Communication from Public

Name: Mike
Date Submitted: 10/18/2022 12:32 PM
Council File No: 22-1142
Comments for Public Posting: HELP STOP INDIGENOUS FRAUD! Fraud is rampant when using the quantum blood method (QB) method, an ineffective method that produces unreliable results. Because it does not work, it is not used by the BIA. This out of date practice was developed in the late 1880's, it wasn't accurate then and isn't accurate today. False Indian Census Rolls and or enrollment numbers have given rise to opportunistic and fraudulent activity. Historically, (even today), no due diligence was given to verify the authenticity of various people's claims of indigenous lineage. Instead, dubious claims have been fast-tracked and rushed through to reach allotments quotas. Because of the inherent problems of the quantum blood method, genealogy is the preferred and most accurate way to establish true lineage and is favored in important cases of dispute. Historically, the only other beings measured by blood quantum methods were horses and dogs. Indigenous people are not dogs, and we reject the use of faulty methods to establish questionable lineages as fact. Rather, we expect that the certified genealogy method be used, especially for cases where the establishment of one's lineage is of vital importance ASK FOR CERTIFIED GENEALOGY RECORDS We, the Kizh Gabrieleño Band of Mission Indians tribe are the original lineage descendents of the LOs Angeles/Orange County area. We have always used the time honored genealogical method and so we can prove every claim we make. There are other groups of people who are not able to back up their claims or even that they are Native Americans but these people are being fast tracked in the system for political convenience. We can only view these false entities and their political allies to be yet another version of modern day colonization, for they are attempting to suppress and erase our very existence. However, truth is truth and the point has come where our claims must finally be acknowledged. For us, (the true and well documented ancestral tribe of the Los Angeles/Orange County area), the time is now for us to finally get the respect and recognition we deserve. If the city council doesn't do their due diligence they are looking at lawsuit as well as humiliation for helping fraudulent individuals gain land when they have no indigenous blood to the area. I attached below an article explaining why Quantum blood doesn't work for tribe recognition. If you have any questions please feel free to email me

kizhindians@gmail.com

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Great Plains Regional Office
115 Fourth Avenue S.E., Suite 400
Aberdeen, South Dakota 57401

IN REPLY REFER TO:
Tribal Government Services
MC-304

September 10, 2018

The Honorable Harold Frazier
Chairman, Cheyenne River Sioux Tribe
Post Office Box 590
Eagle Butte, South Dakota 57625

Dear Chairman Frazier:

This letter is to inform you that the Bureau of Indian Affairs (BIA) is considering whether to end the practice of BIA personnel issuing Certificate(s) of Degree of Indian or Alaska Native Blood (CDIB). Your input and advice is appreciated in this survey. The BIA has issued CDIBs to individual Indians for several decades and we seek data to determine whether we should continue issuing CDIBs. Unfortunately, the absence of regulatory guidance has resulted in the inconsistent issuance of CDIBs by the BIA. Prior to making any final decision on this issue, the Assistant Secretary - Indian Affairs is seeking information on any potential impact that termination of the BIA CDIB program would have on tribes. To this end, the BIA Regional and Agency personnel will be conducting a survey that addresses CDIB-related matters for each tribe that is served within each Region and we seek your input and consultation on this effort.

Within the next several weeks, local BIA personnel will be reaching out to your tribal enrollment program point(s) of contact to gather CDIB information. Please note that the survey does not request any type of personally-identifiable information. Further, nothing in this process will affect tribes' ability to run their own CDIB programs – we are simply seeking information on whether the BIA should continue to issue CDIBs and whether this activity should be best left to the tribes themselves as a tribe's right to define its own membership and degrees of Indian blood is recognized as a central aspect of tribal sovereignty.

Please do not hesitate to contact Todd Gravelle, Supervisory Tribal Operations Specialist, Tribal Government Services, at todd.gravelle@bia.gov or at (605) 226-7376.

Sincerely,

R. Glen Melville
Acting Regional Director

cc: Superintendent, Cheyenne River Agency

Diane Lim of the Legislative Counsel's Office said that joint resolutions are not binding, i.e., in a court of law. However, she added, JRs do state "Legislative intent." This is defined in my Black Law Dictionary as:

> Legislative intent. Such is looked to when court attempts to construe or interpret a statute which is ambiguous or inconsistent to determine what lawmakers intended when they passed a partitular statute."

Since Ms. Lim expressed that it does not state meaning in a court of law, it is inconsistent with this definition.

Conclusion:

I have not shared the opposition with Rules. Should I? It will make a difference; I'm sure of that.

At this point, I have kept down the opposition. Ms. Alvitrey (see attached opposition) had me fax her AJR 48 (Morrow) and our AJR 96 late Friday. Mr. Velasques is interested in getting a resolution stating basically the same as ours, but I want to advise him that he won't have any problems with it conflicting with ours.

NOTE: Since, they (all expressing opposition to AJR 96) are all Gabrielinos and our **background supports all Gabrielinos**, why not have the resolution designate the Gabrielinos, period, as the aboriginal tribe of the L.A. Basin, instead of just the Gabrielino-Tongva Nation. This will satisfy the opposition, I think. In terms of the Gabrielino-Tongva Nation's Council as the legal representatives, I think we might have a problem: that is, Mr. Velasques' supposed contract with the State (see attached opposition). Again, keep in mind that our backgound **does not support the Gabrielino-Tongvas, but rather the Gabrielinos.**

We could present amendments in committee.

WORTHLESS PAPER & SHATTERED IDENTITIES

By Lorraine Escobar, CG/NAL[SM]
January 11, 2010

WORTHLESS PAPER & SHATTERED IDENTITIES

By Lorraine Escobar, CG/NALSM
January 11, 2020

Introduction

So, what makes you think you're a California Indian? A Certificate of Degree of Indian Blood[1] [CDIB] issued by the Bureau of Indian Affairs [BIA], a federal agency, a branch of the Department of the Interior [DOI]? Think again.

In the case of these certificates, an official government stamp, letterhead, and signature are no guarantee of accuracy. Another federal branch of the DOI – the Office of Federal Acknowledgment [OFA] – will not accept these certificates as solitary proof of Indian descent, and for good cause. Unless there is sufficient evidence to back up the claims made on these certificates, they are worthless paper.

My purpose in writing this paper is not to cause injury but to prevent it. It is far better to serve the needs of the whole than it is to serve the ego of the few who will no doubt find fault with having the truth revealed. But, rather than cater to the latter, I intend to educate individuals, tribes, prospective investors, and the general public on this matter. Let those who can embrace the truth do so.

Nobody likes to be the bearer of bad news. But, being an ethical genealogist requires me to tell it like it is. I had to inform one of my clients she was not the Native American Indian she thought she was. Her reaction was somewhat sullen. But, then she quickly snapped out of it and said, "Give me a couple of weeks to get over it. Then tell me who I really am." If only all my experiences could have been that simple. When I had to be the bearer of bad news to hundreds of people who believed throughout their lifetimes they belonged to a certain Indian tribe, the emotional costs were far greater.

An Historic TimeLine

As a certified genealogist having worked with many Indian tribes – federally acknowledged and unacknowledged – my experience compelled me to share what I have learned about CDIB's. But as I edited this paper, it seemed necessary to add a timeline of events. This list is, by no means, a comprehensive list of all events related to the California Indians but it includes the basic elements which contributed to the revelation of inaccuracies in the 1928 CIJA database:

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[1] Also known as *Statements* of Degree of Indian Blood.

- 1851 – Treaties made with California Indians, Guadalupe Hidalgo Treaties (never ratified)
- 1928 – The year Congress passed the California Indian Judgment Act to pay for the undelivered lands (as promised in the treaty) to California Indian descendants
- 1933 – The year the Bureau of Indians Affairs completed their first Roll for California Indians
- 1948/55 – The period during which the second CIJA enrollment occurred
- 1969/72 – The period during which the third CIJA enrollment occurred
- 1978 The year Congress passed the federal acknowledgment process (known as 25 CFR 83)

The Golden Carrot – The Impetus

In 1978, Congress passed legislation known as the federal acknowledgment process for Indian tribes. [25 Code of Federal Regulations [CFR] – Part 83] The purpose of this legislation was to "establish a departmental procedure and policy for acknowledging that certain American Indian groups exist as tribes."[2] If a tribe could pass all seven criteria, it could then enjoy the status of being federally recognized and all that comes with being a sovereign nation.

Since the passage of the federal acknowledgment bill, over three hundred groups have notified the United States Department of the Interior of their intent to petition for federal acknowledgement as an Indian tribe. Of those, 74 letters of intent were from California groups.

Tribal reorganization became a flurry. The regulations demanded each group to prove seven criteria—one of which is proof of descent from a historic tribe.[3] The approach to meeting this criterion varied from group to group. Some groups buckled down, did the research, and collected the hard evidence for every single tribal member and claimed ancestor. And, without question, some foolishly relied on paperwork from the Bureau of Indians Affairs (BIA), as a final authority. Why was it foolish? Because this authority was based on an imperfect collection of data—the 1928 California Indian Jurisdictional Act [CIJA] database.

The 1928 California CIJA Database – The Faulty Foundation

About 50 years previous to the passage of 25 CFR 83, California Indians had a unique experience which ultimately led to the creation of a massive database which is controlled

[2] 25 CFR part 83.2
[3] 25 CFR part 83.7(e)

by the BIA. The legislation that created it was the California Indian Jurisdictional Act of May 18, 1928. This act was the beginning of the triple enrollment process wherein people, who thought they were descendants of California Indians in 1852, signed up to become litigants in the lawsuit against the government for the undelivered land that was promised to them through the unratified treaties of Guadalupe Hildalgo of 1851. This enrollment process involved contacting all possible California Indian descendants and having them fill out a five-page questionnaire, which was then submitted to review for approval by BIA staff. By 1933, the data from over 11,000 applications was extracted and compiled into several indices, which serves as a database, in the least modern sense.[4] Also, a "roll" or list was also developed, in 1933, which listed the names of all persons who applied and were accepted.[5]

In those days, genealogy was not practiced as the scientific discipline it is today. But, Agent Fred Baker, who was assigned to this massive undertaking of enrolling California Indian descendants, needed something more objective than self-identification. Rather than using paper proof, which was not readily available, identification was handled through an affidavit process. Once an application was completed, two persons were required to sign a sworn affidavit that confirmed the applicant was who he claimed to be. Sometimes, there was a committee of elderly Native American Indians assembled expressly for this purpose, or relatives and friends.[6] Frequently, the affiant was the local sheriff or someone from outside the Indian community from which the person claimed he/she was from. Yet, even with such precautions, other extant factors set up the process to fail.

Those applicants who could read and write filled out their own applications. But, many persons could not read or write as was evidenced by the presence of thumbprints instead of signatures. They needed help in filling out their applications. Though some applications were typed, Agent Baker's unmistakable handwriting appears on many of those applications. It is nearly impossible to tell where specific information came from. And, it is not unusual to see repeats of specific information on the applications of siblings bearing Agent Baker's handwriting.

Some of the questions were very taxing. The applicants were asked to identify ancestors who were alive and living in 1852 and where they were living at that time, nearly ***80 years after the fact***. They were asked to state where their parents were born and where they married. They were asked to provide the names of their grandparents and their degree of Indian blood. People did not live as long as they do now. So, it is not surprising the applicant had no knowledge of their grandparents or provided misinformation about them.

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[4] The database is not being referred to here as an electronic database but a paper database.

[5] Bureau of Indian Affairs, Department of the Interior, 1928 California Indian Judgment Index; NARA-microfilm I-31; National Archives – Pacific Sierra Region and Laguna Niguel.

[6] National Archives – Pacific Region Catalog, Finding Aid RG 75 BIA CA Vol. 3, page 55; "In many cases a committee of elderly native Americans acted as witnesses to the authenticity of claims and to the fact of claimants being recognized as persons of California Indian descent."

At other times, the applicant did not even know his/her own date of birth. For many, just a birth year was given. For some, an exact birth date including a day, month, and year was entered that differs greatly from the true birth date when compared to a baptism or birth record. One has to ask – Was Agent Baker making assumptions or were the applicants encouraged to pick a date – any date – according to how old he/she looked?

One of the questions asked was "to what tribe or band of Indians of California do you belong?" For those Indians who were part of the California mission system, most often the name of a mission was entered rather than the name of a tribe. There are exceptions, of course, but this is true for the majority of applicants who were part of the California Mission system. One has to question if the answer was truly the applicant's claim or the result of Agent Baker making an assumption because of where the applicant lived or his/her birthplace.

Lastly, the affiant was not always a credible witness. Some were too young to have witnessed the facts as claimed by the applicant. And, persons who were outside of the Indian community were not likely to have personal knowledge of Indian parentage. In that case, it is more likely the affiant was swearing to the character of the applicant rather than having personal knowledge of the facts as stated. Even if an applicant was viewed as an Indian by such an outsider, this external identification was simply no substitute for the hard evidence which proves, or disproves, the claim. When enough doubt existed, even Agent Baker, who never met these people before, made comments to support the applicant's claim, such as "has the appearance of a half-blood Indian."

After finding the evidence that disproves or corrects such an application, I have been asked, "Do you mean to say my ancestor lied?" The answer is almost always, "No. They probably just didn't know and did the best they could." In the end, one never knows for sure, without independent verification, just how much help each applicant was given. Thus, this is why the application of evidentiary evaluation is essential in using these applications at all, especially for genealogy.

With all of these flaws, it is a wonder the truth was preserved at all. I have no doubt that Agent Baker did his best to collect this information. But, in the end, the data-collection system was too flawed to ensure reliability in every aspect. Unfortunately though, this was only the beginning of a very large problem.

The Amended Database – Perpetuating the Problem

A house is only as sturdy as its foundation. Adding to the extant database compounded the problem. The second (1948-1955) and third (1969-1972) "enrollment"[7] processes

[7] The use of quotes around the word – enrollment – is deliberate. The term is misleading in that, while it seems to represent tribal enrollment, it was only the means to sign up as a litigant in a lawsuit. Many

generated more thousands of applications most linking, in some way, to the original "roll" generated in 1933. Although some links were disputed, far too many went unquestioned leaving the original mistake uncorrected and compounded by additional claims.

Within the generation of second and third "enrollment" papers, the BIA categorized the applicants by claimed tribal affiliations. They used terms taken from anthropological reports, i.e., *Costanoan* instead of *Ohlone*, *Rumsen*, *Esselen*, *Mutsun* which are sub-groups of the larger Costanoan group. Meanwhile, the terms taken from the missions became more popularized, i.e. *Clareño* (Mission Santa Clara), *Juaneño* (Mission San Juan Capistrano), *Carmeleños* (Mission San Carlos de Carmelo Borromeo), etc. [These terms were found within the scripts and notes taken by linguist John Peabody Harrington, and anthropologists, C. Hart Merriam, Alfred Kroeber.]

Such broad categories were not satisfying to the younger generations. Some individuals researched their ancestry and their tribal histories in search of a more accurate description. Some people, who applied in the 1972 CIJA process, used the words *Esselen* and *Rumsen* to describe their tribal affiliation whereas their ancestors' tribal affiliation, in 1930, was simply stated as "Mission Carmel." Yet, in the paperwork generated by the BIA, their tribal affiliation was categorized as *Costanoan*. This tribal affiliation, by the BIA, just complicated the matter further.

Lastly, the BIA staff made comparisons to the answers to the blood-degree questions and often made reductions, which eventually replaced the original data collected from the 1928 CIJA applications.

The Certificates of Degree of Indian Blood

Tribal enrollment is a separate process from the enrollment in the 1928 CIJA process. Although some mistakenly think the 1928 CIJA application is proof of tribal enrollment, the federal government, and tribes alike, know differently. It was a lawsuit, not tribal enrollment. But, because tribal enrollment usually required some sort of evidence, some groups allowed the BIA to make a confirmation of Indian blood and tribal affiliation rather than relying on hard genealogical evidence. This reliance created a great demand for CDIB's. ***The only basis for the data on these certificates was the same data collected from the 1928 CIJA and subsequent enrollments which has had disastrous effects.***

First, the blood-quantum or blood-degree data is not reliable. Many people claimed to have more Indian blood than they could legitimately claim. Some did not know that some ancestors were actually Indian and claimed "none." And, from comparison of the genealogical charts contained in the 1972 CIJA files and the original indices created in

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people, even today, who participated in this "enrollment" process, erroneously believe they are enrolled with a tribe.

1933, blood-quantum data was corrected. If the applications in a family member's 1928 CIJA application indicated an ancestor was not Indian but another sibling indicated that the ancestor was Indian, the differences were re-calculated and corrected on the rolls – usually to the negative. But, if the data provided by the whole family was in agreement, the recorded blood-quantum stayed the same. It is only through independent verification and the application of the genealogical proof standards that one can be sure of the blood quantum at all. Yet, the certificate always contains blood-quantum information, ***whether or not*** it has been proven.

Secondly, the tribal name, as recorded in the 1928 CIJA database, may or may not be accurate. But, on nearly every certificate, the BIA will provide a tribal name based on the final decision that created the 1933 roll. Although a person may have been baptized at a specific mission, it did not mean they were part of the original Indian population for that mission. During the mission period, California experienced a population explosion of non-aboriginal people – Spaniards, English, French, Portuguese, Mexican (yes, some were Mexican Indian), and then some. As new pueblos were created with these new non-aboriginal populations, their children, and grandchildren, were baptized at the local missions. But, having been baptized there did ***not*** change their ethnicity.

There is no doubt that some CDIB's may be accurate but there are far too many that are not. Unless they are backed by reliable genealogical evidence, none of the facts can be taken as legitimate or proven. So, by itself, a CDIB is a worthless piece of paper and a glaring symbol of the federal government's failure to track its own mistakes or to verify the facts given to them.

During the second CIJA enrollment process, particularly in Southern California, it became evident some non-Indian persons were approved for the 1933 CIJA Roll. The DOI's Commissioner D. Myer heard that many Mexicans enrolled as Indians, but they would not take their names off of the list without proof they were illegally enrolled.[8]

> *We have been told that many Mexicans enrolled as Indians in 1928* ***but we cannot remove their names at this time without proof of the fact that they were illegally enrolled****…"*

Commissioner Myer further threatened to charge these illegal applicants with fraud but there was no federal action to rectify or investigate the complaints. Instead, the list was left to stand, unchallenged and unquestioned, until now – now that some tribes are trying to use this same data to prove their case for genealogy. And, the proof is far more easily retrievable than it was back in 1933.

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[8] Letter from DOI Commissioner D. S. Myer to Mr. Norman M. Little, dated 14 May 1951, p. 2; 4 pages, photocopy in possession of Juaneño Tribe of Mission Indians, petitioner 84A, 31411-A La Matanza Street, San Juan Capistrano, California 92675.

By 1933, over 11,000 applications were submitted, reviewed, and either approved or disapproved. The BIA staff literally took the word of as many witnesses as gospel. This was their first mistake. But, as time progressed and the CIJA enrollment process twice revived, the BIA did little to verify the people who received their monies in 1950 and 1972 were really California Indians. All anyone had to do was to prove their relationship to someone on the 1933 approved roll. Thus, the original mistake was perpetuated and compounded.

If a tribe tries to use CDIB's or any of the CIJA paperwork as proof of an Indian ethnicity, the OFA tells them this paperwork is worthless without reliable evidence to back up the claim. This arm of the federal government – OFA – knows this database is faulty, and yet, the BIA – another arm of the federal government – still treats it as the final authority and uses it to issue more certificates.

In a wholly different Native American Indian venue, these CDIB's are causing other problems. The Native American Heritage Commission [NAHC] is a California State agency created to preserve and protect Native American human remains and associated grave goods. The NAHC also issues an application that does not ask for proof unless there is a need to clarify tribal affiliation for repatriation. These CDIB's still remain a thorn in the process because sometimes that is all there is between a real Indian and an outright fraud.

The NAHC has welcomed independent reports with supportive evidence but it's a huge undertaking to have that kind of research done for every case they handle. They don't have the funding or the staff. In the same way, the BIA didn't have the means to conduct an independent verification of all of those applications back in 1933. But those reasons do not expunge the ramifications of using faulty evidence. They only compound the problems that tribes are encountering today.

Another mistake tribes, and individuals, make is basing tribal membership or tribal affiliation using an unverified and erroneous genealogy. In some cases, the faulty 1928 CIJA database is to blame. But, in other cases, it's a matter of not doing the genealogical homework. There is no substitute for real evidence or for applying sound evidentiary principles.

Oral history is indeed a treasured resource but it, too, can be abused if not put to an objective test. Generally, there is other evidence that will either validate oral history or refute it. Oral history is sometimes the result of hearsay and not an eye-witness testimony. Therefore, every effort must be made to ensure the oral history is not a hoax or the figment of someone's desperate imagination.

Then, there's *see-say* – seeing what was written on a 1928 CIJA application and believing it to be true with no evidence to support it. It is this latter phenomenon that lies at the root of much of the heartache I witnessed with the non-Indian families formerly associated with the Juaneño Band of Mission Indians.

The Heartbreak

While most of the compiled CIJA data may be accurate, too much of it is not. All it takes is one wrong link, and the ramifications are nearly endless. *The 1928 CIJA database can be and has been misleading*. Being misled feels like someone has lied to you. It may have been an honest mistake. But finding out one's tribe was another tribe entirely or that one was not a California Indian at all, after a lifetime of believing, is not an easy reality to face.

My work with one California group resulted in the discovery over half the tribal membership did not descend from the tribe they claimed.[9] I continually updated the tribal chair, and tribal council, of my findings and cautioned them about possible repercussions should they submit the flawed genealogy for federal recognition. The chair's words to me were, "If they told me they were [name of the tribe], then I believe them."

My response to her was, "Federal recognition does not afford you the luxury of denial." Despite my warnings, that tribal chair insisted I process as many applications as possible – whether or not the proof indicated the tribal members were Indian from the claimed tribal affiliation. As suspected, the tribe failed to meet the genealogical criteria in a very large way.[10] The aftermath will be felt for years to come.

For those tribes that can pass the rigorous process of federal recognition, the benefits can be powerful – protection, services, benefits, and tribal sovereignty. But, for those who cannot because the evidence demonstrates otherwise, the struggle and reality is heart-breaking, particularly for individuals who find out they are not whom they thought they were. And, the disappointment is great especially if they have made the hard sacrifices that are usually made to pursue federal recognition as an Indian tribe.

When the Juaneño Band of Mission Indians (petitioner 84A) first applied for federal acknowledgment in 2005, their tribal rolls contained the names of several hundred non-Indians or Indians from another tribe or band.[11] The tribal leaders, as led by Chairman Anthony Rivera, then recalibrated their membership according to real evidence. The names of several hundred persons were taken off of the tribal rolls.

Yes, to be sure, there were those who had done their research and already knew the grim truth before I told it to them; but those were far and few between. I met with those families who were taken off the rolls, some more than once. I showed them the evidence and the genealogy. I encouraged them to continue researching, embrace their real heritage

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[9] Ethical concerns preclude me from identifying this tribe.

[10] *Proposed Finding against the Juañeno Band of Mission Indians Acjachemen Nation (Petitioner #84B)*, dated 23 November 2007.

[11] *Proposed Finding against the Juañeno Band of Mission Indians Acjachemen Nation (Petitioner #84A)*, dated 23 November 2007.

and to be excited about learning the truth about their ancestors. For some, that was enough.

For others, it was a very large, bitter pill to swallow. Many, of these persons, spent more than 20 or 30 years believing they were Juaneño; some, their entire lifetimes. They worked endless hours and sacrificed unselfishly in this belief, to pursue federal recognition. Since the submission of the first tribal petition, these people set their hopes on succeeding as being a part of something special only to find out they did not possess the birthright. This disappointment shattered their sense of identity. And, there is no amount of evidence that can mend the broken friendships forged through thousands of hours of volunteer service.

Why Create an Accurate Database?

One by one, each 1928 CIJA application can be scrutinized and compared to other evidence. One by one, each lineage can be verified one way or the other. It takes diligent research and application of reasonable and objective evidentiary principles. To research 11,000 applications is a daunting project, to say the least, but not an impossible one. But, should it be done? Yes, it should be done. And here's why – To develop an accurate database would save a whole lot of heartache for a whole lot of people. For tribes who fail the federal acknowledgment process the first time, it would save precious time and resources. (Having just one chance left in the final determination stage does not leave much time to get at the real evidence.)

There are those people who "knew" they were Indian but never knew what tribe their ancestors were from. For some, laying eyes on the original 1928 CIJA application was the first clue (see-say). For others, it was the CDIB (based on the CIJA data). Upon learning the name of the tribe, the excitement of joining the modern tribe seemed to put all else to the wayside – namely, doing the homework to verify the facts presented by the CDIB. After all, if the government says they are Indian, who are they to argue? Somebody in their family got money for being a California Indian. So, why would the government make a mistake like that? This paperwork was a ticket to tribal membership, to an Indian-preferred job, to special education and training, or the right to have a say-so in what happens to Indian burial remains and grave goods. But some of these people had no history with the tribal community or they misunderstood the historical association.

For those who found they were not Indian, it was a double whammy. Not only were they not part of any tribe, they had to consider the possibility their relatives may have been party to deliberate fraud. Neither experience is pleasant to endure or witness.

For some who were Indian, their ties with the tribal community may have been unhitched so long ago that their descendancy alone is not enough to qualify as being part of the modern tribe. This is one part of the federal acknowledgment process that people find hard to accept. But, historic community is an essential criterion each tribe has to prove.

And, if there are a great number of Johnny-Come-Lately's, it can hurt their case tremendously. As well, federally recognized tribes are making decisions to deny new enrollment applications and to sever long-standing memberships based on the lack of historic community association.[12] Such enrollment decisions are decried, in newspapers and tribal entities all over California, as unfair or a violation of civil rights. But, every sovereign tribe has the right to determine its membership. That is just the way it is. And, no CDIB can make a difference – accurate or not.

Then there are those Indians who knew their tribe and their ancestors. Tribal identity was never a lost fact because the tribal community never ceased to be. For federally unacknowledged tribes, the CDIB's of non-Indians, or Indians from different tribes, is problematic. It interferes with tribal repatriation rights; in fact, it usurps their rights unless they go to the trouble and expense of doing the genealogical homework. And, even then, such a report is not assured to undo what one faulty CDIB has already done.[13] If the information in these CDIB's were actually verified, numerous conflicts could have been prevented and many more can be.

Then there are the investor groups who want to help Indian tribes get their recognition. Too many investors dive in without knowing the facts. If the homework is not done, it is possible to sell the investor a bill of goods that will not deliver as expected. Then for those who trusted the investor, the decision to invest becomes a liability all the way around. Surviving this present economy is tough enough but the only way to hedge a sure bet is to pay to have the genealogical homework done first; then, and only then, make the decision to fully invest in a tribe. Or, at the very least, the investment should get the genealogy done first. The rest is so much easier after being sure all members are Indian and from the same tribe.

Aside from protecting tribal interests, there is the individual Indian who needs his/her rights protected as well. He/she has the right to participate in repatriation, higher education opportunities, or Native American Indian preferred employment. With an accurate genealogical database which verifies and corrects the 1928 CIJA database, these rights can be protected.

How to Create the Database

Now building such a database is not particularly difficult to do, it is just vastly time consuming though it does require a rigorous application of genealogical proof standards. It is not just a matter of entering details from the 1928 CIJA applications into a database (which needs to be done separately) and making comparisons. It would also involve

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[12] Marc Cooper, "Tribal Flush: Pechanga People 'Disenrolled' en Masse," *LA Weekly News*, 3 January 2008*;* http://www.laweekly.com/2008-01-03/news/tribal-flush-pechanga-people-disenrolled-en-masse/.
[13] Matt Coker, "Anthony Rivera's Juaneño Indian Tribal Council Says Chief David Belardes Is No Juaneño," *OC Weekly*, 19 February 2009; http://www.ocweekly.com/2009-02-19/news/anthony-rivera-david-belardes-juaneno/.

doing research in mission and census records and extracts, and existent (and fairly reliable) compilations. Only after a reasonable research and evidentiary evaluation effort is made, the lineage would then be entered into a genealogical database along with citations and pertinent geographical data.

Because the project is so vastly time consuming, one has to consider time spent doing volunteer work against earning a living. The need is great but the means are meager. But if funding were available, with the help of knowledgeable genealogists and capable researchers, this work could possibly be done within five years.

Is there a way to recoup such an investment? Publishing such a database is not particularly conducive to retrieving an investment this large. Too many entities will take such work and then re-sell it as "used" cutting off royalties due to the author. There is always the possibility of charging for a subscription service (to the database on the internet) or for formal written reports to individuals, various agencies, or investor groups. Needless to say, this part has not been worked out but I'm certainly open to possibilities.

Who would have access? Ah, good question. Considering the information that will be gathered is over 70 years old, the data is all a matter of public domain. The compilation of it should be as well. After all is said and done, it would be a public service created to benefit everyone, but especially California Native American Indians.

It is always best to get at the truth, or at least, to come as close as possible. This way, the foundation upon which identity is built will be laid on firm ground. And, that is a respectable legacy to have and to leave to one's children.