United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240

TAKE PRIDE IN AMERICA

IN REPLY REFER TO:
Tribal Government Services - AR
MS-4641

Dibbon 5-16-96
Record 5/16/96
Record 5/20/96
Amade 5/21/96

Ms. Irene Zwierlein
789 Canada Road
Woodside, California 94062

MAY 22 1996

Dear Ms. Zwierlein:

Thank you for submitting a partially-documented petition for Federal acknowledgment as an Indian tribe for the Amah Mutsun Tribal Band (Amah). The Bureau of Indian Affairs, Branch of Acknowledgment and Research (BAR) has completed a preliminary review of this material in order to provide you with technical assistance on how best to complete your documented petition. When you submit a fully-documented petition, the BAR will provide a full technical assistance (TA) review of your petition, as required under section 83.10(b) of the acknowledgment regulations (25 CFR Part 83). We apologize for our delay in responding to your submission.

Your partially-documented petition consists of three binders: the first, dated January 25, 1995, received by BAR on March 2, 1995; the second, dated March 3, 1995, received by BAR on June 12, 1995; and the third, dated August 22, 1995, received by BAR on both August 22 and September 7, 1995. The first two volumes were addressed to President Clinton, while the third volume was addressed to the BAR. The first volume contains your membership list and enrollment ordinance. The second volume contains your constitution. A historical narrative of about 30 pages is included in the first volume, while the second and third volumes contain copies of selected historical documents and secondary literature by anthropologists and historians.

Since we wrote to you on May 23, 1995, we have received the second and third binder of this series. These volumes have provided a copy of your constitution and copies of supporting documents for the narrative in the first volume. Most of the suggestions we made in the letter of May 23, 1995, therefore, remain relevant and still describe work you need to do to complete your documented petition.

Your membership roll appears to include all the information which the regulations require. With the exception of five pedigree charts, however, you have not provided evidence that your current membership descends from a historical tribe of Indians. In order for your petition to be evaluated under criterion (e), you will need to provide ancestry (pedigree) charts and individual history sheets for each adult member of the group. A single ancestry chart

for a family is acceptable for brothers and sisters who share the same lineage.

If your group maintains membership files of the records used to verify the Amah or Mutsun ancestry of your members, please provide us with a few sample files from different family lines. During active consideration of your petition, we may request additional samples of such supporting documentation and evidence. The BAR genealogist also will visit your group to examine the documentation in your membership files.

Since your narrative includes a transcript of what appear to be San Juan Bautista Mission baptismal records from the 1790's, you should explain these records and explain how these individuals relate to your current members. Additional information which you could provide to support your petition include copies of any membership rolls or mailing lists prior to 1995, with a description of how those lists were developed, and copies of minutes from council meetings in which the acceptance or rejection of new members was discussed, or in which the membership criteria were discussed. You may also wish to explain how your enrollment secretary or committee check that your members are not members of other tribes. In short, we would like to know as much as we can about how you decide to accept individuals as members of your group.

A technical point that we must make is that the regulations require that your membership list be certified as accurate and complete by your governing body. Thus, the members of your governing body need to sign a statement or resolution that this 1995 membership list, or an updated list in the future, is your current membership roll.

Your constitution and enrollment ordinance are annotated with statements that they were adopted in 1991. You should provide some contemporaneous, supporting evidence which documents that the constitution and ordinance were adopted in 1991 and the procedure by which they were approved by the group. In addition, you should provide a detailed account of how your constitution and ordinance were adopted. Did the entire membership vote on the constitution, or was it drafted and ratified by an elected council or leader? Are there minutes of the drafting and ratification process? Do you have by-laws in addition to a constitution?

Your membership ordinance provides that members must meet any one of four requirements. One of these requirements provides that an individual who can trace his or her ancestry to an Ohlone, Mutsun, or Amah individual on an 1852 state census roll is eligible for membership. Do all of the members on your current roll meet this requirement? If not, what percent do? Would an individual who could demonstrate such ancestry be accepted for membership if he or she had never lived in the Amah community? In other words, can the application of an individual who meets this requirement be rejected?

We see that your constitution, your membership criteria, and your enrollment procedures are almost identical to those of other California petitioners. Do these formal documents actually reflect your group's current and historical membership procedures and practices of governance? Did you have a governing document or enrollment ordinance prior to those now in effect? If so, please provide us with copies. Also, please describe, in as much detail as possible, how membership was determined and how your group governed itself before the adoption of a formal constitution and enrollment ordinance.

Your biggest task now will be to replace the brief narrative in your original submission with a more substantive account of the history of your group, as a community, over time. The three volumes which you have submitted provide some information on the Indians of central California in general, but little evidence about your group specifically. Criterion (a) requires examples which show that outsiders consistently have identified the group as an Indian entity. Our primary concern, however, is with the history of what was happening within your group and the means by which the group managed to stay together as a community over time. This is the essence of criterion (b). In order to satisfy criterion (c), you will want to provide examples of group decision-making and leadership which demonstrate that the group maintained political influence over its members throughout history. We expect that these will be examples of informal leadership and influence.

Your greatest need will be to provide a description of your community over the last decade. What is required is a good description of the informal social activities which bring members together with other members, especially in activities in which non-members do not participate. You may think of such activities as too ordinary to mention, but they are precisely the kinds of normal events which make people part of a social community. What activities today bring members of different family lines together as a group? Who interacts with whom, how often, for what purpose, and with what impact in the community? What events do members attend which exclude non-members? What is it that makes your group distinct from the surrounding population? You may want to provide details on residential patterns and relationships between members who live in the "core" community and those who live away from the "core"; patterns of intermarriage or discrimination and relationships with non-members; patterns of communication and visiting among members; and the roles of leaders and elders. By documenting and explaining the social and cultural context in which your members live, you will give us the means to evaluate your group's existence as a distinct community.

Since you claim to have been a party to unratified treaty negotiations with the United States, you may be able to benefit from the provisions of the revised acknowledgment regulations relating to previous Federal recognition (25 CFR Part 83.8). If

you can provide "substantial evidence of unambiguous Federal acknowledgment" of your ancestors as a treaty entity in 1851, or as a federally-recognized tribe at a more recent date, then the revised regulations provide for a reduced burden of proof for your petition. You should submit such evidence and ask us to decide this issue in our technical assistance review of your petition.

The BAR staff will fully evaluate your petition when it is placed under active consideration. The BAR's research during the active consideration period will be to verify or elaborate on your completed petition. The BAR's case load no longer permits it to do the research necessary to fill in gaps in your petition on your behalf to the extent it sometimes has done in the past.

Once you have had an opportunity to review this letter thoroughly and to share its contents with your members and researchers, we recommend that you contact the BAR staff so that we can make arrangements to provide additional technical assistance to you and your researchers. Please contact the Bureau of Indian Affairs, Branch of Acknowledgment and Research, 1849 C Street N.W., Mail Stop 4641-MIB, Washington, D.C. 20240, or call (202) 208-3592.

Sincerely,

/SGD/ DEBORAH J. MADDOX
Director, office of Tribal Services