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## Muwekma Ohlone seeking a tribal home

Despite being here for over 2,000 years, the government says they're not a tribe

By Sue Dremann

**T**hey have lived in the Bay Area for thousands of years, were enslaved by the Spanish conquerors and bounty hunted by Americans. The Native American tribe the Muwekma Ohlone were forced to hide on Spanish rancherias, landless, their numbers dwindling to the point that scholars in the 1920s claimed they were extinct.

Yet, they've held on. Their tribal membership hovered around 600 in 2003 — the most recent count — with many more born since then, Tribal Vice Chair Monica Arellano said.

But the Bay Area's first people want more than to merely exist: They're seeking federal recognition of their tribal status, which would give them the same benefits as other Native American tribes for housing, medical care, higher education and the ability to establish a land trust.

The government used to

recognize them as a tribe, but their status was removed from the Federal Register in 1927 after the U.S. decided their numbers were too small to matter. Separately, the tribe enrolled with and was approved by the Bureau of Indian Affairs from 1928 through 1933, 1948 through 1957 and 1968 through 1971 under the 1928 California Jurisdictional Act, evidence that the tribe was implicitly recognized by the BIA. But

they can't legally be considered a tribe without first obtaining reaffirmation and formal acknowledgement by the Secretary of the Interior. Efforts to regain that recognition have been stymied by politization and arbitrary

definitions of what constitutes a tribe, according to the Muwekma.

The Bureau of Indian Affairs decided in 2002 it wouldn't confer tribal status on the Muwekma, claiming the tribe didn't meet the criteria in part because the tribe had failed to prove that it "has identification as an

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TRIBAL VICE CHAIR  
MONICA ARELLANO



Magali Gauthier

Vice Chair Monica Arellano, left, and Chair Charlene Nijmeh of the Muwekma Ohlone Tribe look through the exhibit "California Stories from Thámien to Santa Clara" in the de Saisset Museum at Santa Clara University on April 4. The tribe is pushing to regain the federal recognition that it lost in 1927.

Indian entity on a substantially continuous basis; comprises a distinct community at present; (and) has a governing body exercising political influence or authority within the group," the bureau wrote.

The Muwekma then spent six months repackaging its documents and adding new ones to

answer the preliminary determination of the bureau's Branch of Acknowledgement and Research. The Bureau of Indian Affairs failed to be swayed.

Now two initiatives are revitalizing their push for renewed recognition. Armed with new genetic evidence and a state bill, California Senate Joint

Resolution 13, which would support the tribe's federal recognition, the Muwekma are working to solidify their legitimacy despite what they call "the politics of erasure" and have started a Change.org petition to support passing the Senate bill.

## TRIBAL HOME

continued from page 1

Tribal Chairwoman Charlene Nijmeh said the government's criteria for what constitutes a tribal social and political community is based on the Plains Indians, who survived in greater numbers. The Muwekma lived during the mission period in California, and many died as a result. Those who didn't had to pretend to assimilate and live among another race of people.

"It's kind of hard to be visible when they are chasing you," Arellano said.

And to say they didn't have leaders is false, Nijmeh added. They always had tribal members who stepped up.

"My great-grandmothers died young. My grandmother went to an orphanage," Nijmeh said. "Families had to take care of families."

## Evidence of their ancestry

The presence of the Muwekma in the Bay Area dates back at least 2,000 years, according to research published on March 21 in the Proceedings of the National Academy of Sciences article "Ancient and modern genomics of the Ohlone Indigenous population of California."

Prior archaeological publications examining linguistic patterns and artifacts had already dated the presence of the Ohlone in the Bay Area from 1,000 to 1,500 years ago.

But what's even more significant for the Muwekma, the new genomic research shows a continuity of their presence from that 2,000 years ago to today, which could make spurious past Bureau of Indian Affairs arguments and qualify the Muwekma for recognition.

The genomic research found the Muwekma comprise all of the lineages who trace their ancestry through the Bay Area missions of San Francisco, Santa Clara and San Jose.

Further, they are genetically linked to members of the historic, previously federally recognized Verona Band, who resided in Alameda County from 1834 to the early 1900s, according to the research paper.

A genetic linkage to the Verona Band is particularly significant. A federal judge in the 2006 U.S. Federal District Court, District of Columbia stated: "The following facts are not in dispute. Muwekma is a group of American Indians indigenous to the San Francisco Bay Area, the members of which are direct descendants of the historical Mission San Jose Tribe, also known as the Pleasanton or Verona Band of Alameda County (the "Verona

Band"). From 1914 to 1927, the Verona Band was recognized by the federal government as an Indian tribe. Neither the United States Congress nor any executive agency ever formally withdrew federal recognition of the Verona Band."

The genomic study was conducted by the Far Western Anthropological Research Group, the University of Illinois Urbana-Champaign and Stanford University with assistance from the tribe. The research examined two historic settlement sites located near the Water Temple in Sunol, where the San Francisco Public Utilities Commission had proposed creating an educational facility. Because it was likely the site would uncover burial sites, SFPUC contacted the Muwekma, which, with their archaeologists, oversees the exhumations and reburials.

One site, Sii Túupentak (Place of the Water Round House) dates between the years 1345-1850. Seventy-six people were buried there, according to the genetic study. The second site, Rummey Ta Kuččuwiš Tiprectak (Place of the Stream of the Lagoon Site), dates back

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STATE SEN. DAVE CORTESE

490 BC-1775 and contains the remains of 29 people.

The DNA analysis used samples from four people at the Rummey site and eight people from the Sii Túupentak and compared them with saliva taken from eight modern tribal members.

"The genetic connections between the two archaeological sites and between the sites and the present-day Muwekma Ohlone individuals suggest that the present-day Muwekma Ohlone share continuity with peoples who have inhabited the San Francisco Bay Area for at least two millennia," and perhaps back as far as 2,500 years ago or further, the researchers wrote.

**California Legislature — the first step toward recognition?**

Some members of the state legislature say it's finally time the Muwekma Ohlone are recognized.

State Sen. Dave Cortese introduced California Senate Joint Resolution 13 on March 7. If it passes in both houses, the



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Muwekma Ohlone Tribe Chair Charlene Nijmeh, left, and Vice Chair Monica Arellano, right, look through an exhibit at the de Saisset Museum at Santa Clara University in Santa Clara on April 4.

California Legislature would formally support the Muwekma Ohlone in their status as a recognized tribe.

The legislature's resolution would urge the United States Congress and the Department of the Interior's Bureau of Indian Affairs to reaffirm and restore the Muwekma Ohlone as a federally recognized tribe to be included in the Federal Register. Gov. Gavin Newsom's signature would not be required.

The bill was co-authored by Sen. Bob Wieckowski and Assemblymen Ash Kalra, Alex Lee and Robert Rivas. It was referred to the California Senate Governmental Organization Committee on March 17.

Cortese noted in an email on Wednesday that much of Santa Clara County, which he represents, and surrounding areas sit on the Muwekma's aboriginal homeland.

"For decades, Muwekma Ohlone have sought to restore their status as a federally recognized tribe by congressional legislation. Our strength is in our diversity, and, by this principle, we must recognize and not erase our history in order to right our historical wrongs," he said.

"I believe it is important to recognize the ancestral lands of the Muwekma Ohlone that we currently occupy. Several California counties as well as state and federal elected officials have passed similar resolutions urging the federal status of the Muwekma Ohlone Tribe be restored, and Stanford University as well as UC Berkeley have distributed letters of validation; I believe it is time for California, as a state, to do the same. Let's be on the right side of history."

State Sen. Josh Becker and Assemblyman Marc Berman said in emails they would also support the bill.

"Research indicates that Muwekma Ohlone people with ties to their ancient ancestors are

very much alive. I look forward to supporting this legislation," Becker said.

Berman added, "I look forward to supporting SJR 13 when it reaches the Assembly and to urging the federal government to reaffirm the Muwekma Ohlone Tribe's vitally important status."

## Will politics interfere?

In the eyes of the Muwekma's supporters, righting a historic wrong might be a simple, noble and overdue act, but politics and economic interests could get in the way.

Other tribes have been privately lobbying against recognition for the Muwekma Ohlone, claiming that once they receive their tribal status they will build a casino in the Bay Area, Nijmeh said. Politically, that would be a hot-button issue, but it would also cut deeply into the lucrative gaming industry of those same tribes.

Nijmeh said the pressure has already extended to the state Governmental Organization Committee, which was scheduled to hold a hearing on the proposed Senate bill. It would take nine out of 15 votes to then pass the resolution to the full Senate for consideration.

But after tribal gaming interests began to privately oppose the resolution, "the office of this committee explained to Cortese's office that they won't even hear the resolution because they have an informal policy to stay out of tribal issues," she said.

The senator is trying to get the committee to hold the hearing.

"The resolution is about recognizing the historical and societal contributions of those that were stewards of this land before us — those that were displaced," Cortese said. "If we want to talk about our gambling industry, and the restrictions we place on that industry, then

that is an entirely separate conversation."

Nijmeh called the gaming issue a scare tactic. The Muwekma don't want to build a casino, she said. Instead, they want to create a land trust that would be self-governing and have a community where they can grow and thrive together.

The first people, who have maintained their presence in their ancestral land for so many years, say they are at risk of being priced out of their homeland due to the Bay Area's sky-high housing costs and are once again getting scattered in other communities.

"It's expensive to live in the Bay Area. Our goal is to have a village in the Bay Area, to have a community" with housing, schools and other amenities, Tribal Vice Chairwoman Arellano said.

Nijmeh said that without tribal recognition the Muwekma Ohlone don't have any of the benefits that recognized tribes receive — opportunities for funding schools, college and university scholarships, jobs development, land and medical services.

"We had to create our own COVID fund. Other tribes got \$8 billion in money from the Cares Act," Nijmeh said. Tribal members raised \$30,000 among themselves to help families facing displacement due to job loss and other critical needs caused by the pandemic.

But perhaps the most important part of tribal recognition is that it would be a first step to making the Muwekma Ohlone begin to feel whole again, they said. After so many centuries of having their history erased and their people nearly annihilated, if the state petitions the federal government through the Senate joint resolution, it would mean the state is recognizing and supporting the tribe for the first time.

"It says the state stands with us. It's a big message to say the state apologizes" for what was done to the Muwekma people, Nijmeh said.

The DNA analysis also offers a chance "for the public to see our descendancy," Arellano said.

Commissioning the genomic study was a big step for the tribal council to take, not knowing what the results might be.

But now the evidence has solidified their legitimacy, ties to the land and their deep roots as a people, Arellano said, so that healing can perhaps begin.

"It helps us visually to have that," she said. ■

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