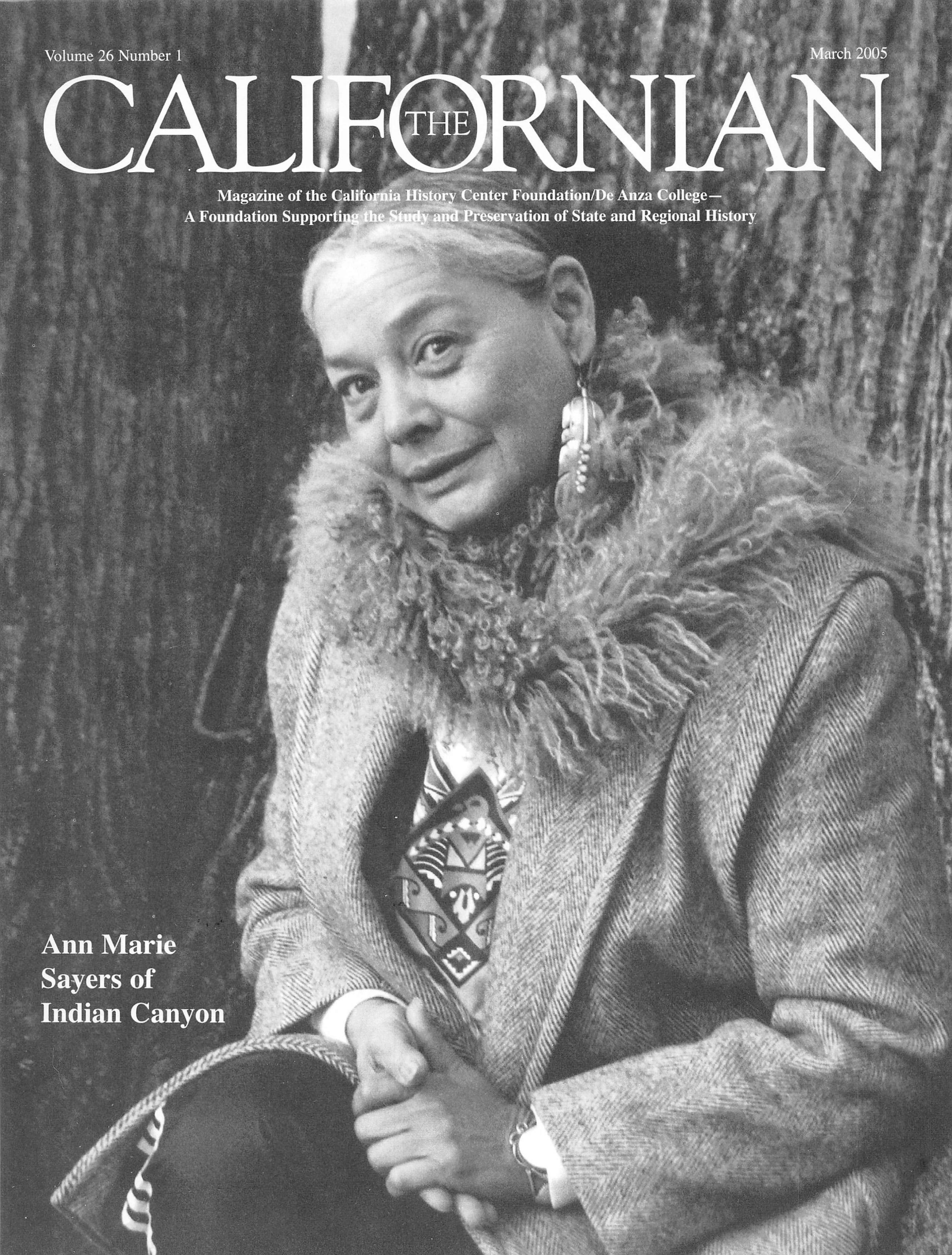


Volume 26 Number 1

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# CALIFORNIA THE ORNIAN

Magazine of the California History Center Foundation/De Anza College—  
A Foundation Supporting the Study and Preservation of State and Regional History



**Ann Marie  
Sayers of  
Indian Canyon**

# DIRECTOR'S REPORT

## Elementary History

Photo: CHCF Library



Tom Izu

Many parents of fourth grade children throughout California breathe heavy sighs when this time of year comes around. What will they build the model of their child's chosen California mission out of this time... sugar cubes, "Legos," or faux adobe excavated from rain soaked yards? This is my second fourth grader and my second crack at participating in his California history experience. Through this all, I have come to see that while there are

many teachers with new ideas, and exciting ways of teaching about California, there is still much that could be improved in the way our state history is introduced for the first time to the youngest members of society. Take the case of California Indians — in many instances they continue to be depicted as an almost mythical race — noble and pristinely primitive, or as ghost-like victims of a terrible, storybook past — never as people a current fourth grader could imagine himself or herself being. Rarely are they shown filled with the contradictions, desires, and all manner of things human both profound and mundane, overcoming hardships and problems

*In many instances [California Indians] continue to be depicted as an almost mythical race — noble and pristinely primitive ... never as people a current fourth grader could imagine himself or herself being.*

in the real world. This treatment of the first residents of our region hampers the sparking of wonder and awe that I believe is at the root of developing a respect for history. Lacking this, students are left with a sense that the flow of time is a remote and faraway thing that has "ended" and no longer carries all of us

along for better or worse and may, from time-to-time, force us to confront difficult and serious situations that require knowledge and compassion to solve. And unfortunately — for fourth graders and their parents — it can make history seem boring, irrelevant, and just another chore, and not an opportunity to understand and better participate in our world.

In this issue of *The Californian* we are proud to feature an essay that presents the story of one California Indian woman's successful struggle to keep her ancestral lands and helps dispel



Joe Wellina and Maria Garcia of Indian Canyon. See story on page 5.

these misconceptions. California Indians are here now and have many things to tell us if we are willing to listen. And, some, such as our featured author, Ann Marie Sayers, have special places like Indian Canyon for us to learn from and experience, and are ready to remind us that history is right here, right now, and right beneath our feet (or perhaps in this case, just down the road) waiting for us if we are willing to receive it.

I hope that you will find the time to join us in some of our upcoming events, including our observation of Women's History Month in March.

Also, I wish to thank all of you who helped us with the campus's very successful "Night of Magic" benefit. We appreciate your continued support!

—Tom Izu, Director

COVER: Ann Marie Sayers of Indian Canyon. See Feature on page 5.

# CALENDAR

<b>March</b>	Women's History Month	<b>May 7 and 14</b>	Field Trips: Berkeley—The Town and Gown of It ( <i>see page 4</i> )
<b>March 8</b>	Opening of CHC exhibit to celebrate the 10th anniversary of De Anza College's Women's Studies Program. Call the center for more details.	<b>May 28 and June 11</b>	Field Trips: Bay Area Filmmakers—East Bay ( <i>see page 4</i> )
<b>April 4</b>	First day of Spring Quarter	<b>June 4-5</b>	Field Trip: Yosemite—Crown Jewel of the Wilderness Movement ( <i>see page 4</i> )
<b>April 14 and 21</b>	Field Trips: The Days of the Dons—California Under Spain and Mexico ( <i>see page 4</i> )	<b>June 12</b>	CHC's annual wine and cheese fundraiser. Call the center for more details.

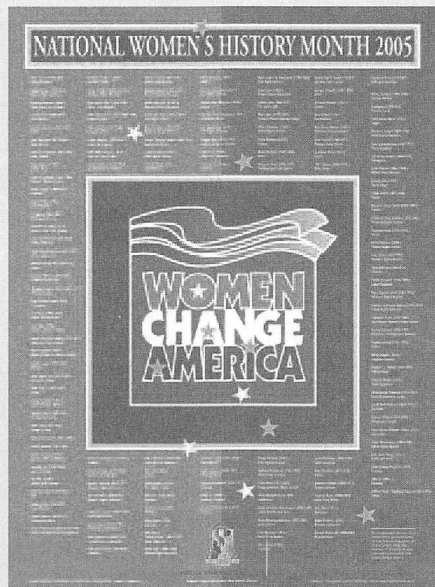
## March is National Women's History Month

This year's theme of Women's History Month — "Women Change America" — honors and recognizes the role of American women in transforming culture, history and politics as leaders, writers, scientists, educators, politicians, artists, historians, and informed citizens.

"Women Change America" also celebrates the myriad ways in which the spirit, courage, and contributions of American women have added to the vitality, richness and diversity of American life.

Before 1970, women's history was rarely the subject of serious study. As historian Mary Beth Norton recalls, "only one or two scholars would have identified themselves as women's historians, and no formal doctoral training in the subject was available anywhere in the country." Since then, however, the field has undergone a metamorphosis. Today almost every college offers women's history courses (including De Anza) and most major graduate programs offer doctoral degrees in the field.

Two significant factors contributed to the emergence of women's history, according to Borga Brunner. The women's movement of the 1960s caused women to question their invisibility in traditional American history texts. The movement also raised the aspirations as well as the opportunities of women, and produced a growing number of female historians. Carroll Smith-Rosenberg, one of the early women's historians, has remarked that "without question, our first inspiration was political. Aroused by feminist charges of economic and political discrimination...we turned to our history



to trace the origins of women's second-class status."

Women's history was also part of a larger movement that transformed the study of history in the United States. "History" had traditionally meant political history — a chronicle of the key political events and of the leaders, primarily men, who influenced them. But by the 1970s "the new social history" began replacing the older style. Emphasis shifted to a broader spectrum of American life, including such topics as the history of urban life, public health, ethnicity, the media, and poverty.

Since women rarely held leadership positions and until recently had only a marginal influence on politics, the new history, with its emphasis on the sociolog-

ical and the ordinary, was an ideal vehicle for presenting women's history. It has covered such subjects as the history of women's education, birth control, housework, marriage, sexuality, and child rearing. As the field has grown, women's historians realized that their definition of history needed to expand as well — it focused primarily on white middle-class experience and neglected the full racial and socio-economic spectrum of women.

All through March, [www.Historychannel.com](http://www.Historychannel.com) will be celebrating Women's History Month with the life of a different extraordinary woman each day. Tune in and meet the trail blazers who changed the world.

During the month of March, the California History Center also will celebrate Women's History Month with an exhibit commemorating the 10th anniversary of De Anza College's Women's Studies Program. Call the center for more details.

# EDUCATION

## State and Regional History

The following courses will be offered Spring Quarter 2005 through the California History Center. Please see the History Department class listings section of the Spring Schedule of Classes for detailed information (i.e., course ID #, call #, and units.) **For additional course information, call the center at (408) 864-8712.**

### THE DAYS OF THE DONOS: CALIFORNIA UNDER SPAIN AND MEXICO

Chatham Forbes History 42X · 2 Units

A province of Spain, then Mexico, from 1542 to 1846, California has been for most of its recent history a frontier extension of Hispanic society and culture. The story of exploration and settlement, of padres and soldiers, governors and rancheros is at once a colorful historic record, and a necessary foundation for understanding contemporary American California. This vital background will be presented both in classroom lectures and field studies.

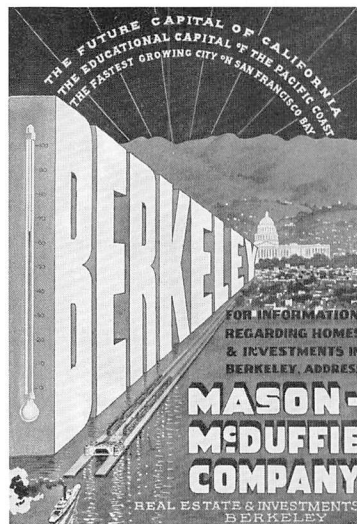
**Lectures:** Thursdays, April 14 and April 21  
6:20 p.m. to 10 p.m., CHC Classroom

**Field Trips:** Saturdays, April 16 and April 23

### BERKELEY: THE TOWN AND GOWN OF IT

Betty Hirsch History 53X · 2 Units

The City of Berkeley developed out of two separate and distinct communities: the flatland settlement of Ocean View and the Hillside community oriented to the university. The latter community



began in 1859 when the Rev. Henry Durant and Samuel H. Willey, founders of the College of California, and an academic committee purchased a 160-acre tract of land in the hills north of Oakland for the future location of the college, then located in downtown Oakland. The new town was named after Bishop George Berkeley. March 23, 1868 was Charter Day of the University of California. In 1878, Berkeley was incorporated with the town of Ocean View. This course will discuss

the history of Berkeley, the university, and its Bay Region style of architecture. We will visit a cross section of sites including the university's botanical garden, the Julia Morgan Theater, the Judah Magnes Museum, the university's "I House" and the Lawrence Hall of Science.

**Lectures:** Thursdays, April 28 and May 12  
6:20 p.m. to 10 p.m., CHC Classroom

**Field Trips:** Saturdays, May 7 and 14

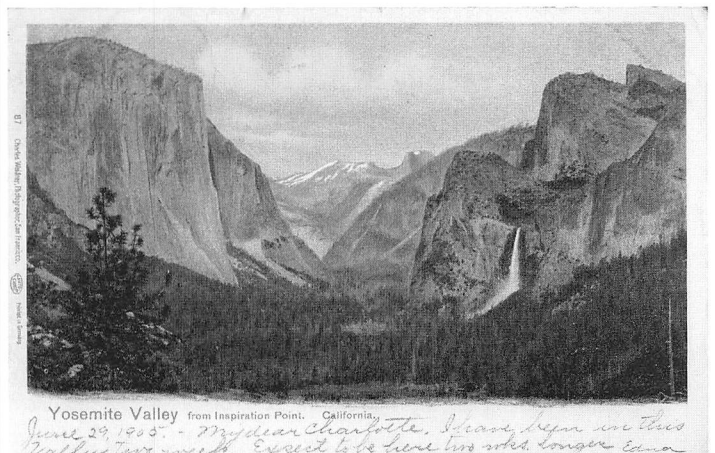
### BAY AREA FILMMAKERS: EAST BAY

Betty Hirsch History 54X · 2 Units

One of California's earliest movie companies began in the East Bay in Niles. Broncho Billy and Charlie Chaplin made 375 silent Westerns at the Niles Essanay Studio between 1912 and 1916 before moving to Southern California. Bay Area cities have been the locale of numerous films including Mrs. Doubtfire, A View To A Kill, Whatever Happened To Baby Jane, The Rainmaker, The Matrix Reloaded, and others. Multi-media presentations will be made of clips of some of these films and class discussion will cover the lives and works of the Niles filmmakers and others. The class will tour Niles and other East Bay film sites.

**Lectures:** Thursdays, May 19 and June 9  
6:20 p.m. to 10 p.m., CHC Classroom

**Field Trips:** Saturdays, May 28 and June 11



### YOSEMITE: CROWN JEWEL OF THE WILDERNESS MOVEMENT

Chatham Forbes History 51X · 2 Units

The grandeur and beauty of Yosemite have made it the focus of economic, political, and environmental controversy since President Lincoln made it a wilderness preserve in the mid-nineteenth century. With four million visitors a year, current solutions to ongoing issues engage the national interest. The class will study the park and its history both in the classroom and on a weekend field study.

**Lectures:** Thursdays, June 2 and June 16  
6:20 p.m. to 10 p.m., CHC Classroom

**Field Trip:** Saturday and Sunday, June 4 and 5

## FEATURE

Noso-n “In breath, so it is in spirit”

### The Story of Indian Canyon

By Ann Marie Sayers • Photography by Kevin Payne

The following essay was published in a collection of works concerning California Indians entitled *The Ohlone Past and Present: Native Americans of the San Francisco Bay Region* (Ballena Press, 1994, compiled and edited by Lowell John Bean). Indian Canyon is located near San Juan Bautista.

I was born and raised here in Indian Canyon as was my brother Christopher Sayers. Indian Canyon is a very peaceful place. Dreams have come true and have been fulfilled here, I believe, because of the Canyon and its natural elements. The waterfall is a sacred area. We still carry on our traditions and ceremonies. As I did when I was a child at age three or four, my daughter Kanyon Sayers-Roods goes to the waterfall quite frequently, sometimes with guests and sometimes alone, and offers prayers and blessings using sage and other traditional herbs.

My people are of the *Mutsun* language group of Costanoan people. In the late 1700s Spanish missionaries recorded the first interactions with the Mutsuns at Mission San Juan Bautista. In the early 1800s, Rev. Fr. Felipe Arroyo de la Cuesta recorded more extensive information on the *Mutsuns*. In an Index he compiled 2,284 phrases of the *Mutsun* language as spoken at Mission San Juan Bautista, together with his Spanish translations. For this I am particularly grateful because we are now reviving our language. In 1814, de la Cuesta responded to the *interrogatorio* issued by the Spanish Government requesting information on the customs and

#### Indian Canyon Today

Ann Marie Sayers, author of this article, is living her dream — honoring the original people, Native Americans. “We continue to be connected to the earth, generation to generation, century to century. My mother, Elena Sanchez Sayers, believed when ceremony and dancing stops, so does the world.”

Today Indian Canyon continues its role as a safe haven and sacred ground for all indigenous people, and is available for ceremonial and educational purposes to people locally and from all over the world. Private, charter and public schools visit Indian Canyon annually and are introduced to the Ohlone traditions such as the sweat lodge and sacredness of tobacco. Many colleges, including De Anza, work closely with Sayers in her mission.

Costanoan Indian Research, Inc., a non-profit organization supports the work of Indian Canyon and proposes to create a self-reliant solar village.

For more information, visit, [www.indiancanyonvillage.org](http://www.indiancanyonvillage.org) or [www.indiancanyon.org](http://www.indiancanyon.org), or call (831) 637-4238.



Ann Marie Sayers

beliefs of the native people (Arroyo de la Cuesta 1821). I found some of his statements to contain some factual information, but they show the priest’s profound lack of understanding and sensitivity towards the cultures at the mission. I should like to quote a few sentences from the answers to the *interrogatorio*.

These people had scarcely any idea of the soul, nor of its immortality; nevertheless, they would say that when an Indian died, his spirit would be in sacred places which the sorcerers had and still have for the purpose of asking pardon of the devil. From this arose the fear that they had when they passed such an oratory, which consisted of but a pole painted red, white and black, and some bows and arrows or other things lying at the foot of the pole. This pole was called Chochon, where they would also place some pinole or parched corn, beads, and a pouch of tobacco. Others 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

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the dead. Indeed, it is the greatest grief and injury even to name the dead before them; and the pagans still observe the foolish custom. Of hell, bosom of Abraham, limbo, purgatory, resurrections, final and universal judgement they never had any knowledge, nor did they speak of the Author of nature, nor of heaven; yet they say in one of their stories that there exists a people above, and that the stars are the refuse of those inhabitants. Now our neophytes have the knowledge that there is One Creator, God of heaven and earth and of all things. They know about hell, purgatory, heaven, and all the fundamental truths of our holy Faith and Christian Religion.

This is an active mission where people, who have wandered astray in the mountains, have been collected and are together; who had no idea of letters or characters, and whose history amounts to ridiculous fables, which are passed from generation to generation, and who relate them only for passing the time laughing or to entertain the boys.

The response to the interrogatorio mentions that some Indians “return[ed] to the mountains as fugitives.” When I was a child my mother told me that Indian Canyon has always served as a safe haven for some of those who did not like the restrictions of the mission. Today Indian Canyon still serves as a place of healing and renewal.

The eminent anthropologist John P. Harrington produced the primary ethnographic studies of the *Mutsun* People of San Juan Bautista. These studies, based on field work carried out between 1920 and 1935, are critical in providing evidence that the *Mutsun* language and cultural identity were distinct from those of the numerous other indigenous peoples living at the mission. *Mutsun* is one of the eight languages spoken within the area today known as “Costanoan Indian” territory, a term introduced by the Spaniards to lump together all the coastal people in the San Francisco/Monterey Bay Area. It was spoken by a number of distinct tribes that lived within a geographical area bounded on the east side by the Mount Diablo mountain range, on the north by what is now San Jose, on the west by Monterey Bay, and on the south by King City. They traded, socialized and married with neighboring tribes as far afield as the Miwok, Salinan, Yokut, Esselen, and Chumash. And perhaps even further.

My people occupied Indian Canyon, formerly known as Indian Gulch, 15 miles southwest of the city of Hollister. Artifacts found in the Canyon suggest that it was inhabited well before European contact. The Canyon is surrounded by hills and mountains and has several waterfalls and small streams running through it. At the mouth are open lands that were originally swamps, making it a safe hideout for those who knew how to cross them.

Our culture was shaped by the environment in which we lived. The Canyon is filled with oak, pine, sycamore, bay, and manzanita. Our economy was based on acorns, berries and many other plants,



*One of eight sweat lodges.*

supplemented by game such as deer, wild turkey, rabbit, elk, quail, and others. The social organization that maintained the Indian families in the Canyon, and governed the relationships between the Canyon *Mutsun* band and neighboring groups was informal, but was adhered to over long periods of time. Those of us who are left in Indian Canyon derive our heritage from our ancestors, who were originally from Chualar, Carmel, San Luis Obispo, Soledad, Santa Cruz, and the San Juan Bautista area.

The documented history of the *Mutsun* Indians of Indian Canyon began in 1897 when my great-grandfather, Sebastian Garcia, (B.I.A. Roll Number 6502) submitted his petition for an Indian Allotment under the Indian Allotment Act of 1887. The heading on the form that my great-grandfather filled out for his allotment boldly proclaims NON COMPETENT INDIAN. Sebastian Garcia, his wife, Maria Robles Garcia, and their twelve children, along with several other Indian families, had been residing in Indian Canyon most of their lives.

My mother Elena Sanchez was designated Tribal Leader of the small band in Indian Canyon by her grandfather Sebastian Garcia just before his death in the 1930s. At the time a problem arose with access to the Canyon. A local rancher/farmer who owned the property that provided the only unencumbered access to Indian Canyon tried to prevent Elena and the others of her tribe from entering and exiting through his property. Luckily, another local farmer, Howard Harris (now 84 years old), intervened and convinced the landowner that the right of egress and ingress had always been a *Mutsun* Indian right. The Indians had always come and gone from the Canyon through his property. Why stop them now? Adjudication prevailed and Elena and her people could freely live and move in and out of the Canyon.

My mother was a strong and wise woman. She successfully petitioned the United States government to issue her the “Fee

Deed” to the property in 1945. Throughout my mother’s lifetime she maintained traditional ties with the *Mutsun* families living in the Canyon and with native people in the outlying area.

Every weekend she held a gathering at which she provided food for all. People brought gifts of fruit, vegetables or other things and left sometimes with more than they came with. During these traditional gatherings, she would often speak about her family’s mission days and struggles and tell stories relating to the spiritual values and codes of conduct of our people. She instilled in us a respect for the land. From her, I learned the proper way to pick oregano was to thank the plant for providing itself. I felt that all the natural elements, and its substance (i.e. air, wind, water, rocks, trees, plants, animals, etc.) were part of a living whole in which we also participated. She spent her life nurturing her family. She is spoken of to this day with respect and admiration, and is referred to as “the Indian lady from Indian Canyon.” She passed to the next world in 1974.

Although my brother Christopher and I were raised in the Canyon and exposed to our tribal heritage by our mother, we also grew up in the “white world,” being educated in our modern school system and finding our way in modern society. Having been attracted to adventure and places with paved roads and electricity, I moved to southern California when I was 20 years old. Always selling, be it commodities, stocks and bonds, or New Guinea artwork, I found the greatest sense of place when I came home to visit mother. As a child, I had always known I would one day build my permanent home on my great grandfather’s homesite at the head of the Canyon. The homesite had collected the positive energies of generations of my ancestors that had lived there, and I could feel their powerful presence. It was one of these visits to mother that I realized the time had come to start planning to build. While I was chasing around the globe after money to build my cabin on Sebastian’s homesite, my brother, Chris, was in the Canyon caring for mother and our affairs. However, we have both served as tribal leaders of the *Mutsuns* here in Indian Canyon, and in 1981 we began the process of formalizing the *Mutsun* tribe. I am presently Tribal Chairperson, and since 1980 have interacted and negotiated with city, county, state and federal authorities on behalf of our tribe. In 1988, the enormous effort put out by myself, my family, friends and supporters resulted in our reclaiming my family’s ancestral lands in Indian canyon. It is this story that I would like to relate.

In 1980, I realized that the area at the head of the Canyon, which included my great grandfather’s homesite, was not included in the property my mother had inherited from him. Sebastian and Maria had simply continued tradition by building on their family’s homesite. This area comprised the central portion of Indian Canyon, and now fell under the jurisdiction of the Bureau of Land Management. This is due to the fact that the southern boundary of



*Road into Indian Canyon*

Sebastian’s allotment as described on the fee deed is 200 feet north of his actual homesite. I decided to petition for the property, and purchase it if possible. It had no value for anyone else; it was landlocked and no one could get to it. My ancestors had lived on this land for many generations. In Folsom, California I met with the Bureau of Land Management (BLM) representative. He brought it to my attention that all petitions for public auction under their jurisdiction had been returned. Alan Thompson, Bureau of Land Management Director, said that at the time (1980), people who had petitioned for land at public auction had their petitions returned because the BLM was not participating in the public auction or exchange programs. My response was to ask if there was any vehicle that that I might utilize to purchase the property, so that I could build on my great grandfather’s homesite.

I brought to his attention the Indian Allotment Act of February 8, 1887:

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Under section 4 of the General Allotment Act of February 8, 1887 (24 Stat. 389; 25 U.S.C.A. 334) an Indian not residing on a reservation or for whose tribe no reservation was provided may apply for an allotment on the public domain.

This act was responsible for breaking up communal landholdings on some reservations, allotting parcels of 40 to 160 acres to individual Indians. Further, it provided that allotments might include an area not to exceed 160 acres of nonirrigable grazing land. On some reservations the remaining available lands on the various reservations were put up for sale to non-Indians. This proved disastrous on many levels to the tribes involved. Basically, it was a law drawn up by the people who were in power at the time. There were many people coming west and the Indians were in the way. It was thought that if the native peoples were turned into farmers and allocated a particular amount of land, the balance of their new lands could be sold or homesteaded by settlers heading west. Nationwide, ninety-one million acres of Indian lands were taken away as a result of this act. It was completely disastrous for the native people who were not farmers, and did not have the same concepts of land "ownership"

The Allotment Act had a tremendous effect, somewhat similar to that of the Mission System here in California, which for the most part affected coastal people. People who had highly sophisticated and complex societies found themselves dislocated from their own culture and tradition.

So, here we are now, trying desperately to revitalize our language and our culture, bits and pieces that we come across with visions that are coming back in dreams...And, in contrast here in California the provision of the Indian Allotment Act that said that non-reservation Indians might apply for an allotment benefited many California Indians who did not have reservation lands. Hundreds of allotments from public domain lands were granted. Many of the grantees and/or their descendants still own their trust allotments today.

Once, I brought this information to his attention, The Bureau of Land Management representative did look up the Indian Allotment Act. He brought up the fact that it was a very old, archaic law somewhat like a Native American Homestead Act, and that it would be almost impossible to meet the requirements. My response was, "if the land can meet the requirements, they will be met."

One of the most important things the Department of the Interior considers in making a decision about allotments under this law is its policy that an Indian allotment should contain land that is good enough to support an Indian family. In most case, the soil has been found too poor or without enough water to support an Indian family, and virtually all of the applications have been turned down. After much research, having the property surveyed, and further discussions with the Bureau of Land Management, I finally met the

requirements. These included showing that I could generate revenue via grazing without irrigation and live on the property for two years in a house that met county planning commission codes (a stipulation that the BLM added to the requirements; it proved to be illegal, and once again a classic example of government agency/Indian interaction – it's rather common). Under the Indian Allotment Act of 1887, after the requirements are met, the land goes into trust for 25 years. The land is considered "Indian Country." While the land is in trust, you do not pay property taxes, you are not governed by the state, county, or city regulations. Additionally, anything which requires your signature has to be approved in writing by the Bureau of Indian Affairs, and you cannot sell or encumber the property. Originally, I was required to generate enough revenue to support an individual Indian, but halfway through the process, the Bureau of Land Management brought it to my attention that, in fact, I was required to generate enough to support a family of four, or \$12,000.

By 1983 I had a prepared proposal that met all the requirements. Indian Canyon is hilly, rocky, brushy and very beautiful. It would also support five cows for three months, an economic unit that was not acceptable to the Department of the Interior because it was not enough to generate the money required. It took three years of considerable activity in the gathering and arduous investigation of various information to meet the archaic requirements of this Indian Allotment Act in order to regain the property my ancestors had lived on for generations. With the help of the University of California, Davis; University of California, San Diego; University of Oregon, Portland; the United States Department of Agriculture Soil Conservation Service; the Bureau of Land Management; the Bureau of Indian Affairs; the United Indian Development Association; Howard Harris, specialist in riparian rights; and adjacent landowners, I met all the requirements of the Allotment Act. What I proposed (I should say, "we proposed," because so many made contributions) was raising West African pygmy goats. They graze, and they do not need irrigated grazing lands. The nature of the Canyon land was such that it could support pygmy goats. They are very hardy and were domesticated on the western coast of Africa where they have lived for hundreds of years. Over a period of time, primarily because of neglect and lack of food, they diminished in size. They are bred for show in the United States. Pygmy goats proved to be the answer to my needs at the Canyon; to show that I could generate revenue without requiring irrigation.

When I did meet the land requirements of the Bureau of Land Management, I said "Fantastic!" Now I had to build a cabin on the property. I had two years to do it. Then I discovered that all the conventional financial institutions could not or would not loan me the money I required because I could not put the property up as collateral (the land being in trust). Anything concerning the property that





*Kanyon Sayers-Roods, Ann Marie Sayers' daughter, and Tony Prado sprucing up the grounds at Indian Canyon.*

requires my signature must go through the approval process at the Bureau of Indian Affairs.

I wrote to President Reagan, and he had Bureau of Indian Affairs official Sid Mills respond to my letter. Mills in his response pointed out a revolving loan account with the Bureau of Indian Affairs in Sacramento, and gave me a name and number to contact. As a result of my contacting the Bureau of Indian Affairs in Sacramento, I received a packet of information from Weldon Smith, the loan officer at the time. I had by this time completed a 5-year feasibility study on raising pygmy goats for pets and for show, with the help of the United Indian Development Association. I called Weldon Smith concerning available funds from the revolving loan account. He informed me that the funds had been reallocated and said, "...but it really doesn't matter anyway, because you are not eligible for a loan from this account. It is only for federally-recognized tribes." "What! This is a fine time to tell me...what is a

federally recognized tribe?" I said. He sent me another packet! The Costanoan/Ohlone Indians, which comprise between forty to forty-five individual groups or tribes with their own languages, their own mythological stories, their own origins and their own lifeways are not federally recognized because they were brought into the Mission System and were considered fully assimilated by the time California became part of the United States.

In 1852 there were eighteen treaties negotiated with California Indian groups throughout the state. These treaties would have cancelled the aboriginal land claims of the groups that signed them, setting aside approximately 8.5 million acres for reservations. They were never ratified by Congress, primarily due to the objections raised about "giving" potentially useful lands to the Indians. The eighteen treaties just "disappeared," and were rediscovered in 1905, I believe, in a bottom drawer by an office clerk who came across them unexpectedly. They had actually been sealed and kept out of public view for fifty years by a government that had only the economic interests of the dominant non-Indian population in mind, beginning with the California Gold Rush, which directly impacted the original Senate vote to deny ratification of the eighteen treaties.

After the discovery of these treaties in 1905, it began to be realized that technically the Indians still owned California.

This was quite incredible at a time when 75% of the native population in California was homeless. On October 13, 1909 in San Francisco at the Commonwealth Club, Mr. C.E. Kelsey best described why:

It should be understood that from the American occupation of California to the Dawes Act (Indian Allotment Act) in 1887, no Indian could acquire title to land from the public domain. Only citizens can homestead land, and the Indian was not a citizen. The Indian was not an alien. He had no foreign allegiance to renounce. He, therefore, could not be naturalized, become a citizen and take up land.

The Indian was therefore precluded from acquiring title to even his own home for a period of some forty years after the American occupation. By this time everything but the most remote and worthless land had been appropriated. The price of land has risen to such a high figure that not an Indian in a thousand can hope to buy a home. It was upon these facts, first, that the national government had taken the Indian lands without payment; and second, that the laws had barred Indians from acquiring lands until all land was gone, that the California Indian Association based its great campaign to ask Congress for an appropriation to buy lands for the landless and homeless Indians of California.

Seventeen years later the efforts of such organizations as the California Indian Association, the Mission Indian Federation, and others resulted in the passage of state and federal legislation that

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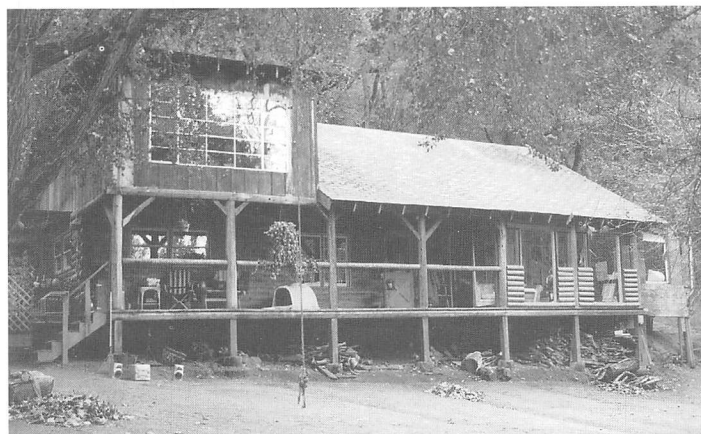
permitted the Indians of California to sue the federal government for not paying them for the land taken from them. How much? Well, what was the value of land in the state of California in 1852? The United States government came to the conclusion that it was worth 41 cents an acre.

All of the living descendants of the Indians were entitled to that money. The need to identify these descendants resulted in the 1928 California Indian Census. The census forms were sent to all Indian people of California who could prove that they had ancestors in the State of California in 1852 when the eighteen treaties were drawn up.

The usual insensitivity and lack of real concern for justice and fairness for tribal peoples were evident, in that questionnaires were sent without provision for illiteracy. The problem was that many Indians did not read, write, or understand the true significance of this document for themselves or their descendants. Indians had to make great efforts to find people to assist them with the document, and those who could verify that the Indians were giving accurate information. A great many Indians were not contacted; many others were denied. California Indians who were living out of state, in Nevada or Arizona, for example, were denied a final roll number because they were a "Non-resident of California on May 18, 1928." This was the reason most frequently given for a claim rejection.

Fortunately or unfortunately, my great-grandfather, Sebastian Garcia, Maria his wife, and several of their children did fill out the Census questionnaire. Because we were approved, we received a Bureau of Indian Affairs identification number. We became recipients of the California Land Claims Settlement and as such, in 1950 we each received a check for \$150. Now this was the final settlement of a case decided in 1944, when the courts awarded \$17 million for reservation land that had been promised 92 years before. Then there were "offsets" of \$12 million that the government kept for earlier outlays, or goods and services. In 1972 we received \$668.00 for the remaining 91 million acres of California that excluded the proposed reservations, already paid for; the Spanish and Mexican land grants and other allotments.

At present, many individual California Indian groups are still not federally acknowledged, even though their members may be registered with the Bureau of Indian Affairs. It is very difficult to become a tribe in accordance with the requirements dictated by the Federal Acknowledgement Branch of the Bureau of Indian Affairs in Washington D.C. I had originally assumed that we would be able to meet the requirements. We have a land base; and we still carry on our ceremonies. As I began the process of petitioning for federal recognition, I realized that there are many active groups here in the Costanoan/Ohlone territory, and not one of us is federally recognized as a tribe. Throughout the state of California, there are currently thirty-six groups or bands that are petitioning for federal



*Log cabin*

recognition. The personal experiences of being rejected by one's own people because of federal regulations are many. One of our people (a Costanoan/Ohlone lady) was in urgent need of help, and went to the Indian Health Service in San Jose, very close to where she was raised. She was turned down; "You're not a member of a federally recognized tribe. We're sorry but we cannot help you..."

While I was being introduced to this new problem, I had a cabin to build. Generating the money for it was an immediate need. I did talk to a number of representatives of federally recognized tribes both here in California and out of state. The feedback was the same everywhere. Government cuts were drastic. There was certainly no money for one Indian who was trying to reclaim ancestral land. So it was that Howard Harris, a neighbor and friend, came into the picture and donated money to put in a road. It was one of the most exciting days, seeing the road actually in place! Howard was seventy-five at the time. He was driving the bulldozer. His wife, Bess was seventy-eight. She was picking up rocks along the way, with me following behind. I counted four hundred and sixty-eight rocks that I picked up in a short period of time. And I was wondering, "What am I doing?" The thought lasted only a moment when I looked up at Bess Harris, and there she was smiling and humming as she continued to pick up rocks that kept multiplying. I finally sold off some of my inheritance, using the proceeds to benefit everyone. We were able to erect the cabin and purchase the pygmy goats. During the interim, the two-year period in which I had to complete the work came to an end, I was granted a one year extension and then another. I was so happy! Enough money was generated to pay 50% down on a log cabin, and the rest when it as delivered. I had the blueprints drawn up. The corral was going up, and I was going to bring my goats up here (they were still boarded out). I saw the dream about to become a reality.

But at this juncture another major obstacle was thrown in my

path. The Bureau of Land Management brought it to my attention that the National Wildlife Federation had a lawsuit against them. It seemed that the National Wildlife Federation had an injunction on all Bureau of Land Management lands, including Indian Canyon. I was told, "We (the Bureau of Land Management) regret to inform you that you have three options. Drop your application; continue but be aware that we cannot guarantee that we can issue a trust patent; or have Congress change the ruling." Naturally, I was devastated, but I began attending different Indian gatherings, Pow Wows, and native arts and craft shows to get people to sign their support for my exclusion from this lawsuit. We got in excess of three thousand signatures.

At this point California Indian Legal Services (CILS) came in to the picture. Their attorney Steve Hirsch was in full agreement with me, and as outraged, when he said, "They are putting requirements on you that are totally illegal. This is ridiculous – a trust patent should have been issued when you met the stated requirements."

We were determined to continue with our plans. Howard Harris, my friend, came up with a 1934 Presidential proclamation that stated that if land was occupied before 1934, that property would not be subject to classification by the federal government. CILS attorney Steve Hirsch also took that view, and gathered testimonies from local people who knew that my parents and great-grandparents had lived in Indian Canyon since the Mission Period. We put our case before the Board of Appeals in Washington D.C., and they concurred. Thus, through people-power, the Trust Patent was finally issued.

My story would not be complete without acknowledging the help of one of the most important people in it. While I was in Southern California in 1987, generating revenues to complete the improvements in the Canyon, I met a commercial artist from New York, Richard Roods. Richard had been commissioned to produce a work of art depicting Fr. Junipero Serra for the city of Ventura. The fact that this priest was being honored in this way devastated me because of the atrocities perpetrated on my people in the name of Christianity and the Mission System by men like these! I shared the Native point of view with Richard in such a way that he donated a year of his life to helping me reclaim my ancestral land. I have never seen a man work so hard. I fell in love with him, and little did he know that one year would turn into two, and now seven, during which time we brought a beautiful daughter, Kanyon Sayers-Roods, into this special place. Meanwhile, the cabin went up with the help of many who shared my dream and love of the Canyon. It was incredible. The structure went up in two and-a-half days. The Trust Patent was forthcoming in August, 1988.

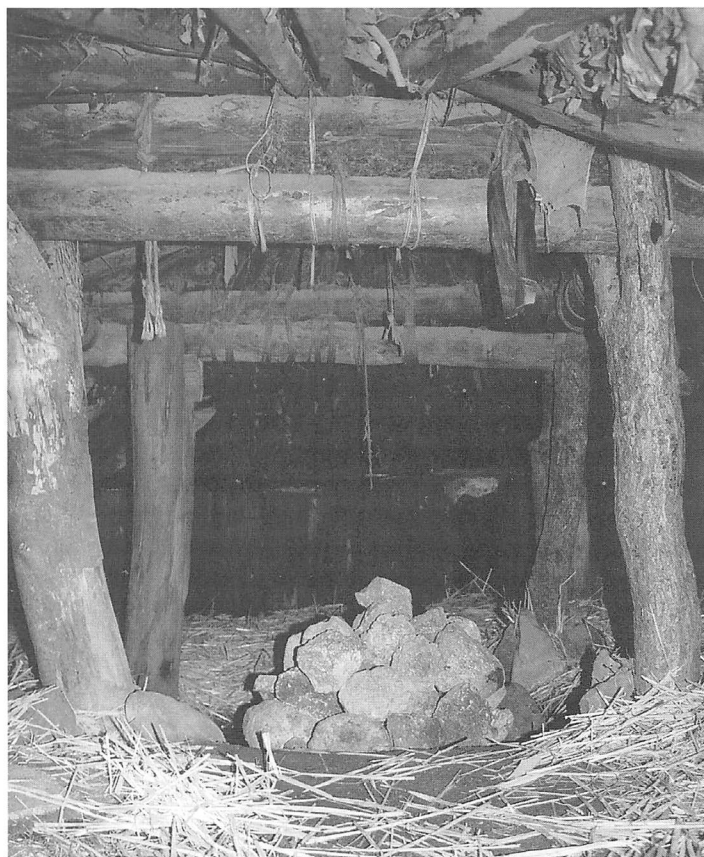
We still live here, we still carry out our ceremonies. I believe that I had to go through eight years of effort to reclaim my ances-

tral lands in order to fully understand, through experience, why California Indians are in this predicament.

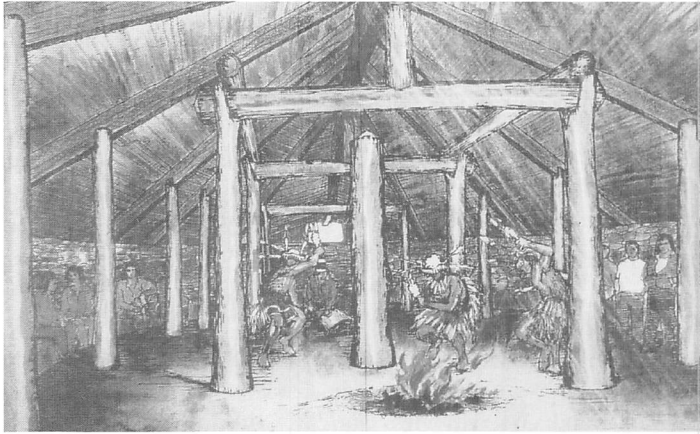
We are all in need of traditional lands upon which to carry out our traditions and live our culture. In view of this, we have opened my mother's property as a Living Indian Heritage Area. We have our own ceremonies – the Honoring of the Land Ceremony, the Talking Feather, Moon, and many others. We are also making the area available for use by native people who do not have traditional land for ceremony.

### ***REFLECTIONS ON THE PRESENT***

I want to emphasize that Indian country exists within the Costanoan/Ohlone territory, Indian Canyon. Native peoples live here and conduct ceremonies. Currently, this land is being developed into an educational, cultural and spiritual environment, one that includes what is now registered with the Native American Heritage Commission as a "Living Indian Heritage Area." The Canyon is home to a newly built traditional *Tupentak* (central California Indian sweat lodge), and an outdoor dance arbor. We are currently



*Sweat lodge entrance*



Artist sketch of projected Round House

in the planning stages for the construction of a *Tupen-Tah-Ruk* (Round House or Assembly House) to be completed in 1995. The sweat lodge is available for purification ceremonies and spiritual well-being and is utilized by various tribal groups in our area. The dance arbor serves as a place for *Tcite-s-mak* (dancers), gatherings, and educational programs. The Round House will provide an environment conducive to holding tribal meetings, guest speakers, dances and ceremonial activities such as the *Tchokin* (Sacred Staff), or *Ritca Sipas* (Talking Feather Circle). All of these spiritual, cultural and educational activities revolve around the concept *Noso-N* which translates in Mutsun as "Breath, so it is in spirit." *Noso-N* is central to the well-being of *Ahmah* (the People), as well as the natural and spiritual world we live in. On January 30, 1993 we had a "Completion of the Tupentak Ceremony." We invited many of those who came to visit my mother when she was alive – so it was a happy and significant reunion in many ways. These are people who want to feel their native roots again, who want to become involved in their ancient ways and traditions.

State and federal agencies are starting to acknowledge our existence. For example, they request input from the native peoples of a given area on the archaeological sensitivity of that area if a project (such as a dam or new road, etc.) is being planned. The South of the Delta Project west of the San Joaquin Valley includes at least five locations which are highly sensitive archaeologically. Some are sizeable religious sites, and the possibility that a Visitor's Center may be built is being discussed. Just the fact that we are being included in this project with a view to our interests and needs is extremely important and necessary.

We have been working with our local County Planning Commission to get an ordinance for the preservation of Native American sites for San Benito County. We accomplished this task in 1992. This provides another example, on the county level, of government



Future site of Round House

agencies working with the Native American population on projects which benefit both the native and the non-native people of an area. We appreciate the support given, for example, by John Fritz of the University of California at Santa Cruz, and Charles Smith of Cabrillo College, Santa Cruz. In their "Archaeological Overview of Pinnacles National Monument," they reflect clearly this new and positive trend in their recommendations regarding the involvement of local Native Americans in the management of cultural resources:

Many Native Americans wish to be involved in the control and management of cultural resources created and used by their ancestors. Some groups have articulated this wish as part of a general program for Native American welfare, for example, the Native American Movement, or as the chief focus of their organizations...These groups have been instrumental in the formation of the California State Indian Heritage Commission. This Commission is developing broad responsibility for the management of Native California cultural resources owned or controlled by the State.

The Repatriation Bill signed by President Bush on November 16, 1990, came in part out of Costanoan Indian concern about their territory. This new law addresses the rights of Native Americans to their cultural and sacred objects and to the burial remains of their ancestors which lie (sometimes in dire neglect) in museums and archival storerooms. It also addresses ownership and protection of these same sacred objects when they are found on Indian lands. Many local indigenous people, including myself, were instrumental, together with Stanford University and the Native American Heritage Commission in beginning the process towards repatriation. Now, instead of our sacred burial objects, including the bones of our ancestors, being dumped in a dusty corner wrapped in old newspapers, they are being returned to their people for proper reburial. Many artifacts are being returned to the "most likely descendants."

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Another current issue to be addressed by all native peoples in this country is that of our freedom to practice our respective religious ways. Many of us face limitations and restrictions and have to fight for our rights to the ceremonial elements necessary to the full expression of our religious rituals.

In our case, water is an essential ceremonial element at Indian Canyon, as it is in Native American religion in general. However, our water is being diverted upstream by a neighboring corporation, and we are currently unable to practice our ceremonies in full. The owner of this corporation, whose actions have dried up our stream and waterfall, claims that the use of the waterfall for religious purposes is not recognized under the law of California as a reasonable beneficial use. The American Indian Freedom of Religion Act, which has not stood up in court since its implementation in 1978, gives us no legal redress.

Indian Canyon is the only "Indian Country" within the Costanoan/Ohlone territory, a region with one of the largest Native American populations in the United States. The Canyon is open to all peoples of Native American heritage who are in need of traditional lands for their ceremonies. More than a thousand people come to Indian Canyon annually from many nations across the United States. We participate in both tribal and intertribal ceremonies that may involve gatherings of up to two hundred people at a time. Smaller gatherings may spend several days in the canyon.

The waterfall at Indian Canyon is its primary sacred area. Water is essential for both ceremonial and practical purposes. The waterfall, flowing in its natural water course, is a sacred and essential part of all ceremonies here in the Canyon. Spiritual leaders from different tribes take water from it and use it in their ceremonies elsewhere. Sweat lodge purification ceremonies, a major aspect of Native American religious practice, cannot be held without water. It is used to create steam inside the sweat lodge and to quench thirst brought on by the loss of body water. Both large gatherings and small extended gatherings need water for drinking, sanitation and cooking. But the waterfall has been dry every summer for five consecutive years since the water was first diverted upstream.

We need to emphasize to the people of this government that a strong and legally enforceable Native American Free Exercise of Religion Act of 1993 (NAFERA), S. 1021, would ensure that the religious freedom of the Native American could be protected in a court of law. This would not only be ethically in line with United States policy, it would carry many other benefits. The freedom to practice one's religion restores dignity to individuals, increasing the mental, spiritual and physical health of the community. This would result in less government spending on community programs and thus, will benefit society in general. One of the principal needs in amending the American Indian Freedom of Religion Act is the setting down of clearly written, indisputable statements guarantee-

ing to Native Americans full use of the ceremonial elements essential to the practice of our religion. In our case, water is the ceremonial element being denied to us.

The sound of water, the movement of water, our placement of everything revolves around our water in Indian Canyon. It is extremely important. We were successful in our Petition to have water included in the amendments to the NAFERA, and this is very good. I believe this will be very important in future years. We will still be able to participate in our ceremonies fully. And the Native American Free Exercise of Religion Act of 1993 will ensure that.

That there is recognition of California Indians and their unique situation is a tremendous step forward. I believe particularly that the experience of having to negotiate and to establish effective working relationships with state and federal government agencies will continue to enhance the recognition that indigenous "intellectual property rights" provide an appropriate basis for land uses. Traditional land is dependent upon the knowledge and skills of the indigenous people, the practice of this care can only blossom if the California communities realize the benefits from our heritage and wisdom regarding the land. As an example, as I write, the ongoing government interference with the land stewardship issue of the Chemehuevi Tribe<sup>2</sup> is an illustration of the inappropriate relationship between government attitude toward the native resources and the indigenous relationship to those same resources. Whether deliberate or not, this kind of manipulation of intellectual, spiritual and material "property rights" is continuing today throughout California and especially among the non-federally recognized tribes. We had highly sophisticated and complex ideas and attitudes during our pre-contact history. We still do have them, and they are starting to emerge in a way that is very good. Slowly we are being given recognition and dignity for who we are as the indigenous people of this land.

This country is built on the lives and deaths of Indians who are environmentally aware; whose societies operated within traditional systems of authority and law, and who lived culturally rich and deeply spiritual lives centuries before the Spaniards arrived. Until this is recognized and there is truth in history, the life of the natural world, which is the real foundation of the well-being being of this country, will continue to be lost.

I would like to end this story with a *Mutsun* word, *Noso-n*. It means "breath, so it is in spirit." There is no English word that comes close to the description of life for all living things, "*Noso-n*."

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<sup>1</sup> Transcribed and edited with the help of Ismana Crater.

<sup>2</sup> The Chemehuevi Tribe was federally recognized in 1970 and they were displaced to nonarable lands when the Parker Dam was constructed (1936-1940)

## FOUNDATION NOTES

### De Anza College Honors Bob and Marion Grimm



**B**ob and Marion Grimm — longtime supporters of the history center — were honored in November at De Anza College's 11th annual "A Night of Magic."

The theme of this year's fundraiser was "An Evening in Old California." Proceeds will benefit the college's Social Sciences and Humanities Division and the California History Center.

Marion served as a member of the history center's board of trustees for nine years. She has also volunteered at the Los Altos Historical Commission and the Los Altos History House. She was a driving force behind the creation of the Los Altos History Museum.

Bob served eight years on the Los Altos City Council and was mayor for one year. He worked daily with the architect and the contractor to create the Los Altos History Museum. He also served on the Audit Committee of the Foothill-De Anza Community College District Foundation.

*Foothill-De Anza District Chancellor Martha Kanter, center, congratulates Bob and Marion Grimm, who were honored at De Anza College's "A Night of Magic" in November.*

### Annual Fundraiser Planned for June 12

**T**he center's annual wine and cheese fundraiser is scheduled for Sunday, June 12. This year's event will honor longtime CHC instructors and former center director Jim Williams, who recently retired from teaching history at De Anza College.

Wine will be provided by the Bargetto Winery of Soquel. For more information, call the center at (408) 864-8712.

### Center to Celebrate Women's History Month

**D**uring the month of March, CHC will feature an exhibit commemorating the 10th anniversary of De Anza College's Women's Studies Program. Set to open on March 1, the exhibit will include historical background on the campus's program along with documentary photographs and text from the faculty members who helped create it. CHC will also host a reception and discussion about the anniversary and in observation of Women's History Month. Call (408) 864-8712 for more details.

### Center Loses Good Friend — Kay Peterson

**T**he California History Center lost a good friend and true supporter last summer when Kay Peterson died after suffering poor health for a number of years.

A dedicated docent and volunteer for the center, she taught for 20 years in the Sunnyvale School District where she established the School History Docent Program. Through the program — which featured a "history trunk" full of clothing, tools, and other artifacts — children were encouraged to touch the objects and to learn history by a "hands-on" approach.

Later the Sunnyvale Historical Society and Museum Association took over the

program, and welcomed thousands of school children to its museum at Murphy Park in Sunnyvale.

The CHC's former executive director, Kathi Peregrin, had a great appreciation for Peterson's commitment to local history. "Very few people that I knew during my career at the CHC had the commitment to bringing history to young people as Kay Peterson," Peregrin recalled. "She was a dedicated docent and volunteer for the center and as a retired teacher in the Sunnyvale School District was instrumental in bringing the history trunk program to the schools. In addition, she wrote a history of

the school district because she felt it was also important for organizations to document their own history. Kay was the kind of stalwart supporter, with her time, ideas, and money, that any organization is lucky to have in its membership."

Historian and author Yvonne Jacobson, a longtime supporter of the history center, also recalled Peterson fondly. "She made the past come alive by showing her students antique clothing, artifacts and toys drawn from an old trunk," explained Jacobson. "An excellent teacher, she is missed by all who knew her energy, her honesty and friendship."

# FOUNDATION NOTES

## New President For De Anza College

**B**rian Murphy, former executive director of the San Francisco Urban Institute at San Francisco State University and recognized as a leader in creating community-based learning programs, is De Anza College's new president, replacing Martha Kanter who is the college district's new chancellor.

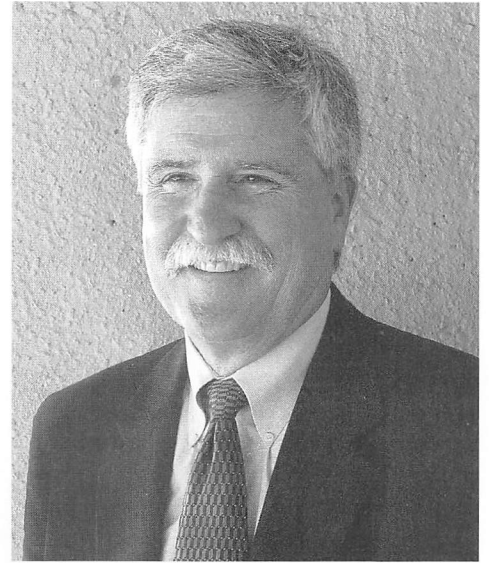
At his inaugural ceremony in November, Murphy stressed his desire to make civic education an emphasis for De Anza's students.

Murphy has served as executive director of the San Francisco Urban Institute at San Francisco State University (SFSU) since the institute's inception in 1992. The institute is a nationally recognized model of university collaboration with civic and community-based organizations, bringing together resources to address issues critical to the city

and the Bay Area, including economic development, workforce preparation, urban environmental restoration, inner-city education and health, and business and community development.

From 1989 to 1995, Murphy was director of external affairs for SFSU and from 1993 to 1998 was senior advisor to the chancellor of the California State University system. He was chief consultant to the California State Legislature's Joint Committee for Review of the Master Plan for Higher Education from 1985-1989 and served as chief of staff to then-Assembly Member John Vasconcellos.

Murphy holds doctoral and master's degrees in political science from the University of California, Berkeley, and a bachelor's degree magna cum laude in political science from Williams College.



*New De Anza President—Brian Murphy*

## Center Director Receives 2005 President's Award

**T**om Izu, director of the CHC, won the President's Award for the 2005 winter quarter. In announcing the award, De Anza President Brian Murphy said, "Tom Izu has made an enduring contribution to the college over the past 10 years. Under his direction, the CHC has developed into an uncommon resource for our students, faculty and the surrounding community."

Commenting on the award, Izu said, "I am honored to receive this recognition, but the award really needs to go to our staff, our board and the many, many community and campus individuals who have made our work at the center possible by volunteering, contributing, or providing advice and support on so many levels."

Each quarter the college president selects faculty or staff members for their "innovation and outstanding contributions" to the college.

Izu, who has been at the CHC since 1994, holds a B.A. degree in sociology from UC Santa Cruz.

## Memberships

### **Patron \$500** Martha Kanter

### **Sponsor \$100**

Thelma & Ray Epstein, Cozetta Guinn, Linda M. Quinterno, Nancy B. Bratman, Ronald L. Bottini, Albert Faris Jr., Jean G. Doyle, Margaret Wozniak, Audrey Butcher, William Lester III, Vicki C. Bierman, Michael S. Mahoney, George B. Cilker, Elizabeth Archambeault, Morton I. Levine

### **Supporter \$50**

Vera Randle, James G. Walker, Patrick J. Duggan, Sharon E. Blaine, Bill & Lorrene Palmer, Paula Jean Quinterno, Philip J. Grasser, Rosemary H. Stevens, Arthur E. Bayce, Mary A. Hanel, Walter & Elsie Matt, Bonnie L. Bamburg, Howard & Janet Hill, Patricia Snow, Aubrey L. Abramson, Sam & Mary Winklebleck, Betty VanDyke, LaVerne Prentice, John Smithson, Don & Jeanne Yeager, Colin Busby, Kurt Voester, Sharon A. Vick, Nils & Marie Lang-Ree

### **Family \$40**

Jean Libby, Russell & Mary Bartlett, Marilyn & Willis Crosby, Janet Wisnom Smith, Arthur & Jean Carmichael, Don & Orlene Tschantz, Fredrick Ditko,

### **Individual \$30**

Marie Smith, Marilyn Bauriedel, Lillian Pang, Julia T. Stephenson, Dale C. Mouritsen, Helen M. Kummerer, Robert Pierce, Mary L. Strong, D.C. McDonald, Sue Ellen Sprague, David I. Downey, Lillian Wurzel, Joseph Rosenbaum, Paul Trimble

### **Special Gifts**

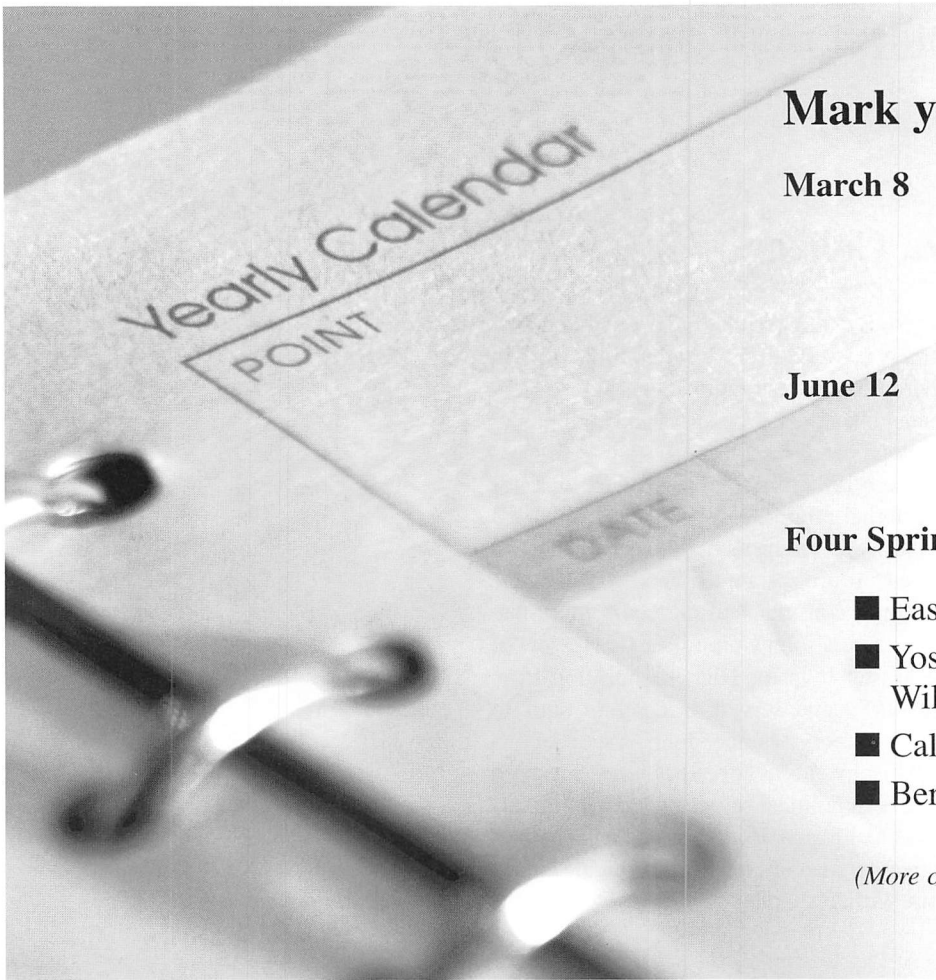
Hugh Stuart Center Charitable Trust, Miss Nancy P. Weston, Seven Springs Foundation, Stella B. Gross Charitable Trust

### **New Members**

Joe Holt, Donna M. Austin

### **Faculty & Staff**

A special thank you to the De Anza College faculty and staff who renew their memberships monthly through a payroll deduction plan.



## Mark your calendar

- March 8** Opening of CHC exhibit to celebrate the 10th anniversary of De Anza College's Women Studies Program
- June 12** The CHC's annual wine and cheese event

## Four Spring Classes

- East Bay Filmmakers
- Yosemite: Crown Jewel of the Wilderness
- California Under Spain and Mexico
- Berkeley: The Town and Gown of It

*(More class information on page 4)*



### California History Center & Foundation

A Center for the Study of State and Regional History  
De Anza College

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Regular Hours: Tuesday through Thursday  
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## CALIFORNIAN

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Your contribution is tax-deductible to the extent allowed by law. The value of goods received as a benefit of membership must be deducted from the amount of all contributions claimed as a deduction. CHCF members receive tri-annual issues of "The Californian" magazine and members who contribute at the \$50 level and above also receive a yearly Local History Studies publication.

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