



The Office of Chairwoman Charlene Nijmeh

Muwekma Ohlone Tribe of the San Francisco Bay  
20885 Redwood Road, Suite 232  
Castro Valley, CA 94546

January 20, 2023

Representative Anna Eshoo  
272 Cannon House Office Building  
Washington, D.C. 20515

Congresswoman Eshoo,

I have received your correspondence dated January 17, 2023, in which you confuse the issue of our existence and the reaffirmation of our federal status with Rep. Zoe Lofgren's continued trope about Indian casinos. Rather than continuing to conflate these two topics in the most racially presumptuous of ways, we ask again that you engage in the actual discourse at hand.

As you and your Bay Area colleagues may or may not know, Speaker Emerita Nancy Pelosi has committed to the Tribe her full support of the reaffirmation of our federal status – without conditions or the economic sanctions that your office has been demanding.

In a meeting at her office in Washington on January 11, 2023, Speaker Emerita Pelosi committed to communicating to you and the other members who participated in our meeting with the Bay Area delegation in your office on January 10, 2023, that she intends to support our reaffirmation and that she agrees that a cession of sovereignty related to gaming or anything else is unnecessary.

Indeed, extorting the cession of a vast swath of the Tribe's sovereignty in exchange for the Congress taking corrective action to merely fix a mistake of the federal government is horribly inappropriate.

The Speaker Emerita told us that she would be communicating her support to you. Please do let us know whether or not those communications have taken place, so that we can avoid "talking past each other". We look forward to hearing about your conversations on this issue with Speaker Pelosi's office.

During our January 10 meeting in your office, I was not given the chance to communicate with you and your colleagues in any fulsome way, as you and Rep. Lofgren abruptly ended the meeting before dealing with the substance of reaffirming our federal status.

**So let me reiterate here: The imposition of Rep. Lofgren's personal views on gaming is an inappropriate usurpation of the laws and entitlements that were established by the voters of California in two referendums that passed overwhelmingly. The issue of Indian gaming – despite our Tribal Council having no interest in gaming projects – is a policy matter that has been thoroughly settled by the voters of California and the Congress of the United States.**

That you continue to allow Rep. Lofgren to inject her personal views about gaming into a discussion that has absolutely nothing to do with gaming, undermines the relationship between our two governments in egregiously inappropriate way – and wreaks of a colonial mindset that we've yet to eradicate through education.

Following our meeting at your office, I shared with the Tribal Council the recording of our discussion that you had insisted on producing. I asked the Council to review it, as we see that discussion as an official communication between our two governments. They found the tone, substance, and situation documented in the recording to be deeply problematic, and passed the enclosed Resolution of Censure regarding your behavior.

Among the many things that the Council found troubling was Rep. Eric Swalwell's characterization of my petitioning of the Congress as "shooting arrows at Zoe". That language is demonstrative of unconscious bias and inappropriately attempted to cartoonize me with colonial 'cowboys and Indians' imagery while dismissively belittling very real and very substantial indigenous justice issues.

The Council was also troubled by Rep. Ro Khanna's use of very unsettling language in an apparent attempt to deny my Tribe's experience of colonialism while mansplaining his different experience with colonialism. I found the remarks deeply ignorant of American history and the history of California. That language is demonstrative of unconscious bias – or perhaps a more calculated attempt to obfuscate the very pressing issues at hand.

That you and your colleagues would allow your office staff to engage in such flippant and misleading communications with the leader of a sovereign Nation, would allow them to misrepresent those communications to you, and would enable them to defame the Tribe to third parties is behavior far beneath the dignity of your Office and demands a public apology.

We look forward to further communication with your office in hopes that this will be a teachable moment.

We ask for your response in writing and that you preserve staff emails, zoom recordings, and phone calls with and regarding the Tribe.

Sincerely,

Charlene Nijemeh  
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CC: Rep. Anna Eshoo  
Rep. Zoe Lofgren  
Rep. Jimmy Panetta  
Rep. Eric Swalwell  
Rep. Ro Khanna  
Rep. Barbara Lee  
Rep. Kevin Mullin