.

Levy believes that prior to missionization, the Mutsun had an extended band structure. Other anthropologists describe a similar structure of the Navajo Tribe prior to United States subjugation. Each band, or "tribelet," as the anthropologists refer to the extended village organization of the Mutsun, was semi-autonomous, but all the Mutsun-speaking people, like the Navajos, had mutually-held language, culture and religion, within a definable territory.⁴⁷

Levy reported that in 1770 "Mutsun was spoken among the tribelets of the Pajaro River drainage..."⁴⁸ The Mutsun people were geographically isolated from their neighbors due to the physiography of the valley. Mutsun-speaking tribelets in the Pajaro and San Benito river

⁴⁷Levy, Richard. "Costanoan," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, pp. 485-486.

Iverson, Peter. *The Navajo Nation*. Westport, Connecticut: Greenwood Press, 1981, p. 4, among many other authorities, observed, "The Navajos did not claim one supreme leader but rather acted in smaller, relatively autonomous groups, much to the dismay of the more rigidly organized Spanish."

⁴⁸Levy, Richard. "Costanoan," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, pp. 485-486.

drainages (the San Juan Valley) lived in a traditional manner until conquering Spaniards arrived in the region in the late 18th century. Several reports from the 1770s document Mutsun villages.

In 1770, when Fages' expedition passed through to evaluate locations for the construction of a mission, party chroniclers witnessed several large villages, which one historical report identified as the Mutsun speaking villages of Uñijaima and Ausaima in the vicinity of the future Mission San Juan Bautista.⁴⁹ Four years later, Father Francisco Palou was met with great friendship at a Mutsun village located near the future site of the Mission San Juan Bautista, which he described as containing "not less than three hundred souls of both sexes."⁵⁰ In 1776, during an expedition in the region, the famed Colonel Juan Bautista de Anza, displaying Spanish prejudice in the face of tribal generosity, described passing by a village of 17 huts from which emerged three "heathen inhabitants" who gave the explorer a present of three fish. This village was apparently located in the present Old Gilroy locality.⁵¹

In 1814 Father Felipe Arroyo de la Cuesta provided a list of the villages from whence the people at Mission San Juan Bautista were gathered. These included all the Mutsun-speaking villages, including the village of Mutsun and Ausaime.⁵² In the 1920s Harrington

⁴⁹Milliken, Randall. "Chapter 3: Early History of Native Peoples," *Archaeological Test Excavations at Fourteen Sites Along Highways 101 and 152, Santa Clara and San Benito Counties, California*, Volume 2: History, Ethnohistory, and Historic Archaeology. Davis, California: Western Anthropological Research Group, Inc., 1993, p. 63.

⁵⁰Milliken, Randall. "Chapter 3: Early History of Native Peoples," *Archaeological Test Excavations at Fourteen Sites Along Highways 101 and 152, Santa Clara and San Benito Counties, California*, Volume 2: History, Ethnohistory, and Historic Archaeology. Davis, California: Western Anthropological Research Group, Inc., 1993, p. 65.

⁵¹Milliken, Randall. "Chapter 3: Early History of Native Peoples," *Archaeological Test Excavations at Fourteen Sites Along Highways 101 and 152, Santa Clara and San Benito Counties, California*, Volume 2: History, Ethnohistory, and Historic Archaeology. Davis, California: Western Anthropological Research Group, Inc., 1993, p. 66.

⁵²De la Cuesta, Felipe Arroyo. "Repuesta" ("replies" to the Interrogatorio), May 1, 1814, as translated and reprinted in: Engelhardt, Zephyrin. *Mission San Juan Bautista: A School of Church Music*, Mission Santa Barbara: Santa Barbara, California, 1931, p. 130.

reviewed these mission records containing rancheria and personal names with Ascención Solórsano, who identified the place names, providing information about them and stories about some of the names. For instance, she said that Cañada de los Osos, located ten miles from Gilroy, received its name when "some cowboys once found all the bears there dancing beneath an encino. . . ." She recognized the name of a person who was identified in the records as being from the village of "Mottssum," and she provided additional information on the location of that village. Harrington concluded that "Mutsun" was the name of the tribe as well as the name of one village. Another rancheria was identified as "Ausaima," which was also on the list of villages Merriam put together while working with Barbara Solórsano.⁵³ This appears to be the village identified by Richard Levy in Mutsun territory as No. 25 on his list of Mutsun villages. Levy's number 32 is the village itself called Mutsun.⁵⁴

Merriam, himself, wrote to Harrington on September 8, 1929, asking some questions regarding Ascención, whom he called Harrington's "admirable informant." He noted that Ascención's mother had given him to understand that "Mutsun" was the name of a village in the vicinity of San Juan Bautista, and her tribe there was "Hoó-mon-twash." Merriam also provided Harrington with a list of villages from the San Juan Bautista mission books, including Hoó-mon-twash, Mutsun, Popeloutchom, and Ysleyu and Ausaima.⁵⁵

⁵³John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 41, frame numbers 110, 111, 124, 128, 129, 145, and 148.

Harrington to Merriam, September 16, 1929, Appendix 29, "Amah Mutsun Tribal Band Petition for Acknowledgment," Submitted by the Amah Mutsun Tribal Band, Irene Zwierlein, Amah Mutsun Tribal Band Chairperson, April 26, 2002.

⁵⁴Levy, Richard. "Costanoan," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, pp. 485.

⁵⁵Merriam to Harrington, September 8, 1929, with attached notes from Harrington's consultation with Ascención Solórsano. John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 41, frame numbers 74-78.

Harrington wrote back on September 16, saying that he had succeeded in “unraveling all the San Juan language...” by consulting with Ascención Solórsano, with whose mother Barbara Merriam had worked years before--he said Ascención’s daughter Claudia remembered Merriam well. Harrington said that “Hoo-mon-twas is a directional name, from hoo-moon, a point of the compass.” “Moot-soon,” he said, was the name of the tribe, “as you can tell from the way it is handled in the language.” He also provided place names for current-day Gilroy, identified the “Yak-shoon” as Merriam’s Tulare Indians, as well as many other place names in Mutsun territory.⁵⁶

Harrington also obtained Henry W. Henshaw’s 1884 list of “San Juan Bautista” words. Henshaw had obtained it from an informant named Maria, who lived near San Louis Obispo and was “about 60.” She had been “brought up by the Spaniards...with but partial comprehension of her language.” During the rehearing of Henshaw’s manuscript with Ascención Solórsano, she identified and corrected words on the list and made additional comments. She said, for instance, in response to one place name, “There were lots of S. Juan Inds. at Soledad, living there...”⁵⁷

After missionization, as noted, the Mutsun-speaking peoples from the tribelets in the San Juan Valley were consolidated into the San Juaneños in the 19th century. These San Juan peoples are today represented by the Amah Mutsun Tribe (Mutsun-Speaking People). The

⁵⁶Harrington to Merriam, September 16, 1929, Appendix 29, “Amah Mutsun Tribal Band Petition for Acknowledgment,” Submitted by the Amah Mutsun Tribal Band, Irene Zwielerlein, Amah Mutsun Tribal Band Chairperson, April 26, 2002.

⁵⁷John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 41, frame numbers 92, 94, 95, and 101. Harrington used BAE Manuscript No. 296, in which the San Juan vocabulary is found following p. 228. He also notes BAE ms. 860.

Powell, John Wesley. “Annual Report of the Director,” *Sixth Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution, 1884-’85*. Washington: Government Printing Office, 1888, pp. xxxi-xxxviii.

territory that Amah Mutsun Tribe represents is the Mutsun territory within the larger Costanoan culture group.

Between 1797 and the 1830s Spanish authorities aggressively attempted to erase even the language of the people, as well as their customs and traditions. This violent suppression of Mutsun culture continued under the Mexican government until United States forces arrived in the 1840s. Unfortunately, the United States did not bring freedom and peace to the people, but instead an even more intense, and violent, attack on the native peoples of the region. It is thus remarkable that when Merriam first found Barbara Solórsano in 1902, knowledge of the pre-mission villages and culture of the Mutsun people was still fresh in her memory.⁵⁸

The knowledge Harrington gained from Ascención Solórsano in the 1920s was even more remarkable. It eclipsed all previous scholarship on the Mutsun, as well, in fact, as any later work. Harrington read Merriam's place names to Solórsano, as well as place names he copied from mission records. She was able to shed considerable light on the Mutsun and their villages and territory in the time prior to the missions.⁵⁹

The work of Merriam and Harrington is central to an understanding of pre-mission Mutsun territory today. Levy relied on this work in mapping Mutsun boundaries and villages for the Smithsonian between 1972 and 1975. Mutsun lands were bounded by physical landscape features that provided a demarcation of their territory. As Levy said:

Territorial boundaries of tribelets were defined by physiographic features. Anza found that the Costanoans who accompanied his expedition were unwilling to step beyond the limits of their territory because of the hostility of neighboring groups.

⁵⁸Merriam to Harrington, September 8, 1929, with attached notes from Harrington's consultation with Ascención Solórsano. John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 41, frame numbers 74-78.

⁵⁹John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 41, frame numbers 74-78.

Levy described the Mutsun ethnic group as occupying the drainage of the San Benito and Pajaro drainages and located ten Mutsun villages, including Mutsun and Ausaima.⁶⁰ This territory is the aboriginal territory of today's Amah Mutsun Tribal Band. [See attached map.]

Continuing Mutsun Leadership

Traditional Mutsun culture was peaceful and warfare was rare. The documentary records suggests that among the Mutsun, as among the neighboring Costanoan peoples, military leadership was recognized in times of war, as was the knowledge of tribal elders and shamans. Shamans provided spiritual, or religious leadership, and were healers, with traditional knowledge for treating the ailments that might befall tribal members. By the time the United States exercised control of Mutsun territory, traditional villages were gone and organized military action by Mutsun leaders was impossible. However, traditional healers continued to command respect and provide leadership among the people, through the 19th and into the 20th century.

In traditional Mutsun society tribal members were exceptionally independent, and recognized only religious leaders and military leaders in times of war. Levy stated that "ideas of personal freedom precluded the existence of any type of institutionalized coercive power," adding that "Obedience to a higher authority was rendered only in time of war."⁶¹

⁶⁰Levy, Richard. "Costanoan," *Handbook of North American Indians* (edited by Robert F. Heizer), Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, pp. 485, 719 and quoted at 487.

Bolton, Herbert E. (ed.) *Anza's California Expeditions*, Vol. 3, Berkeley: University of California Press, 1930, p. 129.

See also these works Merriam in regard to villages and boundaries:

Merriam, C. Hart. "Studies of California Indians," The Staff of the Department of Anthropology of the University of California, eds., Berkeley: University of California Press, 1955.

Merriam, C. Hart. "Village Names in Twelve California Mission Records," (Robert F. Heizer, ed.) *University of California Archaeological Survey Reports*, 74, Berkeley, 1968.

⁶¹Duran, Narcisco and Buenaventura Fortuny. *The History of Mission San Jose California, 1797-1835*, Francis F. McCarthy (ed) "Reply to the Interrogatorio of 1812, Mission San Jose," pp. 268-276; Fresno: Academy Library Guild, 1958, p. 274.

Levy, Richard. "Costanoan," *Handbook of North American Indians*, Volume 8, California; Washington,

A response to a query from authorities on Mission San Juan Bautista, in 1811, probably written by Father Felipe Arroyo de la Cuesta, reported that the Indians at his mission spoke a common language, and that they were exceedingly independent.

They do not have chiefs. The bravest and strongest were those who went out to their wars. Every man acted as he wished.⁶²

In 1814, Father de la Cuesta reported that the Mutsun people "did not recognize either captain or superior," but added that they did consult with the elders of the tribe prior to going to war and during religious and cultural gatherings, and although "they had no captains," if battle was necessary among this peaceful people, "the bravest and strongest would go out to battle..."⁶³

A similar query to a neighboring mission, brought another response, which refined the understanding of Costanoan leadership. A "Reply to the Interrogatorio of 1812, Mission San Jose," said that outside of the recognition of war and religious leaders, the Costanoans, "do not recognize any subordination, either civil or political, or even domestic, but each one lives and does whatever his inclination may be, without anyone interfering with another."⁶⁴

Leadership positions could be filled by either men or women and were generally passed on within families. There were two types of leadership -- military and spiritual. Harrington observed that a "chief was responsible for feeding visitors and providing for the

D. C.: Smithsonian Institution, 1978, pp. 487-488.

⁶²Kroeber, Alfred L. "A Mission Record of The California Indians," From a Manuscript in the Bancroft Library, Published May 28, 1908 in *University of California Publications In American Archaeology and Ethnology*, Newly Edited by Joel Gazis-SAx, Web Edition Copyright 1999 by Joel Gazis-SAx, Contents (Arranged by Joel GAZis-SAx).

⁶³De la Cuesta, Felipe Arroyo. "Repuesta" ("replies" to the Interrogatorio), May 1, 1814, as translated and reprinted in: Engelhardt, Zephyrin. *Mission San Juan Bautista: A School of Church Music*, Mission Santa Barbara: Santa Barbara, California, 1931, pp. 20-21.

⁶⁴Levy, Richard. "Costanoan," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, pp. 487-488, citing: Duran, Narcisco and Buenaventura Fortuny. *The History of Mission San Jose California, 1797-1835*, Francis F. McCarthy (ed) "Reply to the Interrogatorio of 1812, Mission San Jose," pp. 268-276; Fresno: Academy Library Guild, 1958, p. 274.

impoverished," as well as for directing "warfare expeditions."⁶⁵ Elsewhere Harrington provided additional insight into social status among the San Juaneños. Generosity with property was considered a virtue in establishing social rank. He reiterated that chiefs could be of either gender and that it was sometimes inherited by a daughter from her mother. Even so, community approval was necessary for a chief to assume authority. Harrington noted that a chief was responsible for providing the necessary materials for ceremonial activities, as well as aiding the impoverished and feeding visitors.⁶⁶

Even after missionization and the brutal treatment of the Mutsun peoples by Spain, Mexico and the United States, these forms of leadership continued. The Mission of San Juan Bautista was founded in 1797. This was a *reducción* mission, intended to gather the Indians around the mission and end native life.

Despite romantic interpretations found in literature and history, the California missions were coercive authoritarian institutions.

"Neophytes" or "Converts" were not allowed to leave. Harsh treatment, including

whipping with a barbed lash, solitary confinement, mutilation, use of stocks and hobbles, branding, and even execution for both men and women characterized the "gentle yoke of Catholicism" introduced to neophytes.

Throughout the region there were revolts against Spanish authorities by the Costanoans. A three-year Costanoan revolt occurred beginning in about 1793; another revolt by Costanoans took place at Mission San Jose in 1800; and other Costanoans escaped in 1795. Mutsun people

⁶⁵Harrington, John P. "Report on Fieldwork on Indians of Monterey and San Bernardino Counties," *49th Annual Report of the Bureau of American Ethnology for the Years, 1931-1932*. Washington: Government Printing Office, 1933, p. 3.

Levy, Richard. "Costanoan," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, p. 487, citing Harrington.

Milliken, Randall. "People of the Santa Clara Valley in the 1770s," *Archaeological Investigations*, California Department of Transportation, Dist. 4, 1994, p. ii, also citing Harrington.

⁶⁶Harrington, John P. "Culture Element Distributions: XIX, Central California Coast," *Anthropological Records*, 7:1; University of California Press: Berkeley and Los Angeles, 1942, pp. 31-34.

found refuge in the hills above Mission San Juan Bautista, fleeing whenever Spanish troops approached. But even after the secularization of the missions beginning in 1834, military authorities of both Spain and Mexico brutally put down insurrections, and committed mass executions of those they believed to be involved.

The price of missionization had indeed been high: only 15,000 neophytes survived conversion of a total of 53,600 baptized between 1769 and 1836....⁶⁷

Opposition by Mutsun people against despotic rule by Spain was still evident after secularization, when an unsalaried missionary continued to maintain Mission San Juan Bautista. Depredations by ex-neophytes destroyed much of the mission property within 2 years. Non-mission Indians killed two "neophytes" in 1837 and more depredations occurred in 1838. Some violence continued until the United States assumed rule in the territory. In 1849 non-Indian residents around Mission San Juan Bautista reported continuing depredations by the Indians and requested powder and lead. The government authorized dispensing ammunition and promised troops soon.⁶⁸

Following secularization of the mission, lands around San Juan Bautista were released from church ownership and San Juan became a pueblo. But mission authorities reported that

⁶⁷ Castillo, Edward D. "The Impact of Euro-American Exploration and Settlement," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, pp. 101-106.

Heizer, Robert F. "Treaties," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, p. 701, estimated that the Californian Indians numbered 350,000 in 1769 and were reduced to 100,000 by 1846. Merriam, C. Hart. (Compiled and edited by Robert F. Heizer) "Ethnographic Notes on California Indian Tribes III. Ethnological Notes on Central California Indian Tribes," *Reports of the University of California Archaeological Survey*, No. 68, Part III; Berkeley: University of California Archaeological Research Facility, 1967, p. 392.

⁶⁸ Engelhardt, Zephyrin. *Mission San Juan Bautista: A School of Church Music*, Mission Santa Barbara: Santa Barbara, California, 1931, pp. 61, 63 and 82-83.

much of the mixed population continued to support the church, and services were held without interruption. A few years later, in 1858 under United States rule, title to lands in the immediate vicinity of the mission, about fifty-five acres, was returned to the church.⁶⁹

Throughout the mission period, church leaders at San Juan Bautista Mission carefully kept track of all Indians under their control, whether converted or unconverted.

Unfortunately, after the United States assumed control over the territory, as "hordes" of Americans entered California, violence against the Indians again increased. Massacres of California Indians were carried out by United States forces in the immediate years following the end of the Mexican War. Some twelve percent of California Indian population was lost due to military or vigilante (supported by U.S. funds) campaigns by 1860.⁷⁰

Between 1797 and 1860, the savage attacks against the Costanoans, by Spain, Mexico and the United States eliminated any military activities by Mutsun chiefs and the leadership function became entirely religious and curative. It is important to emphasize that Mutsun leadership survived throughout this cruel period.

Notable Mutsun Leaders

In the late 18th century, Junipero Sierra, a Mutsun named for the famous Spanish Junipero Serra, took on a role of leadership among the people. The Spanish recognized his

⁶⁹For more information on San Juan Bautista Mission, see:

Engelhardt, Zephyrin. *Mission San Juan Bautista: A School of Church Music*, Mission Santa Barbara: Santa Barbara, California, 1931.

Breschini, G.S., T. Haversat, and R.P. Hampson, *A Cultural Resources Overview of the Coast and Coast-Valley Study Areas [California]* (Coyote Press, Salinas, CA, 1983).

⁷⁰Engelhardt, Zephyrin. *Mission San Juan Bautista: A School of Church Music*, Mission Santa Barbara: Santa Barbara, California, 1931.

Castillo, Edward D. "The Impact of Euro-American Exploration and Settlement," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, p. 107-108, quoted at 107.

authority and he became *alcalde* (a secular official) of the mission. Although the exact dates of his birth and death are not known, his tenure must have spanned the later Spanish period, the Mexican period, and perhaps the early years of United States rule. His granddaughter later recalled his leadership role and the authority invested in him by Spanish authorities.⁷¹

His daughter Barbara Sierra inherited a leadership role. She and her husband, Miguel Solórsano, were both full-blood Mutsun Indians. Barbara, with Miguel, acted as tradition bearers, preserving both the language and knowledge of culture of the people.⁷² Barbara was born at the beginning of the Mexican period, in 1836, and lived through the vicious years of Mexican and early United States rule, dying in 1913. C. Hart Merriam was amazed, in 1902, to locate Barbara and to learn she was thoroughly knowledgeable about the culture and language of the Mutsun people. He obtained linguistic and cultural information from Barbara Sierra during the years 1902 to 1904.⁷³

⁷¹John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 58, contains information on Sierra, including, for example, frame number 314 and 328.

⁷²Information on Miguel Solórsano and Barbara Sierra can be found in both the works of Harrington and Merriam, including, for instance, the following:

John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 58, for example, frame numbers 263, 264, 273, 274, 275, and 315-316. Peabody, John Harrington. "The Papers of John Peabody Harrington in the Smithsonian Institution, 1907-1957," National Anthropological Archives, Smithsonian Institution. Microfilmed: Millwood, New York: Krauss International, 1984, Excerpts from "Interviews with the San Juan Indians."

⁷³Merriam to Harrington, September 8, 1929, with attached notes from Harrington's consultation with Ascención Solórsano. John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 41, frame numbers 74-78.

Peabody, John Harrington. "The Papers of John Peabody Harrington in the Smithsonian Institution, 1907-1957," National Anthropological Archives, Smithsonian Institution. Microfilmed: Millwood, New York: Krauss International, 1984. Excerpts from "Interviews with the San Juan Indians." This material is found in Harrington's "San Juan Report" in frames 240-996 of roll 58 and frames 1-1126 of roll 59.

Kroeber, Theodora and Robert F. Heizer (edited by F. David Hales). *Almost Ancestors: The First Californians*. San Francisco: Sierra Club, 1968, pp. 22 and 166.

Although limited biographical information is available today about the leadership roles of Junipero, his daughter Barbara Sierra and her husband Miguel Solórsano, a wealth of information is available concerning the daughter of Barbara Sierra and Miguel Solórsano. Well before the deaths of her parents, Ascención Solórsano had become a leader among the San Juaneños. No culture is static; it must change in order to adapt to historic developments. The Mutsun culture is no exception. Nevertheless, it is important to note that many traditional aspects of Mutsun tribal leadership were perpetuated by Ascención Solórsano.

Ascención Solórsano learned the Mutsun language from her father and mother. She, in turn, became an important leader and tradition-bearer among her people. When John Peabody Harrington began interviewing her in the 1920s, she was able to provide a veritable treasure of information about the Mutsun people—culture, language, and biographical information.⁷⁴ She had studied and learned healing practices coming out of Mutsun shamanistic curative leadership tradition dating to pre-Spanish times.

De la Cuesta, in 1814, provided some good information on shamanistic curing practices among the Mutsun. Although he stated that, “These poor people know nothing about medicine,” he went on to describe some of their medical practices.

They, indeed, cure themselves once in a while with herbs and roots which from experience they know to be beneficial. There are many healers and sorcerers who win many beads (Indian money) for curing, and at other times nothing. They cure by singing, and with gestures and shouts make their superstitious

⁷⁴For example, see:

John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 58, for example, frame numbers 263, 264, 273, 274 275, 294, 300, 302, and 303.

cures. The only case in which they succeed is in bleeding with a flint, and sucking the blood. Likewise, in the case of overeating, which resulted in distress and indigestion, they apply to the patient a sort of syringe.⁷⁵

Although the Spanish and Mexican authorities attempted to suppress Mutsun language and culture, they did allow the people to gather traditional foods and herbs. When the neophytes did not have a large enough food supply from mission agricultural pursuits imposed by the Spaniards, they relied on traditional practices. According to de la Cuesta,

the neophytes return to the mountains in search of wild seeds....The pagans do not understand agriculture, and although now they know something about it and have a knowledge of it, their indolence suits them better, and what the land yields them without any cultivation.⁷⁶

Shamanistic healing practices continued to be passed along through the generations. Ascención was an herbalist who used traditional remedies to cure the sick and who knew traditional songs and practices of her people. Though she herself had limited means, she was exceedingly generous, taking in, feeding, and treating the poor and infirm, while refusing any payment. Two entire rolls of microfilm of Harrington's notes are devoted to the "Medicine Practices of Mrs. Ascención Solórsano." Harrington anticipated publishing an extensive monograph devoted entirely to the material in these notes. Hundreds of cures, using herbs and wild plants are listed, as well as lists of wild plants which she gave to Harrington. Also

⁷⁵De la Cuesta, Felipe Arroyo. "Repuesta" ("replies" to the Interrogatorio), May 1, 1814, as translated and reprinted in: Engelhardt, Zephyrin. *Mission San Juan Bautista: A School of Church Music*, Mission Santa Barbara: Santa Barbara, California, 1931, p. 17.

⁷⁶De la Cuesta, Felipe Arroyo. "Repuesta" ("replies" to the Interrogatorio), May 1, 1814, as translated and reprinted in: Engelhardt, Zephyrin. *Mission San Juan Bautista: A School of Church Music*, Mission Santa Barbara: Santa Barbara, California, 1931, pp. 19-20.

included are testimonies of others as to the generosity, as well as the efficacy of Solórsano's cures.⁷⁷ Ascención Solórsano described, "how my house in Gilroy was like a hospital for many years," and how she cared for and fed the poor when they needed attention.⁷⁸ Others testified to her knowledge, compassion and ability. One of them, Benito P. Sanchez, said he "saw an infinite number of persons get cured by herbs and the hand of that noble woman, who never asked recompense for her labor."⁷⁹ Sanchez said she cured an ailment in his legs using only "herbs and a salve." He said previously four doctors had told him he would have to have one of his legs amputated. He described the herbs and salve she used to cure him of this and other ailments.⁸⁰ On another occasion, Sanchez said she saved the life of a child using her traditional herbal remedies. He said Señora Solórsano agreed to treat the child, saying, "When the doctors fail, then people think of the Indian woman Ascención." She refused to be paid, saying:

It is not that I come to be paid señora. It is not money that has value, it is our health that has value. What does money avail without health. But now, señora, I am going to make an effort with your child. God is very powerful.⁸¹

Ascención described how she administered to an Indian woman named Maggie. The woman had been left in San Francisco as a child after all her people were killed by

⁷⁷Mills, Elaine L. (ed.) *The Papers of John Peabody Harrington in the Smithsonian Institution, 1907-1957*, Volume Two, "A Guide to the Field Notes, Native American History, Language and Culture of Northern and Central California," Kraus International Publications: White Plains, New York: Smithsonian Institution, 1985, p. 98.

⁷⁸John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 60, for example, frame numbers 2-3.

⁷⁹John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 60, for example, frame number 10.

⁸⁰John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 60, for example, frame numbers 17-18.

⁸¹John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 60, for example, frame numbers 18-19.

Californians. She was nearly lynched by Anglos for stealing, but was saved by "a committee of native California men" from the San Juan region, who "went and stopped the Americans." Maggie died the day after Christmas in 1915, in the home of Doña Ascención, who arranged for a proper burial for her.⁸²

Harrington copied down hundreds of different cures from Ascención Solórsano. These included remedies for serious ailments, such as epilepsy and asthma; and less serious ailments, such as blisters, swollen tonsils, colds, and yellow-jacket stings. There were also remedies used to help in child rearing. For instance, she described the following remedy that could be used for a child that had not begun to walk at the proper age. She said, "one takes coyote fat and fries it and then with this fat one rubs the little legs of the baby every night so that he will get strength and walk."⁸³

Traditional leadership among the Mutsun people was characterized by generosity.⁸⁴ Female leadership was common, as was the familial inheritance of leadership roles. Tribal leaders were known to feed visitors and the impoverished.⁸⁵ Ascención Solórsano embodied each of these traditional characteristics of Mutsun leadership. She was recognized in her own Indian community for these same characteristics; she was recognized in the surrounding non-Indian community for the same characteristics. Indeed, even today, she is remembered in the

⁸²John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 60, for example, frame numbers 33-36.

⁸³John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 60, for example, frame number 80.

⁸⁴For instance see:

De la Cuesta, Felipe Arroyo. "Repuesta" ("replies" to the Interrogatorio), May 1, 1814, as translated and reprinted in: Engelhardt, Zephyrin. *Mission San Juan Bautista: A School of Church Music*, Mission Santa Barbara: Santa Barbara, California, 1931, pp. 19-20.

⁸⁵Harrington, John P. "Culture Element Distributions: XIX, Central California Coast," *Anthropological Records*, 7:1; University of California Press: Berkeley and Los Angeles, 1942, pp. 31-34.

non-Indian community--a new high school in Gilroy is soon to be named in her honor.⁸⁶

Mutsun culture and language did not die with Ascención. When Harrington desired more information on some of the medical subjects related to Doña Ascención, he contacted her daughter Dionisia, and her granddaughter, Marta J. Herrera, who were able to provide him with additional details.⁸⁷

Mutsun leadership persisted in the 20th century. After Ascención's death, her daughter Maria Dionisia Cervantes became a tribal leader. She had learned some of the herbal knowledge from her mother (as did Ascención's niece Tonia). Her home became a gathering place, where tribal members could share news. During the 1920s at the request of her people and non-Indian officials, she assisted in carrying out a census to determine the number of Indians in the region. Government officials requested her assistance because they knew she had knowledge of Indians living in the region. As her son recalled recently:

They must have come to her because she was so well known. In her own way, she knew everybody. She never went anywhere. They come to her. So, evidently somebody had a reference to her that she knew the local people. So, evidently that's the only thing that I thought about a lot of times, that they come to her through the fact that so many people says, talk to Mary.⁸⁸

⁸⁶Mondragon, Joseph. Interview by E. Richard Hart. Also present: Irenne Zwierlein, Chairperson Amah Mutsun Tribe; Katherine Hicks, Secretary, Amah Mutsun Tribe; Jennifer Starks, Pillsbury Winthrop. Recorded in the offices of Pillsbury Winthrop, San Francisco, California; October 15, 2002, tape 2, transcript p. 25.

⁸⁷John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 60, for example, frame numbers 44 and 49.

⁸⁸Mondragon, Joseph. Interview by E. Richard Hart. Also present: Irenne Zwierlein, Chairperson Amah Mutsun Tribe; Katherine Hicks, Secretary, Amah Mutsun Tribe; Jennifer Starks, Pillsbury Winthrop. Recorded in the offices of Pillsbury Winthrop, San Francisco, California; October 15, 2002, tape 1, transcript pp. 4-5, 13 and 25; tape 2, pp. 34-37, quoted at 37.

Maria Dionisia Cervantes also acted as an interpreter for the court, sponsored gatherings at her home, and distributed clothing to the poor. Each of these activities demonstrates that Maria Dionisia possessed the same traditional Mutsun cultural characteristics for leadership that were exhibited by her mother and grandmother.⁸⁹

Maria Dionisia's son has also continued in a leadership role among the Mutsun people. Today he is the Tribal Administrator of the Amah Mutsun Tribal Band. Through his family, one can see the inheritance, not only of tribal leadership, but of traditional leadership qualities, through the 19th and 20th century, and into the 21st century.

Amah Mutsun Cultural Continuity

Traditions are passed from generation to generation by word of mouth or demonstration. Mutually held traditions are the cement that holds tribal structure together. Traditions related to curative knowledge, religion, mythology and animal symbolism, and mortality that were recorded by Harrington in the early 20th century are still evident among the people today, in the early 21st century. Recent fieldwork conducted with Joseph Mondragon, Tribal Administrator for the Amah Mutsun Tribal Band, provides evidence of this continuity of tribal traditions.

Harrington described in depth the medical practices of Ascención Solórsano, and his notes documented hundreds of cures, using herbs and wild plants, as well as many other utilitarian uses for plants.⁹⁰ Joseph Mondragon was a child in the period when Harrington lived in the house of his mother Maria Dionisia Cervantes, and attempted to assemble a history

⁸⁹Mondragon, Joseph. Interview by E. Richard Hart. Also present: Irene Zwierlein, Chairperson Amah Mutsun Tribe; Katherine Hicks, Secretary, Amah Mutsun Tribe; Jennifer Starks, Pillsbury Winthrop. Recorded in the offices of Pillsbury Winthrop, San Francisco, California; October 15, 2002, tape 1, transcript pp. 25; tape 2, pp. 27-30; and tape 3, pp. 2 and 4.

⁹⁰John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, Microfilmed: Millwood, New York: Krauss International, 1984, reel numbers 58, 59, 60 and 61.

of his grandmother Ascención Solórsano. He recalled his mother addressing Harrington as "Juanito," during the months that he lived with them.⁹¹ One of the important plants described by Ascención was called the "Yorba del pescado root," or "fish weed." Ascención described how this plant was prepared and then placed in still areas of streams to stun fish that they might be caught.⁹² Mr. Mondragon was able to describe the use of what he called "Dug Weed," which he said was found around the countryside around today's town of Gilroy.

What they do, is they would collect it and get a big bunch of it and then they would mash it and make it into a real pulp. Then, when like you've seen, where little rapids comes in and then there's a big pool and then it overflows. Usually, you can see in there all kinds of different fish. You thrown your hook in or whatever to try and get one. Nothing bites so you're frustrated. But anyway, the Indian people knew you took this Dug Weed and balled it up real good and then up in the top they would swish it around, and then my mother used to say, grandma was so brave she, where the edge of the willows the roots, well she'd get over there and grab a hold of the top and kick the stuff underneath it, about 15 minutes later the fish come belly up. You were down on the other end and you would pick out the fish you were going to have for supper. The rest of them you'd let go. It didn't kill them. . . .

Mr. Mondragon added that his [REDACTED], learned to identify this root and still could do so today. Another tribal member, [REDACTED], who was raised by his grandmother, also learned traditional herbal knowledge from he.⁹³

Exemption 6

⁹¹Mondragon, Joseph. Interview by E. Richard Hart. Also present: Irenne Zwierlein, Chairperson Amah Mutsun Tribe; Katherine Hicks, Secretary, Amah Mutsun Tribe; Jennifer Starks, Pillsbury Winthrop. Recorded in the offices of Pillsbury Winthrop, San Francisco, California; October 15, 2002; tape 1, transcript p. 2.

⁹²Peabody, John Harrington. "The Papers of John Peabody Harrington in the Smithsonian Institution, 1907-1957," National Anthropological Archives, Smithsonian Institution. Microfilmed: Millwood, New York: Krauss International, 1984, excerpts from "Interviews with the San Juan Indians."

Martin, John M. "Mission San Juan Bautista, California: The Causes and Effects of its Rise and Decline," Ph.D. Dissertation, University of Santa Clara, 1933, pp. 39-41, also described yorba del pescado, and commented on Ascención's knowledge of herbal cures.

⁹³Mondragon, Joseph. Interview by E. Richard Hart. Also present: Irenne Zwierlein, Chairperson Amah Mutsun Tribe; Katherine Hicks, Secretary, Amah Mutsun Tribe; Jennifer Starks, Pillsbury Winthrop. Recorded in the

Joseph Mondragon also reported traditional knowledge regarding food, which he learned from his mother and grandmother, and which was not recorded by Harrington. He recalled a bean that was used to feed a baby if the mother was without milk.

When the Indian people, say for instance, the mother didn't have enough to feed the baby, they would boil these beans and, you know, when you boil them you've got that little loop, they'd strain it, add a little water to it, put it in a milk bottle, in a baby bottle, and that baby would be the biggest chub you ever saw. But it was all protein. And they were just as fat as could be on that bean juice.

He also recalled communal distribution of venison, when he was young, in order to ensure everyone had sufficient meat.⁹⁴

Mr. Mondragon reported that the Amah Mutsun people worshipped the sun, a practice that was documented by a chronicler of the Anza expedition of 1774, and reported by Levy in his essay for the Smithsonian's *Handbook* on California Indians.⁹⁵ Mr. Mondragon said that the Mutsun Indians built the church for the mission priests, it so that the sun would shine through the windows on the altar on the winter and summer solstice.⁹⁶

Harrington reported a number of traditional beliefs and stories relating to animal symbolism. These stories and beliefs related to such animals as the coyote, owl, and fox.⁹⁷

offices of Pillsbury Winthrop, San Francisco, California; October 15, 2002; tape 1, transcript pp. 4-7, quoted at 5.

⁹⁴Mondragon, Joseph. Interview by E. Richard Hart. Also present: Irenne Zwierlein, Chairperson Amah Mutsun Tribe; Katherine Hicks, Secretary, Amah Mutsun Tribe; Jennifer Starks, Pillsbury Winthrop. Recorded in the offices of Pillsbury Winthrop, San Francisco, California; October 15, 2002, tape 2, transcript p. 29.

⁹⁵Bolton, Herbert E. *Anza's California Expeditions*, Vol. 3, "Palou's Account of the Founding of San Francisco," Berkeley: University of California Press, 1930, p. 425.

Levy, Richard. "Costanoan," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, p. 488.

⁹⁶Mondragon, Joseph. Interview by E. Richard Hart. Also present: Irenne Zwierlein, Chairperson Amah Mutsun Tribe; Katherine Hicks, Secretary, Amah Mutsun Tribe; Jennifer Starks, Pillsbury Winthrop. Recorded in the offices of Pillsbury Winthrop, San Francisco, California; October 15, 2002, tape 1, transcript p. 12

⁹⁷John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, for example,

Mr. Mondragon also reported similar animal beliefs. He reported that the people were "very superstitious about an owl visiting."

According to the old people, when an owl comes, and you saw it, it was an announcement of death. Someone was going to pass away by coincidence or something. They called it the bird of death.⁹⁸

The same tradition was reported by Harrington eighty years earlier.⁹⁹

Mr. Mondragon also commented on the coyote and the hummingbird:

Oh, we heard various all kinds of stories on the coyotes about them being devious, sneaky, and the other one was where the great spirit the eagle was flying when the flood had claimed that he was sent down on earth to see if there was a spot that was dry so he found a couple good spots so he came back and told the eagle that he didn't see nothing and then he said he didn't quite think that was true, so he sent the humming bird, and the humming bird went all the way around and found a lot of places and came back and whispered to the great spirit of the eagle, this and this, and so that is our logo of our tribe, is the humming bird.¹⁰⁰

Father Arroyo de la Cuesta recorded reports of Mutsun traditions concerning a great flood as early as 1811 and 1814.¹⁰¹

see reel number 58, frame numbers 263, 264, 273, 274 and 275; reel number 60, frame number 80.

⁹⁸Mondragon, Joseph. Interview by E. Richard Hart. Also present: Irenne Zwierlein, Chairperson Amah Mutsun Tribe; Katherine Hicks, Secretary, Amah Mutsun Tribe; Jennifer Starks, Pillsbury Winthrop. Recorded in the offices of Pillsbury Winthrop, San Francisco, California; October 15, 2002, tape 1, transcript p. 14.

⁹⁹Levy, Richard. "Costanoan," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, pp. 489, citing the following

Harrington work on a Costanoan tribe. Harrington, J. P. Chochenyo Fieldnotes. Manuscript in Survey of California Indian Languages, Department of Linguistics, University of California, Berkeley.

¹⁰⁰Mondragon, Joseph. Interview by E. Richard Hart. Also present: Irenne Zwierlein, Chairperson Amah Mutsun Tribe; Katherine Hicks, Secretary, Amah Mutsun Tribe; Jennifer Starks, Pillsbury Winthrop. Recorded in the offices of Pillsbury Winthrop, San Francisco, California; October 15, 2002, tape 1, transcript p. 15.

¹⁰¹Kroeber, Alfred L. "A Mission Record of the California Indians (1811)," from a Manuscript in the Bancroft Library, Published May 28, 1908 in University of California Publications in American Archaeology And Ethnology, Newly Edited by Joel Gazis-SAX, Web Edition Copyright 1999 by Joel Gazis-SAX, Contents

One of the most interesting Mutsun traditions described by Joseph Mondragon concerned the cucusui. He said that the cucusui was a personification of the devil, with human form but cloven feet. Mr. Mondragon reported that another tribal member and acquaintance, Tony Corona, who had recently passed away at the age of 99, "swore he saw him."¹⁰² Mr. Mondragon said the tradition of the Mutsun people was that the cucusui "would appear at different places around...tribal territory, that he would hang from his feet like a bat."¹⁰³

Harrington also reported on Mutsun beliefs concerning the "cú cu sui" or "Kúksui." In his notes on Mutsun songs, Harrington described the "kúksui," who danced in the hills and wore a special headdress.¹⁰⁴ Ascención Solórsano's granddaughter Marta Herrera also provided notes on one Kúksui song, saying that "White people used to come from far & wide to see [the Kúksui song]," which "was sung in the sweat house."¹⁰⁵

Mr. Mondragon also recalled the tradition of "One-Leg," who lived in a cave in what is now Pinnacles National Monument, and who was destroyed by the people because he ate

(Arranged by Joel GAZIS-SAX)

De la Cuesta, Felipe Arroyo. "Repuesta" ("replies" to the Interrogatorio), May 1, 1814, as translated and reprinted in: Engelhardt, Zephyrin. *Mission San Juan Bautista: A School of Church Music*, Mission Santa Barbara: Santa Barbara, California, 1931, p. 18.

¹⁰²Mondragon, Joseph. Interview by E. Richard Hart. Also present: Irenne Zwierlein, Chairperson Amah Mutsun Tribe; Katherine Hicks, Secretary, Amah Mutsun Tribe; Jennifer Starks, Pillsbury Winthrop. Recorded in the offices of Pillsbury Winthrop, San Francisco, California; October 15, 2002, tape 1, transcript pp. 24-25.

¹⁰³Mondragon, Joseph. Interview by E. Richard Hart. Also present: Irenne Zwierlein, Chairperson Amah Mutsun Tribe; Katherine Hicks, Secretary, Amah Mutsun Tribe; Jennifer Starks, Pillsbury Winthrop. Recorded in the offices of Pillsbury Winthrop, San Francisco, California; October 15, 2002, tape 1, transcript p. 33.

Peabody, John Harrington. "The Papers of John Peabody Harrington in the Smithsonian Institution, 1907-1957," National Anthropological Archives, Smithsonian Institution. Microfilmed: Millwood, New York: Krauss International, 1984, excerpts from "Interviews with the San Juan Indians," also includes a description of the cucusui hanging by his toenails.

¹⁰⁴John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 36, frame numbers 33, 72, and 80-81.

¹⁰⁵John P. Harrington Papers, National Anthropological Archives, Smithsonian Institution, microfilm, reel number 36, frame numbers 80-81.

children. It was a tradition also recited to Harrington by Ascención during his work with her in the 1920s.¹⁰⁶

Although traditional tribal gatherings were prohibited or discouraged by both church and government in the eighteenth and nineteenth centuries, Mutsun people managed to maintain their language and traditions. In the twentieth century public tribal gatherings became less difficult to conduct. According to Mr. Mondragon, Mutsun people have gathered together at fiestas and rodeos (like many other tribes in the Southwest, Great Basin and Plateau regions) where they could keep track of families and where stories and traditions could be passed on to new generations. Mutsun people gathered at fiestas, rodeos and, later, pow-wows, throughout the twentieth century. Mr. Mondragon has been attending the Stanford pow-wow since the late 1960s.¹⁰⁷

Mutsun people can today still trace the outlines of the boundaries of their traditional lands.¹⁰⁸ They continue to tell the stories told by their ancestors for generations. They hold beliefs that were held by their Indian forebearers, and maintain traditions recalling other beliefs of their tribal ancestors.

¹⁰⁶Mondragon, Joseph. Interview by E. Richard Hart. Also present: Irenne Zwierlein, Chairperson Amah Mutsun Tribe; Katherine Hicks, Secretary, Amah Mutsun Tribe; Jennifer Starks, Pillsbury Winthrop. Recorded in the offices of Pillsbury Winthrop, San Francisco, California; October 15, 2002, tape 2, transcript p. 4.

Peabody, John Harrington. "The Papers of John Peabody Harrington in the Smithsonian Institution, 1907-1957," National Anthropological Archives, Smithsonian Institution. Microfilmed: Millwood, New York: Krauss International, 1984, excerpts from "Interviews with the San Juan Indians,"

¹⁰⁷Mondragon, Joseph. Interview by E. Richard Hart. Also present: Irenne Zwierlein, Chairperson Amah Mutsun Tribe; Katherine Hicks, Secretary, Amah Mutsun Tribe; Jennifer Starks, Pillsbury Winthrop. Recorded in the offices of Pillsbury Winthrop, San Francisco, California; October 15, 2002, tape 1, transcript pp. 10-11; tape 2, transcript pp 10-11 and 25; and tape 3, transcript p. 14.

¹⁰⁸Mondragon, Joseph. Interview by E. Richard Hart. Also present: Irenne Zwierlein, Chairperson Amah Mutsun Tribe; Katherine Hicks, Secretary, Amah Mutsun Tribe; Jennifer Starks, Pillsbury Winthrop. Recorded in the offices of Pillsbury Winthrop, San Francisco, California; October 15, 2002, tape 2, transcript pp. 1-3.

A final example is illuminating. Mr. Mondragon reported that, "It was very bad of you not to attend a funeral...it was insult to families..."¹⁰⁹ He also reported that his mother never mentioned people's names after they had died.¹¹⁰ Here again is a tradition inherited from an older tribal tradition and similar to what has previously been documented for the Mutsun people. In 1814 de la Cuesta reported the custom as it existed then.

[Mutsun people] would say that the spirits of the dead went to the west; but they could not tell what they did there. For this reason they never name the dead. Indeed, it is the greatest grief and injury even to name the dead before them; and they pagans still observe the foolish custom.¹¹¹

Conclusions

The documentary record provides abundant evidence relating to the language, culture, villages and territory of the Mutsun people. Even after their territory was controlled first by the Spanish government, then the Mexican government, and finally the government of the United States, the language, customs, culture, healing practices and leadership roles continued to be passed down, generation from generation, through traditional mechanisms.

The remarkable body of material collected by John Peabody Harrington, provides convincing evidence of the continuity of traditional Mutsun culture, language, and curing practices, as evidenced by the knowledge of Ascención Solórsano, who was recognized both

¹⁰⁹Mondragon, Joseph. Interview by E. Richard Hart. Also present: Irenne Zwierlein, Chairperson Amah Mutsun Tribe; Katherine Hicks, Secretary, Amah Mutsun Tribe; Jennifer Starks, Pillsbury Winthrop. Recorded in the offices of Pillsbury Winthrop, San Francisco, California; October 15, 2002, tape 2, transcript p. 25.

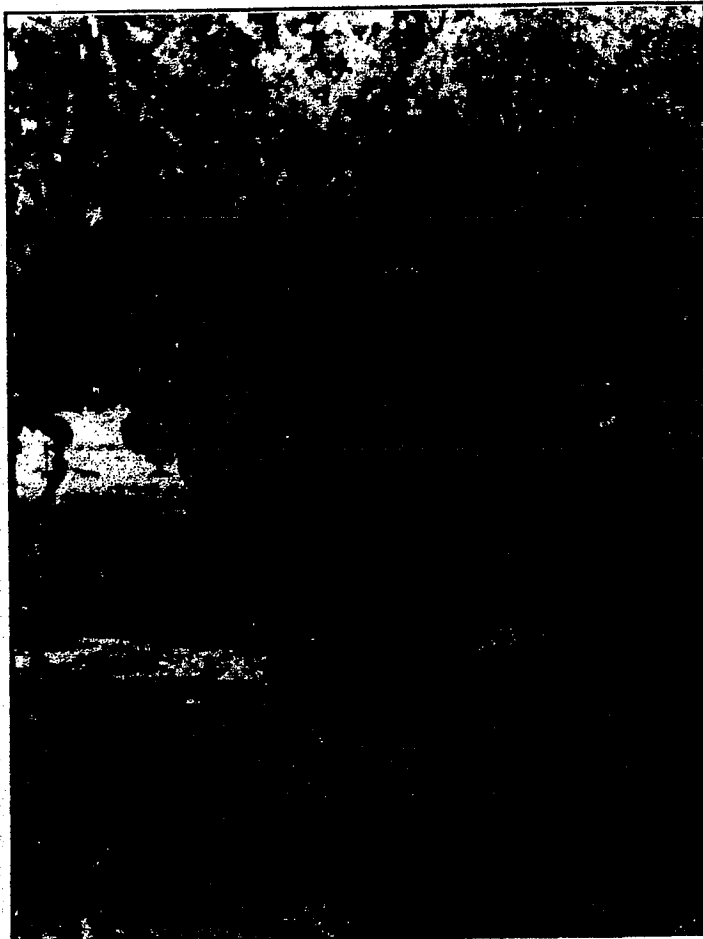
¹¹⁰Mondragon, Joseph. Interview by E. Richard Hart. Also present: Irenne Zwierlein, Chairperson Amah Mutsun Tribe; Katherine Hicks, Secretary, Amah Mutsun Tribe; Jennifer Starks, Pillsbury Winthrop. Recorded in the offices of Pillsbury Winthrop, San Francisco, California; October 15, 2002, tape 1, transcript pp 13-14.

¹¹¹De la Cuesta, Felipe Arroyo. "Repuesta" ("replies" to the Interrogatorio), May 1, 1814, as translated and reprinted in: Engelhardt, Zephyrin. *Mission San Juan Bautista: A School of Church Music*, Mission Santa Barbara: Santa Barbara, California, 1931, pp. 23-24.

Levy, Richard. "Costanoan," *Handbook of North American Indians*, Volume 8, California; Washington, D. C.: Smithsonian Institution, 1978, pp. 491, reported that, "The names of dead persons were not spoken until formally bestowed anew upon another individual."

within her own community and in the surrounding non-Indian community. This knowledge was passed down through the generations by the Mutsun people and then collected from Solórsano by Harrington. Only a fraction of the Harrington papers have been examined. A thorough analysis of this work will undoubtedly provide even greater detail of Mutsun traditional culture.

After the death of Ascención Solórsano, cultural beliefs and leadership roles continued to be passed down among people of Mutsun descent. Recent fieldwork among members of today's Amah Mutsun Tribal Band provides evidence of such cultural continuity among Band members. Current tribal members recount stories that Ascención told Harrington. They have traditional knowledge of plants, food, animals, and the supernatural. These mutually held traditions are the cement that holds tribal structure together and allows tribal cultural continuity to endure.



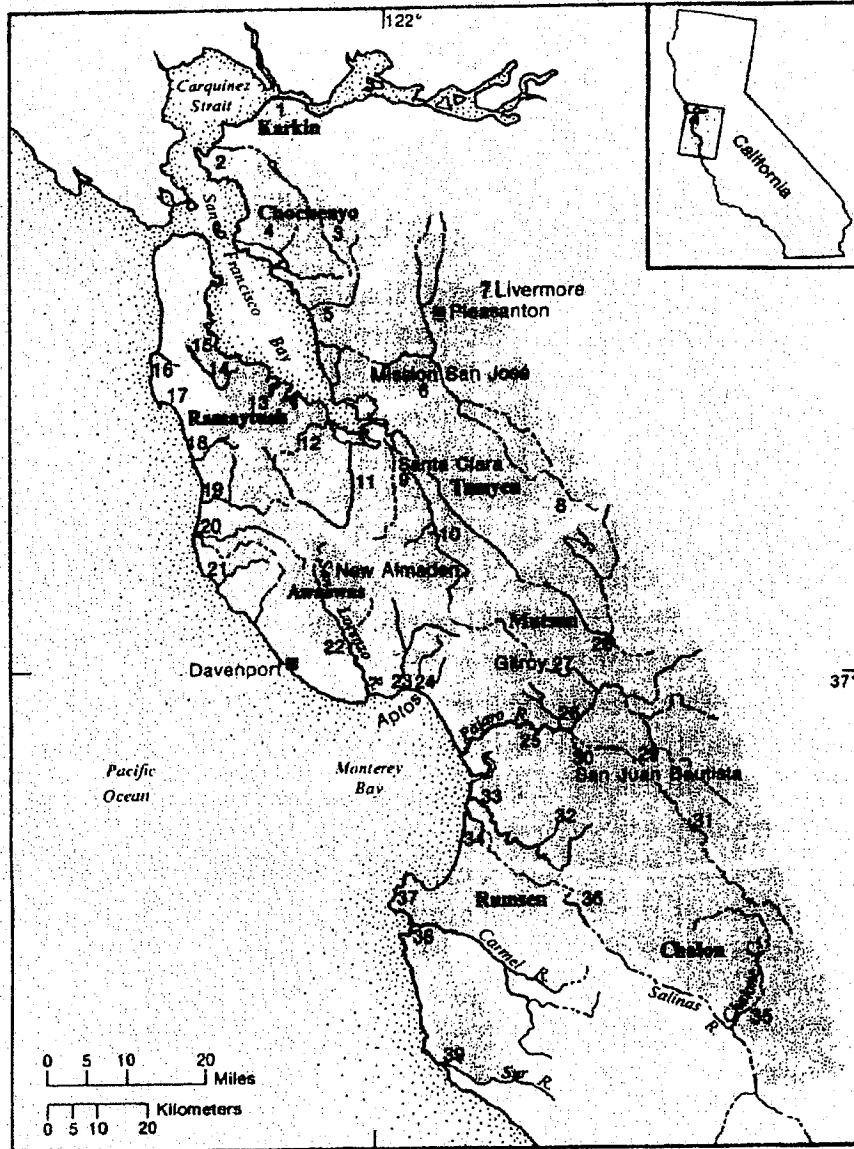
Barbara Sierra Solórsano at Mission San Juan Bautista, age 60 in September, 1902. Photograph by C. Hart Merriam; Lowie Museum negative 23204.



Maria Dionisia Mondragon, with Victoriano Mondragon in a woven basket cradle. Photograph by J. P. Harrington, ca. 1922. OPSS Neg. No. 91-30352, Smithsonian Institution, National Anthropological Archives.



Ascencion Solorsano shortly before her death. Photograph by J. P. Harrington, taken between August, 1929 and January 1930. OPSS Negative No. 81-11249, Smithsonian Institution, National Anthropological Archives.



Boundaries of Mutsun speaking rancherias (villages or "tribelets") as they existed in the late 18th century. Numbers 25-33, and 36 are Mutsun-speaking. Number 32 is apparently a village named Mutson. From Levy, p. 485.