



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

WASHINGTON, D.C. 20245



IN REPLY REFER TO:

JAN 25 1990

Tribal Government Services - AR

27 Jan B. Thompson  
J. Fordia 1/19/90  
Actg. Bacon 1-24-90

Mr. David Belardes  
31742 Via Belardes  
San Juan Capistrano, California 92675

Dear Mr. Belardes:

The Branch of Acknowledgment and Research (BAR) has completed an initial review for obvious deficiencies and significant omissions of the Juaneno Band of Mission Indians' petition for Federal acknowledgment as an Indian tribe. This letter describes the deficiencies and/or omissions that have been found in the Juaneno petition.

The obvious deficiencies (OD) review is provided for in the Acknowledgment regulations to insure that a petitioner is not rejected because of technical problems in the petition and that the group's status will be considered on its merits. The OD review does not purport to be a preliminary determination of any case. This OD letter does not constitute any evidence that a positive conclusion has been or will be reached on the petition, or on the portions of it not discussed in this letter. Nor does the fact that a petitioner responds to the OD review imply in any way that the group meets the seven mandatory criteria by simply submitting additional data. The OD review of the petition merely provides the petitioner the opportunity to submit additional information or clarification prior to the actual active consideration period. The OD review is a limited review conducted over a period of several weeks by a staff anthropologist, genealogist, and historian. Only during active consideration is the petition reviewed and evaluated in-depth by the Acknowledgment staff to determine whether or not the group meets the requirements to be acknowledged as an Indian tribe.

With the requested information and/or documentation, the Acknowledgment staff can more fully evaluate the petition when it is placed on active consideration. The staff's research during the active consideration period is for the purpose of verifying and/or elaborating on an already complete petition. The staff's caseload no longer permits them to do the research necessary to fill in gaps in the petition on behalf of the petitioner to the extent they have at times done in the past.

Petitioners have the option of responding in part or in full to the OD review or of requesting us to proceed with the petition using the materials already submitted. The decision as to whether or not the group chooses to address the deficiencies noted in the OD review should be made by the group and not solely by its researchers. If your group requests that the materials submitted in response to the OD review also be reviewed as to the adequacy of the response, the Bureau of Indian Affairs will provide the additional assistance. The additional review will not be automatic and will be conducted only at the request of the petitioner.

The limits of these preliminary reviews must be taken into consideration. We do not know all of the questions that an in-depth evaluation during active consideration might raise.

Our comments and questions are organized below in the following order: (1) general comments and questions; (2) comments and questions regarding documentation/sources; and (3) comments and questions regarding the membership list, constitution, and council resolutions.

#### GENERAL COMMENTS AND QUESTIONS

Our review indicates that there are significant deficiencies in the petition. We recommend that the criteria be carefully reviewed and that the research be directed at providing the evidence that will demonstrate that your group meets each one. Your researchers should contact the BAR to discuss the criteria in order that we can provide you with additional technical assistance.

It would be helpful to have a brief chronology of Juaneno history demonstrating continuity. After its preparation, any major temporal gaps would provide you with a guide as to where you should concentrate your research to demonstrate the group's community and political continuity.

The petition needs to describe the nature of the Juaneno community from aboriginal times to the present. Considering the long relationship that the Juaneno had with the mission, a more extensive description of this relationship would be of value to us in understanding the group's continuity.

The contemporary Juaneno community should be comprehensively described. The residences of the 901 members appear to be widely scattered, with a large group living in Santa Ana. It is important that you demonstrate that your membership constitutes a cohesive community. Descriptions of any communication systems or visiting patterns within and between families and any cultural or social event which bring the membership together (such as ceremonies, weddings, funerals, homecomings, etc.) would illustrate the community's cohesion.

We need a better description of the factionalism that exists between the Juaneno and the San Juan Capistrano community. The character of the division should be described in detail.

There are several closely related groups in this area of California and it is not always clear which group is being referred to in the documents submitted with your petition. The petition should make it clear that the Juaneno are a distinct group and separate from these other groups. The relationships of the Juaneno with these other groups should be made explicit.

It is important that the group be able to demonstrate political continuity from the past to the present. While the early political system may be difficult to document, it should be described for each phase of Juaneno history. Included should be a discussion of the various political changes that have occurred. A list of "chiefs" or leaders and a brief but documented description of each of their roles in Juaneno history would help fill the gaps and demonstrate political continuity.

It is not clear whether some of the "leaders" involved in several local, regional and national organizations had the support of the group as a whole. A more detailed description of Juaneno's involvement with these organizations would help clarify the precise involvement of the group and its leaders with these organizations.

In describing the current political system, you might include, among other things, a discussion of dispute resolutions, distribution of tribal resources, and how the members bring issues before the tribal council or general council.

#### COMMENTS AND QUESTIONS REGARDING DOCUMENTATION

Your petition includes a number of documents, but the narrative does not explain how and why they are relevant to the criteria. Many of the documents pertain to the American Indian Federation. These documents need to be further discussed as to how the Juaneno were involved and how the Juaneno fit into the documents provided.

While you have provided copies of some of the documents cited in the petition narrative, it is extremely important that copies of all documentation used as supporting evidence be made available. If the documentation is in books, magazines or newspapers that will not be readily available to the BAR when your petition is placed on active consideration, please submit xerox copies of the relevant pages that are referenced in the narrative. If the documentation is in a form that is available only locally, please provide copies.

The manuscript prepared by Scientific Resource Surveys, Inc., included a chapter on Juaneno ethnography. Only a portion of this chapter was submitted with the documented petition and it would be useful to have the entire chapter. Also, there are references to oral history tapes in the narrative and footnotes. If any of the referenced tapes have been transcribed, could copies be provided?

Please describe the Marcus A. Foster and Alfonso Yorba Collections that are mentioned as sources in the petition and whether these collections would be available to the BAR when your petition is placed on active consideration. If any of the documents from these collections are used in your research please provide copies.

Are any of the documents held by the late Clarence Lobo available to your researcher? A description of the "extenuating circumstances" (p. 67) that prevented earlier membership lists from being supplied by Lobo would be helpful.

COMMENTS AND QUESTIONS REGARDING THE MEMBERSHIP LIST, CONSTITUTION, AND COUNCIL RESOLUTIONS

You should continue to keep your membership list current by recording new births and deaths which take place in the interim before the petition is placed on active consideration. When you are notified that the petition is being placed on active consideration, a supplemental list should be submitted which will include those additions to the membership, such as newborn infants and individuals who were inadvertently omitted from the list. The supplemental list should also note those members on the list submitted with the petition who are deceased.

The membership list submitted as part of the acknowledgment petition should be certified by the Tribal Council. The certification should cover both the list submitted with your petition and any supplemental lists which are to be considered as part of the membership list submitted for acknowledgment purposes.

The constitution refers to a 1979 membership roll. A copy of this roll needs to be provided. If such a 1979 roll does not exist, an explanation should be provided as to why the roll was never compiled.

Please provide documentation as to when the constitution was ratified pursuant to Article XI of the constitution. If you are also using bylaws, please submit a copy of the bylaws and documentation as to when the bylaws were adopted.

Enclosed are copies of the first page of four of the attachments to your petition. Please describe in as much detail as possible the origin and purpose of each item, including who prepared it, approximately when it was prepared, and where the original is now located. We understand that one of the items is the membership lists from the early years of the Mission Indian Federation referred to in the petition narrative; however, we cannot determine which item is this list.

If you use a formal enrollment application, please submit a sample copy of the application form. If the Tribal Council has passed any ordinances regarding the enrollment or disenrollment procedures pursuant to Article III(3)(a) of your constitution, please submit copies of these ordinances. Please submit copies of the resolutions adopting the two members of your group noted in the petition narrative. Regarding adopted members, if the adopted member possesses the required Juaneno blood quantum, is the adopted member considered a voting member?

If your group chooses to respond to this OD review letter, we encourage you and your researchers to consult with the BAR before preparing a response, so that you might utilize your research resources more

effectively. The BAR can provide technical assistance, but cannot be responsible for actual research on the part of the petitioner. During the actual active consideration of your petition, it may be necessary to request additional information. The BAR will make every effort to consult with you and your researchers regarding these questions prior to the publication of a proposed finding.

We recommend that you contact Michael Lawson, the Acknowledgment staff member who has administrative responsibility for California petitioners, so that we can make arrangements to provide additional technical assistance to you and your researchers. You may write him c/o Bureau of Indian Affairs, Branch of Acknowledgment and Research, Mail Stop 4627-MIB, 18th and C Streets, N.W., Washington, D.C. 20240, or call him at (202) 343-3592.

Sincerely,

**Hazel E. Elbert**

Deputy to the Assistant Secretary -  
Indian Affairs (Tribal Services)

Enclosures

cc: Paige Talley  
Sacramento Area Office

cc: Surname, Chron, 440RF, BAR Chron, HOLD  
440B:BTHOMPSON/MLAWSON:maw:343-3592:1/19/90:"LTRJUANENO-BT"