



Unitarian Universalist Fellowship of Sunnyvale

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Santa Clara County Board of Supervisors

Santa Clara County Planning Commission

Cc: info@protectjuristac.org

Re: Opposition to the Sargent Quarry Project on the Sargent Ranch Parcel / Protect Juristac

May 23, 2021

Our congregation affirms and stands united in our support for the Amah Mutsun Tribal band in opposing the Sargent Ranch Quarry Project proposed for land that is known as Juristac and sacred to the Amah Mutsun people. This proposal is ill-conceived and should be rejected for a multitude of reasons.

The issues begin in 1493 with the original "Doctrine of Discovery" by Pope Alexander VI stating that any land not inhabited by Christians was available to be "discovered," claimed, and exploited by Christian rulers and which was upheld by the U.S. Supreme Court in 1823 with Chief Justice John Marshall's opinion that "the principle of discovery gave European nations an absolute right to New World lands."

Our area was settled many thousands of years ago, when the confines of San Francisco Bay stabilized after the last Ice Age and villages were formed around it. California was densely populated by several hundred thousand Native People. From those very early times until the Spanish stumbled onto the Bay in 1769 and soon began forcibly removing people from their homes and putting them into missions, this land we're on was tended, preserved, and made productive by people who belonged to the land, but did not own it. During the brutality of the Mission Period, of the thousands of Native People in the Bay Area, only 5% survived.

After Mexico gained its independence from Spain in 1821, California was ruled by the new Republic of Mexico, and Mexican law opened up over 8 million acres of mission lands to private ownership. The missions' lands, without regard to the rights of the Indigenous People, were disposed of in large grants to White Californians or recently-arrived, well-connected immigrants from Mexico. Some of the Amah Mutsun people returned to Juristac at this time, but smallpox and pressures from American settlers led to their relocation to surrounding towns and ranchos.

With the discovery of gold in California in 1848, 200,000 miners arrived, "swarming like locusts," and people were driven from their lands and livelihoods by miners and settlers. In 1850, the new California State legislature enacted the *Act for the Government and Protection of Indians** which authorized the capture of Indians for use as slaves. Battalions of vigilantes hunted California Indians and by 1852, the state government was reimbursing them for the cost of their bullets and other expenses. State bonds totaling \$1.3 million were passed for this purpose. In just 20 years, 80% of California's Native Americans were wiped out through state-sponsored violence. The Act was repealed in 1863, but Native People were still bought and sold as late as 1877.

In 1851 and 1852, eighteen treaties were made between the United States government and Indigenous groups in California under three U.S. commissioners. With treaties, Native People ceded title to their land and agreed to accept reservations, and the government pledged to pay for the ceded land and permanently set aside the reservations for Native People's use. But White Californians strongly objected to the treaties, going to Washington to lobby against them, so these eighteen treaties were not ratified, were hidden away, and were only uncovered years later.

Unratified treaties have no force, so no land agreements were forthcoming. There were only two reservations in Northern California in 1900, at Hoopa in Humboldt County and Round Valley in Mendocino County, and one in Central California in Tulare County. All the uncounted, non-reservation Indigenous People living outside their borders had no legal rights, protections, or government support.

Once these treaties were uncovered in 1906, the Amah Mutsun and other California tribes gained federal recognition, though little help was forthcoming. Then, in January 1927, Sacramento Superintendent Colonel Lafayette A. Dorrington, who had responsibility for California's Indigenous People under the U.S. Indian Service Bureau, was directed by Washington to list by county all the tribes and bands yet to obtain land. Instead of doing so, on June 23, 1927, by generating a report, he unilaterally terminated federal recognition for 135 tribal bands throughout California including the Amah Mutsun and our other Santa Clara County tribe, the Muwekma Ohlone, reducing them all to landlessness. Under the 1934 Indian Reorganization Act, they were considered ineligible to organize.

Regaining federal recognition is a lengthy and prohibitively costly exercise. In the state of California, 81 tribes are currently petitioning for recognition according to the Bureau of Indian Affairs. Without federal recognition, the Amah Mutsun Tribal Band is not entitled to any support nor recompense for the loss of their land, and they own no land within their traditional territory.

There are many reasons we should allow Juristac to come back under the management and protection of the Amah Mutsun Tribal Band, and there are non-profit land trusts desiring to purchase this land in order to make that happen. It is a critical wildlife corridor between the Santa Cruz Mountains and the Diablo and Gabilan ranges to the south. It provides vital habitat that is increasingly scarce for many native species, including several that are federally-listed as threatened and others of special concern. The aquifer and precious water resources are also at risk from mining operations.

It should be clear to us all by now that the devastating effects of catastrophic wildfires mean we cannot continue business as usual without all of us suffering for it. Reintroducing traditional resource and environmental management as practiced before the arrival of Europeans would benefit us all. The Amah Mutsun deserve the right to reclaim their cultural traditions and practice their religious ceremonies, for which the land at Juristac was central. There is every reason to return these forests and mountains to those who cared for them for thousands of years, and for us to learn from their expertise. We urge you to see that this land is not developed, but preserved.

The past is done and gone, but as Rebecca Solnit writes in *Sierra Magazine*: "the future can be better, and we in the present are making that future now. And part of making a better future involves examining the past and trying to repair what was broken and hear who was silenced then."

Sincerely,

Reverend Nina Kalmoutis, Minister, Richard Govea, President, Board of Trustees
And affirmed by the congregation of the Unitarian Universalist Fellowship of Sunnyvale

*See *Early California Laws and Policies Related to California Indians* by Kimberly Johnston-Dodds, California Research Bureau, September 2002, prepared at the request of Senator John L. Burton, President Pro Tempore at <https://www.courts.ca.gov/documents/IB.pdf>