

4th Submission

received on

11/3/2006

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ASIA-OFA

October 27, 2006

Director R. Lee Fleming
Office of Federal Acknowledgment
United States Department of the Interior
MS 34B-SIB
1951 Constitution Avenue, NW.
Washington, DC 20240

Re: October 11, 2006 Letter Requesting Additional Materials Relating to Tejon Tribe Request for Confirmation of Status

Dear Lee:

Thank you for taking the time to discuss with me your October 11, 2006 letter requesting additional information and materials relating to the Tejon Indian Tribe's Request for Confirmation of its Status as a federally recognized tribe. I understand that you already have received from Chairwoman Morgan copies of most of the documents requested on the first page of your letter (to the extent they are available) (see letter from Chairwoman Morgan dated October 17, 2006).

As we discussed during our phone calls and as explained in Chairwoman Morgan's letter, the Tribe has been working to locate and provide Chief Lozada's death certificate, documents regarding Magdalena Olivas, and documents relating to Chairwoman Morgan's descent from one of the signatories to the Treaty of Tejon. Today I am enclosing a copy of Chief Lozada's death certificate, and soon we will be able to provide additional responsive documentation regarding Magdalena Olivas and Chairwoman Morgan's descent.

As I mentioned last week, the scope of the Department's request for documents contained on the second page of the October 11th letter is of some concern to us. We understand that such information typically is requested in the context of a review of a Documented Petition pursuant to 25 C.F.R. Part 83. Because the Tribe is requesting confirmation of its existing status (as opposed to requesting review of a Part 83 Petition), we suggest that the most appropriate and efficient approach for evaluating the Tribe's Request would be to confirm the authenticity of the historical documents provided and to confirm that the members of the modern-day Tejon Tribe descend from the Tejon Indians identified on the census of the Tejon Band compiled by Special Indian Agent Terrell in 1915.

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Director R. Lee Fleming
October 27, 2006
Page 2

Regarding your request that we provide you with additional citation information for documents listed as exhibits to the Tribe's Request for Confirmation, we are very happy to do so. However, some guidance (informally over the over the telephone would be fine) as to what citations you find to be incomplete would assist us in complying with your request.

To the extent that it is necessary to examine additional information to confirm that the Tejon Indian Tribe, and not other petitioners who may be claiming some similar historical connections or genealogical relation to the Terrell census, is the core group descended from the historic Tejon Tribe identified in the Terrell census, we are enclosing a memorandum based on information prepared by Dr. John Johnson. We would be happy to provide the Department with additional genealogical information if you find that is necessary for completion of the Department's genealogical analysis.

As Chairwoman Morgan indicated in her letter, at some point prior to the Tribe's November 1st meeting, we would like to get together to discuss the status of the Department's review of the Tejon Tribe's request, as well as any remaining requests or concerns that you may have. Please let me know if you would prefer a conference call or some other form of communication. Finally, we also have received your letter of October 26, 2006, and we will be responding to it shortly.

We very much appreciate the hard work and attention that your office is giving to the Tejon Tribe's request for confirmation of its status as a federally recognized Indian tribe. As always, please feel free to call with any questions.

Best regards,



Suzanne R. Schaeffer

cc: The Hon. Kathryn Montes Morgan

The Modern Tejon Tribe's Relationship To the Historic Tejon Tribe

John R. Johnson, PhD
October 27, 2006

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I have been asked to describe the relationship of the historic Tejon Tribe (as it was identified by federal Indian Special Agent John J. Terrell in BIA's 1915 census) to the modern Tejon Tribe (identified by the Office of Federal Acknowledgment (OFA) as "Petitioner 230"). I also have been asked to describe the relationship of the historic Tejon Tribe to other modern-day tribal groups currently petitioning OFA for acknowledgement, some of which apparently claim descent from the historic Tejon Tribe.

I have analyzed these questions both from the 1915 Terrell census looking forward, and from the present-day Tejon membership looking backwards. As described below, from either perspective the genealogical evidence makes clear that the modern Tejon Tribe is directly descended from the historic Tejon Tribe, and equally clear that none of the other modern-day Tribes identified by OFA¹ would be able to claim to be the modern successor to the historic Tribe.

Note: the data on which I have relied for the analysis below is articulated in more detail in the analysis provided at Table 1, Exhibit 68 of the Tejon Tribe's June 30, 2006, submission to the Department of the Interior. That information is incorporated here by reference.

1. Analysis Looking Forward: How the Descendants of the Historic Tejon Tribe Relate to Members of the Modern-Day Tejon Tribe

On BIA's 1915 census Special Agent Terrell counted 81 individuals in the historic Tejon Tribe. Thirty-six of these individuals have no known modern descendants, largely because of the historically high mortality rate for children born in rural Indian communities.

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| Total historic Tribe members identified in 1915: | 81 |
| Historic Tribe members with no known modern descendants: | - <u>36</u> |
| Historic Tribe members with descendants: | 45 |

Of the 45 individuals on the Terrell list who have known descendants, 28 have descendants on the modern-day Tejon Tribe membership list. Stated another way, of those individuals on the 1915 Terrell census who have descendants, 62% have descendants who are members of the

¹ See October 19, 2006 fax from Mr. Lee Fleming (OFA) to Ms. Suzanne Schaeffer.

modern-day Tejon Tribe. This demonstrates a strong nexus between the historic Tejon Tribe and the modern-day Tejon Tribe.

| | |
|--|-------------|
| Total Historic Tejon Tribe members with descendants: | 45 |
| Total Historic Tejon Tribe members with descendants in modern-day Tejon Tribe: | 28 (or 62%) |

It is important to consider as well the subsequent history of the seventeen members of the historic Tejon Tribe whose descendants today are not evident in the modern-day Tribe's membership. To the best of my knowledge, fifteen of the seventeen moved away from Tejon and have since lost all affiliation with any Indian community.²

This leaves only two members of the Historic Tejon Tribe who have ancestors who today are affiliated with other Tribes. These two are (1) Petra Gomez and (2) Marcelina Cordero. *Petra Gomez* [REDACTED] Ms. Dominquez organized her immediate family as a separate entity and is known to OFA as Petitioner 165. It should be noted that Petra's parents, Mariano and Isabel³ Gomez, have descendants among the modern day Tejon Tribe through their other children. *Marcelina Cordero* [REDACTED] Kern Valley Indian Community and her descendants now are affiliated with that community (Petitioner 047). Hence, of the 45 Tejon Indians identified on the 1915 Terrell census who have descendants, only 2 (or approximately 4%) have descendants that are today affiliated with other tribal groups.

| | |
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| Total Historic Tejon Tribe members with descendants: | 45 |
| Total Historic Tejon Tribe members who have descendants, but whose descendants are not affiliated with the modern-day Tejon Tribe: | 17 |
| Total Historic Tejon Tribe members with descendants who appear to have abandoned all tribal affiliations: | 15 |
| Total historic Tribe members with descendants in modern-day Tribes other than Tejon: | 2 (or approx. 4%) |

2. Analysis Looking Backward: How the Modern-Day Tejon Tribal Members Relate to Members of the Historic Tejon Tribe

Currently there are 212 individuals enrolled in the modern-day Tejon Tribe. Each of these individuals meets the Tribe's enrollment criteria, which include that: (1) the member must be a lineal descendant from the historic Tejon Tribe (i.e., effectively must be able to trace his/her

² These were the Juana and Adolf Encinas family and the Maria Ignacia family. I know these families' descendants and believe that they no longer participate in any Indian community.

³ Special Agent Terrell misspelled the name Isabel as "Izabell" on the 1915 census.

ancestry back to someone listed on the 1915 Terrell census), and (2) the member must be able to demonstrate at least 3/8 blood quantum.

In addition to the 212 individuals already enrolled, based on interview and genealogical data I believe that there are approximately 110 additional individuals who would be eligible for membership in the modern-day Tribe (i.e., who have an ancestor on the Terrell census and meet the minimum blood quantum requirement) but who for one reason or another are not currently enrolled with the Tejon Tribe.⁴ Hence, there is a universe of approximately 312 (212 current members plus approximately 110 unenrolled but eligible persons) who meet the criteria for membership in the modern-day Tejon Tribe.

The 212 current enrolled tribal members therefore constitute more than two-thirds (approximately 68%) of the total universe of the 312 individuals eligible for enrollment. In fact, six of the 110 unenrolled individuals have petitioned for enrollment. Once their petitions have been duly processed, the total enrollment will be 218, elevating the percentage of enrollment among eligible individuals to nearly 70%.

It should also be noted that the strong nexus between the members identified on the Terrell list and the members of the modern day Tejon Tribe evidences community, not just individual descent. Table 3 of the Tejon Tribe's June 30, 2006 submission shows that modern-day Tejon members typically have multiple ancestors on the Terrell list, with 65% of them having seven or more ancestors on the Terrell list. This is due to the lateral as well as lineal connections between most members of the modern-day Tribe and members of the historic Tribe, with most modern members being two or less generations removed from the Tejon Indians identified on historic list.

3. The Historic Origins of Other Petitioning Tribes

Information about the known origins of the seven other petitioning Tribes identified by OFA is consistent with the data analyzed above. Five of the seven groups have no historic or genealogical connection to the historic Tejon Tribe as listed on the 1915 Terrell census at all:

1. *Fernandeno/Tataviam Tribe, Petitioner 158*: This tribe's ancestors were affiliated with Mission San Fernando and not Tejon; they never resided on the Sebastian (Tejon) Reservation, and none of their ancestors appear on the Terrell census.
2. *San Fernando Band of Mission Indians, Petitioner 163*: This tribe's ancestors were also affiliated with Mission San Fernando and not Tejon; they never resided on the Sebastian (Tejon) Reservation, and none of their ancestors appear on the Terrell census.

⁴ Of the 110 eligible individuals, six have applied for membership in the Tejon Tribe; another six are known to be associated with Petitioner 165 (see discussion above concerning Delia Dominguez and her siblings); and four are affiliated with Kern Valley Indian Community (see discussion above concerning Marcelina Cordero).

3. *Sierra Foothill Wuksachi Yokuts Tribe, Petitioner 209*: This tribe's ancestors appear to be affiliated with the Monachi and the Sierra Foothills Yokuts; to the best of my knowledge they never resided on the Sebastian (Tejon) Reservation and none of their ancestors appear on the Terrell census.
4. *Monachi Indian Tribe, Petitioner 283*: This tribe's ancestors lived in the Sierra Nevada foothills, geographically distant from the Tejon, to the best of my knowledge they never resided on the Sebastian (Tejon) Reservation and none of their ancestors appear on the Terrell census.
5. *Chumash Council of Bakersfield, Petitioner 294*: This tribe's ancestors were from the San Luis Obispo Chumash Tribe and none of their ancestors appears on the Terrell census. I have heard that some of their members may have been employed by the Tejon Ranch as cowboys, but they were not part of the historic Tejon Tribe.

Only two of the petitioning tribes identified by OFA have any relationship to the historic Tejon Tribe, and both of these already have been discussed in more detail above.

The first is the group which has been organized by Delia Dominguez [REDACTED] and which is known to OFA as *Tinoqui-Chalola Council of Kitanemuk and Yowlumne Tejon Indians, Petitioner 165*. This group descends entirely from a single individual listed on the Terrell census and its membership appears to be limited only to offspring of that individual. As a result membership in that group is quite small (to the best of my knowledge, there are no more than six individuals with a minimum 3/8's Tejon blood quantum in that group).

The second group is the *Kern Valley Indian Community, Petitioner 047*. This group is primarily composed of Kawaiisu and Tubatulaball Indians, although the group does include one family that has a single Tejon ancestor. As discussed above, this one family descends from Marcelina Cordero, who left Tejon after she had been counted on the Terrell census because she married a Kawaiisu Indian. Her descendants are, however, primarily affiliated with her husband's community at Kern Valley.

Conclusion

The modern-day Tejon Tribe, known to OFA as Petitioner 230, is so strongly genealogically tied to the historic Tejon Tribe that there can be no question but that it constitutes the solid, modern-day core of the same community as was identified by Terrell in 1915. It is equally clear that there is no other tribal group that could make this same claim.

CERTIFICATION OF VITAL RECORD

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1. FULL NAME: [REDACTED] District No. 1551 Registrar's No. 70 441

2. PLACE OF DEATH: (A) County: **KERN**
(B) City or Town: **Rural - Bakersfield**
(C) Name of Hospital or Institution: **Kern General Hospital**
(D) Length of stay: **2-7-41 to 2-9-41**
In Hospital or Institution: **Life** In California: **Life**

3. USUAL RESIDENCE OF DECEASED:
(A) State: **California**
(B) County: **Kern**
(C) City or Town: **Bakersfield**
(D) Street No.: **Talon Ranch**

20. DATE OF DEATH: Year: [REDACTED] Hour: **12:50 AM** Minute: [REDACTED]

4. SEX: **Male** COLOR OR RACE: **Indian** (A) Single, Married, Widowed or Divorced: **Married**

5. (A) NAME OF HUSBAND OR WIFE: [REDACTED] (B) (C) Age of Husband or Wife if Alive: **Unkn** years

6. BIRTHDATE OF DECEASED: MONTH: [REDACTED] DAY: [REDACTED] YEAR: [REDACTED]

7. AGE: [REDACTED] Months: [REDACTED] Days: [REDACTED] IF LESS THAN ONE DAY OLD: Hrs: [REDACTED] Min: [REDACTED]

8. BIRTHPLACE: **Talon, California**

9. USUAL OCCUPATION: **Indian Chief**

10. INDUSTRY OR BUSINESS: **Unknown**

11. NAME: **Unknown**

12. BIRTHPLACE: **California**

13. MAIDEN NAME: **Unknown**

14. BIRTHPLACE: **California**

15. (A) INFORMANT: **Beatrice Davis**
(B) ADDRESS: **Bakersfield, California**

16. (A) PLACE: **Removed** (B) DATE: **2-11-41**
(C) PLACE: **Talon Reservation, Kern Co., Calif.**
(D) EMBALMER'S SIGNATURE: **Harold J. Owen** LICENSE No. **818**
(E) FUNERAL DIRECTOR: **Plickinger-Digler Chapel**
ADDRESS: **Bakersfield, California**
BY: **Fred Waters**

17. (A) DATE FILED: **Feb. 14, 1941** (B) REGISTRAR'S SIGNATURE: **Joe Smith, M.D.**

21. MEDICAL CERTIFICATE: I HESSEY CERTIFY THAT I attended the deceased from [REDACTED] to [REDACTED] That I [REDACTED] on [REDACTED] and that death occurred on the date and hour stated above. Immediate cause of death: [REDACTED]

22. CORONER'S CERTIFICATE: I HESSEY CERTIFY THAT I held an ANATOMY, INQUEST OR INVESTIGATION on the remains of the deceased and find from such action that deceased came to death on the date and hour stated above.

23. If death was due to external causes, fill in the following:
(A) Accident, suicide, or homicide? [REDACTED] (B) Date of injury: [REDACTED]
(C) Where did injury occur? [REDACTED]
(D) Did injury occur in or about home, on farm, in industrial place, or in public place? [REDACTED] While at work? [REDACTED]
(E) Means of injury: [REDACTED]

24. PHYSICIAN'S SIGNATURE: **Chas. E. Hixon**
Address: **Bakersfield, Calif.** Date: **2-10-41**

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

CERTIFICATE OF DEATH

U. S. DEPT. OF COMMERCE
BUREAU OF THE CENSUS

CERTIFIED COPY OF VITAL RECORDS

STATE OF CALIFORNIA }
COUNTY OF KERN

DATE ISSUED

OCT 17 2008

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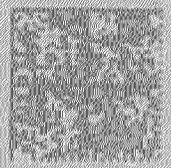
James W. Pugh
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