



The Office of Chairwoman Charlene C. Nijmeh

Muwekma Ohlone Tribe of the San Francisco Bay
20885 Redwood Road, Suite 232
Castro Valley, CA 94546
Muwekma.org • muwekma@muwekma.org

February 16, 2023

Chancellor David Faigman
University of California, Hastings Law
200 McAllister Street, Room 300
San Francisco, CA 94102

John K. DiPaolo, General Counsel and Secretary
University of California, Hastings Law
200 McAllister Street
San Francisco, CA 94102

SUBJECT: JONATHAN CORDERO'S MALICIOUS BEHAVIOR

Dear Chancellor Faigman and Mr. DiPaolo:

Disinformation is being disseminated by a little-known activist named Jonathan Cordero, in an attempt to undermine our Tribe's longstanding struggle to reaffirm our federal status. He has asserted several falsehoods about the Muwekma Ohlone Tribe's history that must be corrected for the public record. Cordero claims to represent the Association of Ramaytush Ohlone, a group that did not exist prior to 2009, when Cordero (who previously claimed to be Chumash) was informed by others of a distant ancestor with ties to Mission San Francisco (Milliken et al. 2009:329).

Mr. Cordero is actively orchestrating a perverse identity theft against the Muwekma Ohlone people in his attempt to invent himself into a tribal entity that never existed. The word 'Ramaytush' was brought into the academic discourse to denote a specific dialect of the Ohlone/Costanoan Indians, and was never used by the Ohlone people to describe themselves – whether on or off of the Peninsula that Mr. Cordero now inaccurately claims as his own.

Only following the publication of an ethno-historic study for the San Francisco National Park Service, conducted by Randall Milliken, Laurence Shoup, and Beverly Ortiz in 2009, referencing Angela Colos' work, did Mr. Cordero begin using the term. That reference led others to later apply the term. This word did not come from any of Mr. Cordero's ancestors or relations (Milliken et al. 2009:29).

- See link: https://digitalcommons.csumb.edu/cgi/viewcontent.cgi?article=1005&context=hornbeck_ind_1

While he continues to distribute disinformation with regard to Muwekma, Mr. Cordero has yet to provide any evidence that his direct ancestors were ever interviewed by anthropologists, historians, or Bureau of Indian Affairs officials at any point during the 20th century. He has yet to provide any evidence that his direct ancestors spoke any Ohlone language dialect during the 20th century; nor has he provided any evidence that his direct ancestors identified themselves as either Ramaytush or Ohlone on any documents during the 20th century.

Cordero has no evidence of any of his claims. He expects people to take him at his word, all the while denying an overwhelming body of evidence provided by a legitimate, historic, and previously recognized Tribe. He also does so in a feigned regard for all indigenous people, preying on the hearts and minds of those he is actively deceiving.

Mr. Cordero should be called to account for his apparent identity fraud against the indigenous people of the San Francisco Bay.

In a public posting on his website, Mr. Cordero states that:

Over the past year the Muwekma Ohlone Tribe (MOT) sought support from State Assembly-members, State Senators, and Congresspersons for the restoration of their purported previous federal recognition. CA SJR 13, the so-called “Muwekma Bill,” specifically called for the reaffirmation and restoration of the MOT “as a federally recognized Indian tribe”; however, *the MOT is not a previously federally recognized tribe*. Congress cannot restore federal recognition to a tribe that never had it in the first place.

The primary rhetorical strategy used by the MOT conflates the “Verona Band” with the “Muwekma Ohlone Tribe” and thereby falsely attributes statuses of the Verona Band, like previous federal recognition, to the MOT. For example, the MOT claims that the “BIA agreed that the [Muwekma Ohlone] Tribe is a historic and previously Federally Recognized Tribe”; however, those statuses (historic and previously recognized) were attributed by the BIA to the Verona Band not to the MOT. While a widely held belief among the Muwekma Ohlone Tribe and others, the notion of previous federal recognition is false; it is a myth that underlies and pervades the Tribes’ narrative.

The Muwekma Ohlone Tribe has provided several hundred pages of documentation substantiating that 100% of its current 614 members are all directly descendant from the Verona Band, which was previously federally recognized. Among that body of evidence:

- two 1900 federal Indian censuses for Pleasanton and Niles;
- anthropologist Alfred L. Kroeber’s 1904 field notes identifying direct ancestors of Muwekma Ohlone members;
- anthropologist C. Hart Merriam’s 1904 photos and field notes of direct ancestors of enrolled Muwekma Ohlone members;
- Indian agent Charles E. Kelsey’s 1905-06 census of the Tribe’s direct ancestors residing at Pleasanton and Niles;
- the 1910 federal Indian census of the Tribe’s direct ancestors residing at “Indian Town” near Pleasanton;
- two Kelsey maps of 1910 and 1913 identifying the Verona Band of Indians near Pleasanton;
- the 1914 interview of Angela Colos by UC Berkeley anthropologist Edward Gifford, and another in 1916 by J. Alden Mason;
- seven Muwekma men identifying as “American Indian” enlisted and served overseas in Europe during WWI in the Army, Navy, and Marine Corps, and four of whom were buried at Golden Gate National Cemetery (1914-1920)
- See link: https://www.academia.edu/72714956/Muwekma_Ohlone_Tribe_of_the_San_Francisco_Bay_Military_Service_History

The Muwekma Ohlone Tribe has also provided official correspondence from the Indian Service Bureau identifying the Verona Band under the jurisdiction of the Bureau of Indian Affairs’ Reno and Sacramento Agencies in 1914, 1923, and 1927 – as they were awaiting land purchases that were mandated by Congress.

As per the California Indian Jurisdictional Act in 1928, 18 BIA enrollment applications between 1929 and 1932 were approved by the Secretary of the Interior, and later affirmed in the federal courts, that include the direct ancestors and families of the Muwekma Ohlone Tribe. These approved BIA applications contained the names of 55 members of the Tribe. These are the same families who appeared on the earlier federal Indian censuses who comprised the Verona Band of Alameda County.

During World War II almost all of the Muwekma men served overseas in all branches of the Armed Forces in the Pacific, European, and North African theaters, including the 101st Airborne Division, the 82nd Airborne Division, the 508th Parachute Infantry Regiment, the 3rd Armored Division, the 14th Mechanized Cavalry Group, the 18th Cavalry Squadron, the 1st Marine Division, the 155th Engineers Combat Battalion, the 41st Infantry Division, the 226th Field Artillery Battalion, 58th Field Artillery Battalion, the 76th Infantry Division, the 345th Infantry Regiment, the 87th Infantry Division, the 89th Infantry Division, the 354th Infantry Regiment, 640th Tank Destroyer Battalion, the 1st Battalion, and on the *USS Enterprise*, as well as other divisions.

Lawrence Domingo, a Verona Band/Muwekma member, was sent to the Indian Boarding School at Sherman Institute from 1931 to 1940. He enlisted in the Marine Corps in 1940.

Two children of Verona Band/Muwekma members John Guzman and Flora Munoz, John Guzman, Jr. and Reyna Guzman attended the Chemawa Indian Boarding School in Salem, Oregon from 1944 to 1947.

In 1947, a Verona Band/Muwekma elder Ernest G. Thompson, along with other members of the Tribe, joined the Bay Area California Indian Council.

During the BIA's second enrollment period (1948-1955), twenty-one heads of Muwekma Ohlone households enrolled. During the BIA's third enrollment period (1968-1971) included Muwekma Ohlone members involved with saving the Ohlone Indian Cemetery between 1962 and 1971, and appeared in publications of the American Indian Historical Society's *Indian Historian* and in newspaper articles from the 1960s to present-day.

Mr. Cordero has failed to provide any documentation that his relations served in the Armed Forces as Indians or Native Americans; and he has failed to provided any documentation that his relations attended Indian Boarding Schools; and he has failed to provide any documentation that his relations (or members of his non-tribal organization) had participated in the Bay Area California Indian Council prior to 2009.

Indeed, Mr. Cordero has provided no documentation that any of his relations (or members of his non-tribal organization) ever identified as Ohlone Indians at any point prior to 2009.

A key component of Mr. Cordero's disinformation campaign is the deliberate mischaracterization of the BIA's determination regarding the Muwekma Ohlone Tribe's petition for federal recognition. You can read this falsehood in his recent online posting titled Muwekma Myths, which misinforms readers as follows:

Preliminary Determination

During the application process for federal recognition, the Bureau of Indian Affairs (BIA) granted the MOT a *preliminary* determination as the successor of a previously federally recognized tribe, the Verona Band, for the purposes of applying for federal recognition. The BIA determined in a letter dated May 24, 1996 that the MOT had "established, on a preliminary basis, that it is the same group as the [Verona] band identified between 1914 and 1927." With this preliminary determination the MOT had a "reduced burden of evidence"—they only had to prove tribal continuity from "the point of last Federal acknowledgement" (i.e., 1927) to the present.

The preliminary determination made by the BIA is just that—preliminary. In the same letter dated May 24, 1996 the BIA made it very clear that the letter "is a determination of eligibility to be evaluated under section 83.8, [Previous Federal Recognition] not a determination that the Muwekma meet the requirements of the acknowledgement regulations, section 83.7, as modified for previously acknowledged groups by section 83.8.

That final determination will be made during the active consideration of the Muwekma Petition.” A subsequent letter from the BIA dated March 14, 1997 confirmed the preliminary determination of the earlier letter. The BIA stated that “although the BIA has accepted, on a preliminary basis, that your modern group is the same as the band recognized in 1927, you still need to demonstrate the validity of that preliminary judgment.” The MOT attempted to validate that preliminary judgement in their petition for federal acknowledgement.

Final Determination

In order to receive a *final* determination for federal recognition, the MOT had to prove continuity of tribal existence from 1927 to the present. In its petition for federal recognition, the MOT failed to prove tribal continuity with the Verona Band based on criteria related to its status as an Indian entity, as a distinct community, and as a politically autonomous entity. According to the BIA, the MOT “does not meet criteria 83.7(a), (b), or (c) as modified by sections 83.8(d)(1), (d)(2), (d)(3), or (d)(5). In accordance with the regulations set forth in 25 CFR 83.10(m), failure to meet anyone of the seven criteria requires a determination that the group does not exist as an Indian tribe within the meaning of Federal law.”

The MOT is not a federally recognized tribe precisely because the MOT did not “demonstrate its continuity from a previously-recognized tribe and its continued tribal existence only since 1927.” Also, the MOT is not a previously federally recognized tribe for the same reason—the BIA determined that *the MOT is not the same tribal entity as the Verona Band*.

This last sentence is Mr. Cordero’s manipulative – and defamatory – personal opinion and interpretation, which draws its power from colonialist tropes and white supremacy. It is not a legal opinion, and he is not a lawyer. He fails to cite any evidence from the Bureau of Indian Affairs, the federal courts and Congress:

On May 24, 1996 the BIA’s Branch of Acknowledgment and Research (BAR) made a positive determination of “previous unambiguous Federal Recognition” (under 25 CFR 83.8) stating that:

Based upon the documentation provided, and the BIA’s background study on Federal acknowledgment in California between 1887 and 1933, we have concluded on a preliminary basis that the Pleasanton or Verona Band of Alameda County was previous acknowledged between 1914 and 1927. **The band was among the groups, identified as bands, under the jurisdiction of the Indian agency at Sacramento, California. The agency dealt with the Verona Band as a group and identified it as a distinct social and political entity.**

On January 23, 1998 an official correspondence from Michael R. Smith , the Area Director of the BIA’s Sacramento Agency, to Dena Magdaleno, the Chairwoman of the Advisory Council on California Indian Policy (ACCIP) Recognition Task Force, in which he concluded:

... The Bureau of Indian Affairs, Sacramento Area Office, is ready to assist the Tsnungwe Council and the **Muwekma Ohlone Tribe** in seeking administrative Federal recognition on the **basis your tribes were never terminated.**

In 1999, Muwekma Ohlone leadership sued the BIA after the Tribe was placed on the Ready for Active Consideration List as the only Tribe with a determination of “previous recognition.” Calculating the processing time of tribal petitions, it was estimated that a wait time of 24 years before the Branch of Acknowledgement and Research could commence an analysis of the Tribe’s petition.

On July, 28, 2000, the Federal District Court Judge in the District of Columbia wrote in his Introduction Memorandum Opinion Granting the Plaintiff’s Motion to Amend the Court’s Order that:

The Muwekma Tribe is a tribe of Ohlone Indians indigenous to the present-day San Francisco Bay area. In the early part of the Twentieth Century, the Department of the Interior (“DOI”) **recognized the Muwekma tribe as an Indian tribe under the jurisdiction of the United States** (Civil case No. 99-3261 RMU D.D.C.) (see attached).

As part of its response to the Proposed Finding in January 2002, the Muwekma Ohlone Tribe submitted to the BIA a copy of the final report of the congressionally mandated Advisory Council on California Indian Policy (H.R. 2144). In that report, entitled **Advisory Council on California Indian Policy Recognition Report – Equal Justice for California**, the ACCIP made the following conclusions about Sacramento Agency Superintendent Lafayette A. Dorrington’s actions in 1927:

The Dorrington report provides evidence of **previous federal acknowledgment** for modern-day petitioners who can establish their connection to the historic bands identified therein. Clearly, the BIA “recognized” its trust obligations to these Indian bands when it undertook – pursuant to the authority of the Homeless California Indian Acts and the Allotment Act –to determine their living conditions and their need for land.”

“The fact that some were provided with land and others were not **did not** diminish that trust. Among those California Indian groups that have petitioned for federal acknowledgment, there are several who can trace their origins to one or more of the bands identified in the Dorrington report. **The Muwekma Tribe** is one whose connection to the **Verona Band** has been recently confirmed in a letter from the BAR...” (ACCIP Report 1997:30)

Furthermore, as a consequence of the ACCIP’s recommendations to the Congress, in **Congressman George Miller** introduced a draft bill in 2000. Contained with the Draft Title II- section of the **California Tribal Status Clarification Act** the following language was presented:

(4) The **Muwekma** are the descendants of the native peoples who occupied the southern, eastern and western regions of the San Francisco Bay Area, including all of what is now San Francisco, San Mateo, Alameda and Contra Costa Counties, much of what is now Santa Clara County, and parts of Santa Cruz, San Joaquin, Napa and Solano Counties. Spanish missionaries forced the ancestors of the **Muwekma Tribe** into the Mission Dolores, San Jose and Santa Clara in the late 18th and early 19th centuries. In the 1830’s the Mexican government secularized the missions which resulted in the exclusion of the Muwekma from the three Bay Area missions and their resettlement in a number of rancherias in the Alameda County, including the Alisal Rancheria near Pleasanton, the Del Mocho Rancheria near Livermore, the El Molino Rancheria near Niles, as well as on rancherias in Sunol and San Leandro/San Lorenzo. The **Muwekma** people continue to reside in their aboriginal territory in the San Francisco Bay Area.

(5) The United States recognized all four tribes in the early part of the century as politically identifiable bands of Indians under its jurisdiction and eligible for statutory benefits and services. The Koi people were recognized as the Lower Lake Band, The Tsnungwe as the Trinity Tribe of Humboldt County and the Burnt Ranch, the **Muwekma as the Verona Band of Alameda County**, and the Dunlap as the Dunlap Band of Monos.

(6) The United States recognized the four tribes as eligible for the purchase of lands under the provisions of various Appropriations Acts allocating funds to purchase lands for homeless Indians in California. While the BIA recognized the **Muwekma**, Tsnungwe and Dunlap as tribes eligible for the purchase of land under these Acts, no land ever was purchased for them. The United States did, in 1916, purchase 140.46 acres of land in Lake County, know as the Lower Lake Rancheria, for the Lower Lake and Sulfur Bank Bands of Indians, but because so few Band members settled there, the Bureau of Indian Affairs later sold the land

(8) Congress has never terminated or expressed intent to terminate the status of the Lower Lake Koi Tribe, the **Muwekma Tribe**, the Tsnungwe Council or the Dunlap Band. Nevertheless, the Bureau of Indian affairs has refused to deal with the Tribes as federally recognized tribes. Notwithstanding the denial of federal benefits, services and protection, the Tribes have continued to maintain social and political ties from since the dates of last recognition by the Bureau.”

Mr. Codero has yet to provide any evidence that he, his family, or members of his non-tribal organization participated in the ACCIP hearing from 1992-1998. Mr. Codero has yet to provide any evidence that his organization existed – in any capacity – prior to 2009.

In the 2009 ethnographic report *Ohlone/Costanoan Indians of the San Francisco Peninsula and their Neighbors, Yesterday and Today* for the San Francisco National Park Service, Golden Gate National Recreation Area, the authors noted the following about Mr. Cordero's family history:

Until recently, it was believed that the last known descendent of a native Peninsula group died in the 1920s. We have now learned that **Jonathon Cordero**, sociology professor at California Lutheran University, traces his family's roots back to Francisca Xavier, a San Francisco Bay Costanoan from the Aramai village of Timigtac, on the Pacific Coast just south of San Francisco (Milliken et al. 2009:2).

Only one descendent family of San Francisco Peninsula Ohlone/Costanoans can now be identified. The family descends from Francisca Xaviera of the Aramai local tribe (of modern Pacifica) and her husband Jose Ramos (from Tulanzingo, Mexico), who married at Mission Dolores in 1783. Their children and grandchildren considered themselves **gente de razón**, [not Native Americans] and were so considered within the hierarchal world of early Hispanic California. Their modern descendants, who carry the surnames Cordero, Robles, and Soto, among others, **have not** participated as Indians in the modern cultural or political arenas. (Milliken et al.:239).

Gente de razón is a Spanish term meaning 'people of reason' or 'rational people' used in colonial Spanish America to refer to people who were culturally Hispanicized; it was also a social distinction that existed alongside racial categories within its caste system.

Mr. Cordero continued his diatribe against the Muwekma Ohlone Tribe, writing on his website that:

Lineal Descendant

Members of the MOT, however, are lineal descendants of the Verona Band, a previously federally recognized tribe. On the basis of lineal descent the MOT can correctly claim to be a successor of the Verona Band; however, as the BIA reminded the MOT, "a demonstration of a group's Indian ancestry is not sufficient to meet this [the continuity] standard." Tribal continuity refers: 1) to the identification of the Indian entity by other entities "on a substantially continuous basis," 2) the continued existence of a distinct community with consistent interactions and "significant social relationships connecting individual members" on a substantially continuous basis, and 3) the exercise of political authority over tribal members which includes decision-making and representation on a substantially continuous basis. In other words, proof of lineal descent from an historical Indian tribe does not constitute proof of tribal continuity.

There are at least three other tribes in the San Francisco Bay Area that are comprised of members who descend from the Verona Band, so any action to recognize the MOT on that basis and not the other groups is unjust. Also, all of the tribes in the San Francisco Bay Area have proof of lineal descent to an historic tribe, so if State and Federal legislators advocate for federal recognition of the MOT on that basis, they should do the same for other interested tribes as well.

Mr. Codero has provided no documentation of those elusive 'tribes' that he claims exist in the San Francisco Bay Area. He fails to identify documented 'tribes'. Instead, he identifies individuals and families whose relatives and lineages are enrolled in the Muwekma Ohlone Tribe as separate 'tribes'. Mr. Codero has not – and cannot – provide any independent verification of those groups' previous federal recognition, including the organization that he founded after 2009, which is now claiming to be such a tribe.

On October 30, 2000, an official correspondence from the Department of the Interior's Branch of Acknowledgment and Recognition, responding to Justice Urbina's Court Order regarding the Muwekma Ohlone Tribe's enrollment and descendency, states:

“... When combined with the members who have both types of ancestors, **100% of the membership is represented**. Thus, analysis shows that the petition’s membership can trace (and, based on a sampling, can document) its various lineages back to individuals or to one or more siblings of individuals appearing on the 1900, “Kelsey”, and 1910 census enumerations described above.”

Mr. Cordero continued his subversive assault against the Muwekma Ohlone Tribe by stating:

Self-Determination?

The MOT claims that it provided sufficient evidence to the BIA to meet the requirements for proving tribal continuity. For a variety of reasons, the BIA found the evidence insufficient to meet the requirements; therefore, the MOT was denied federal recognition for failing to prove tribal continuity from 1927 to the present. Still, the MOT persists in its argument that it has evidence of tribal continuity and is therefore the same tribal entity as the Verona Band. As Chairwoman Nijmeh contends, “The BIA ignores the fact that we have evidence of our tribal community dating back hundreds of years before the mission period.”

On September 9, 2002, the BAR made its Final Determination on the Muwekma Ohlone Tribe’s petition for recognition, saying in effect that the Tribe was previously recognized, was never legally terminated by any act of Congress, and that 100% of its members descend from the previously recognized tribe. Despite those findings, that Administration strained its credulity to claim that the Tribe did not meet the continuity standard. The BIA employs subjective interpretations of the recognition regulations against landless Tribes. This was one such subjective and unjust political decision.

Although their finding was negative – the BIA did inform the Muwekma Ohlone Tribe in its Final Determination that:

“When a Final Determination is negative, the regulations direct that the petitioner be informed of alternatives to this administrative process for achieving the status of a federally recognized tribe, or other means by which the petitioner’s members may become eligible for services and benefits as Indians (25 CFR 83.10(n)). ... **In addition, Congress may consider taking legislative action to recognize petitioners which do not meet the specific requirements of the acknowledgment regulations but, nevertheless, have merit.**” (page 7-8)

Furthermore, under the Summary Conclusions Under the Criteria (25 CFR 83.7) in its Final Determination of the Muwekma Ohlone petitioner, the BIA confirmed that:

“The review of all the evidence in the record concludes that the Muwekma petitioner has **satisfied** the requirements of 25 CFR 83.7 (d), (e), (f), and (g). That is, the petitioner’s constitution and enrollment ordinance describe its membership criteria and governing procedures, its members have demonstrated their descent from the **historical tribe** (in this case, from the Verona band last acknowledged by the Federal Government in 1927 and as defined in the Proposed Finding and Final Determination), the group is principally composed of those persons who are not members of another North American Indian tribe, and neither the group nor its members are the subject of congressional legislation **expressly terminating** or forbidding the Federal relationship.” (page 7)

For these reasons – and many other reasons – Mr. Cordero’s assertions are entirely without merit and appear to be part of a calculated campaign to disseminate disinformation—the motivations of which are unclear.

His behavior and misrepresentations of both the Muwekma Ohlone Tribe and his own non-tribal organization entirely negate any opinion he might have on these matters. Mr. Cordero’s mythology is rooted in colonialist tropes and perpetuates the power-structures of white supremacy. He sprinkles flowery qualifiers around his calculated lies.

Mr. Cordero is not a legitimate indigenous voice and he entirely lacks credibility on this matter.

His motivations should not only be questioned, they should be investigated. Simple questions unravel his false narratives and contrived positioning. What is his motivation to undermine the attainment of federal recognition and restoration by legitimate historic California Indian Tribes? Why does that justice offend Mr. Codero?

Who is Mr. Codero working with to coordinate his messages and disinformation campaign? From what sources has he received funding? Can he provide a timeline of his professional work and background leading to his current self-proclaimed role as an indigenous voice?

Can he provide any substantiating evidence of his assertions at all?

Mr. Cordero does not understand what a Tribe is and what constitutes a Tribal community. Mr. Codero is not a Tribe. He is an individual. The name of his non-tribal organization doesn't make a tribe.

The Muwekma Ohlone people have thousands of years of human history on our Bay Area homelands as evidenced by a recent Stanford and University of Illinois genomic study – which has conclusively documented the continuous existence of our community from pre-mission to present day. All of this has been conceded by the Bureau of Indian Affairs, historians, anthropologists, academics, and Bay Area universities. Will Mr. Cordero provide his DNA?

- See link: <https://www.science.org/content/article/ancient-dna-could-help-california-tribe-get-federal-recognition>

Cordero attempts to politically erase all that evidence in an attempt to create his own power base in San Francisco – without a shred of evidence or documentation supporting his claims of being anything other than an individual descendant of an indigenous person from the mid-1700s.

Unfortunately, this behavior is not new in our history – but we must not allow another era of false narratives to be perpetuated about the San Francisco Bay Area and its relationship with the original inhabitants of these lands. The institutions that give Mr. Cordero credibility must also be held to account. What due diligence have they done to verify his claims?

They, too, have a responsibility to demand verifiable evidence from all those who claim tribal status.

Respectfully yours,



Charlene Nijmeh, Chairwoman

CC: Morris Ratner, Provost and Academic Dean
Elizabeth Moore, Chief Communications Officer
Andrew Scott, Chief Human Resources Officer
Jenny Kwon, Assistant Chancellor and Chief of Staff