

1 BRADLEY S. PHILLIPS (State Bar No. 85263)  
brad.phillips@mto.com  
2 MUNGER, TOLLES & OLSON LLP  
350 South Grand Avenue  
3 Fiftieth Floor  
Los Angeles, California 90071-3426  
4 Telephone: (213) 683-9100  
Facsimile: (213) 687-3702  
5

NATALIE G. MOYCE (State Bar No. 341326)  
6 natalie.moyce@mto.com  
MUNGER, TOLLES & OLSON LLP  
7 560 Mission Street, 27<sup>th</sup> Floor  
San Francisco, CA 94105-2907  
8 Telephone: (415) 512-4000  
Facsimile: (415) 512-4077  
9

Attorneys for Defendants

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

ELIZABETH WEISS,  
  
Plaintiff,  
  
vs.  
  
STEPHEN PEREZ, in his official capacity as  
President of San Jose State University; *et al.*,  
  
Defendant.

Case No. 5:22-cv-00641-BLF  
  
**DECLARATION OF MICHAEL WILCOX  
IN SUPPORT OF DEFENDANTS'  
MOTION TO DISMISS**  
  
Judge: Hon. Beth Labson Freeman  
Date: June 2, 2022  
Time: 9:00 a.m.



# EXHIBIT A

## EXPERT REPORT OF MICHAEL WILCOX

### I. Introduction

I have been asked to provide expert opinions on two subjects.

A. The first subject concerns modern custom and practice and ethical standards among anthropologists and archaeologists with respect to the handling of Native American remains. Specifically, whether Professor Weiss's actions and behaviors are consistent with modern custom and practice and ethical standards among anthropologists and archaeologists with respect to the handling of Native American remains.

My conclusion, based on my extensive practical and academic experience with the handling and treatment of Native American remains, is that Professor Weiss's conduct—handling a Native American skull, without gloves, photographing herself with it, and posting that photograph on social media with a joking caption, and all without consulting with the culturally affiliated tribe(s)—was not consistent with modern custom and practice and ethical standards among anthropologists and archaeologists.

B. The second subject is whether the Muwekma Ohlone Tribe of the San Francisco Bay Area Region meets the criteria of a tribe as “a body of Indians of the same or similar race, united in a community under one leadership or government, and inhabiting a particular though sometimes ill-defined territory” and as the “modern-day successor” to a “historical sovereign entity that exercised at least the minimal functions of a governing body.”

My conclusion, based on my extensive knowledge of the history and present-day circumstances of the Muwekma Ohlone Tribe, is that the Muwekma Ohlone Tribe satisfies all of these criteria.

My detailed opinions are set forth below in **Sections III and IV**

### II **Expert Qualifications**

My CV is appended as exhibit 1. Among my specific qualifications for this review are the following:

I am currently employed as a senior lecturer in Native American studies with previous appointments in the department of anthropology as an associate professor and as a faculty

member in the archaeology center at Stanford University. I have been employed as a professional archaeologist, researcher and educator at Stanford University since 2001.

I have been working in the field of anthropology and archaeology since 1989, first as a lab technician in a human osteology lab at the University of California Santa Barbara under the direction of Professor Philip Walker PhD. The Walker lab was responsible for the analysis and repatriation of Native American human remains to the Patwin Tribe in the San Francisco Bay area. In this capacity I observed the standards and practices for the handling and treatment of human remains prior to the passage of the Native American Graves Protection and Repatriation Act of 1990. I graduated with distinction in the field of archaeology and continued my education at Harvard University in the Department of Anthropology. I hold a Master's Degree (1995) and Doctorate (2001) from Harvard University.

As a researcher, I have worked on collaborative archaeological and ethnic historic research projects with several tribes. These include: The Pueblo of Zuni in New Mexico; Tohono O'odham Nation of Arizona; The Pueblo of Cochiti in New Mexico; The Pueblo of Jemez in New Mexico; the Pueblos of Zia in New Mexico; the Pueblo of Sandia in New Mexico; Native Hawaiian peoples in Hawaii; and the Muwekma Ohlone Tribe of the San Francisco Bay Area. I have also designed and run collaborative field projects with tribal and Native Hawaiian partners from 1995-2022. In each of these projects, I have been involved in extensive consultation and collaboration with tribal leaders and local community members.

In that capacity, I am responsible for designing projects that meet the specific needs and burial treatment protocols for each tribe or community. I have published extensively through monographs and refereed journal articles on the subjects of Native American colonial histories; Indigenous rebellions and colonial violence; the relationships between Native American and other Indigenous groups and archaeologists; research design and collaborative methodologies with tribes; and the history and implementation of the Native American Graves Protection and Repatriation Act of 1990.

I have also served as a tribal liaison for the Muwekma Ohlone Tribe and consultant with agencies involved in the inadvertent discovery of human remains through Section 106 consultation at construction sites, state and national parks, national monuments, and open space district partners, as well as private landowners. I work with archaeological firms, the Coroner's Office of Santa Clara County, and other government agencies involved in the treatment of Native American human remains. My work entails interaction with and treatment of hundreds of Native American ancestral remains.

I have served on the human remains and repatriation committees at Harvard University and Stanford University. I am currently a member of the Human Remains Oversight Committee at Stanford University. We are responsible for developing protocols for the treatment of human

remains in medical school collections and in archaeological facilities on campus. I have served in leadership roles within the flagship professional organization of archaeologists – the Society for American Archaeology, as the Chair of the Committee on Native American Relations; Chair of the Indigenous Populations Interest Group; and I am currently the chair of the Decolonization Task Force.

Each of these positions is directly responsible for oversight and recommendation in the treatment of human remains, the processes of collaborative research with tribes, and the ethical obligations of archaeologists in relation to descendent communities.

I am also a former editorial board member of the flagship journal of our society – American Antiquity. I review research proposals for the National Science Foundation and have served as an anonymous reviewer for American Anthropologist, American Antiquity, the Journal of Social Archaeology, as well as the University of Arizona Press, University of California Press, Oxford University Press, and Cambridge University Press.

I am currently involved in archaeological, ethno-historical research in collaboration with the Muwekma Ohlone Tribe of the San Francisco Bay Area Region. This research project, funded by Stanford University, was began in 2008. I serve as an “acting” Tribal Historic Preservation Officer for the Muwekma Ohlone Tribe. I am responsible for initiating and developing research protocols for collaboration between researchers and the Tribe and representing Tribal interests in repatriation cases with the University of California, California State Universities, California Community Colleges, private museums, and other land-owning public and private entities.

**III Conclusions and analysis regarding the custom and practice and ethical standards among anthropologists and archaeologists with respect to the handling of Native American remains. Specifically, whether Professor Weiss’s actions and behavior are consistent with that custom and practice and ethical standards.**

As stated above, my conclusion is that Professor Weiss’s conduct—handling a Native American skull, without gloves, photographing herself with it, and posting that photograph on social media with a joking caption, and all without consulting with the culturally affiliated tribe(s)—was not consistent with modern custom and practice and ethical standards among anthropologists and archaeologists.

Respectful engagement, collaboration and consultation are not simply optional engagements in contemporary archaeological practice. In the past two decades, I have attended and presented papers at nearly every archaeological conference sponsored by the Society for American Archaeology. In no single talk have I ever seen an individual pose with human remains with an ungloved hand while smiling at the camera and making a joke. I am aware of no such event ever

happening, except in cases where a researcher is illustrating a point about terrible practices in the past. Even publications have begun to limit the kinds of photographs presented in texts. Instead, it is common for researchers to draw rough outlines of burials with the positions of bones. If human remains are displayed to indicate Paleo pathologies present in ancestral populations, the photographs are cropped to display only those features present in osteological materials that demonstrate a necessary presentation of osteological materials.

In addition, given the history of repatriation legislation, and recognizing the complicated history between archaeologists and anthropologists and Indigenous Peoples (as detailed below), one can reasonably conclude that the evolving ethics of archaeological practice regarding the treatment of human remains as centered on human rights discourse is not a false opposition of tribal peoples and scientists. The Muwekma Ohlone Tribe in particular has demonstrated time and again in numerous public reports and collaborative projects that the Tribe supports research but requires engagement, consultation, and the respectful treatment of human remains. Posing with crania with ungloved hands in front of boxes that enumerate the presence of 30 additional burials as well as the designation and location of a particular ancestral site, is disrespectful and would likely sabotage any collaboration with the Tribe.

#### **Consultation and collaboration.**

Repatriation legislation initiated large-scale collaborative and consultation initiatives between public agencies, museums, universities and tribes. This has accelerated with the movement towards land acknowledgements and other forms of recognition of California's tribal people.

I am not aware of a single archaeological study or project that does not require close collaboration and consultation with tribal communities regardless of their status as a federally recognized tribe or a state-recognized tribe. In fact, consultation with tribal communities is required by The **National Historic Preservation Act (NHPA)**; Public Law 89-665; 54 U.S.C. 300101 *et seq.*)

Construction projects, development projects, licenses, and permits all require consultation with tribes, especially in cases where burials are discovered and disturbed. Collaboration and consultation are both expected and recommended.

In fact, most consultation merely reflects a more balanced approach to the study and research of Native American ancestral sites. In my experience, any research that does not meet the specific needs of tribal representatives simply does not take place. It is routine for archaeological research objectives to be completely altered, abandoned, or modified in response to these consultations. Frequently though, consultation does not limit research at all.

Consultation, despite what many archaeologists believe, does not routinely halt archaeological research objectives and projects; quite to the contrary. In the case of the Muwekma Ohlone Tribe, the tribe does support collaboration with researchers who request consultation with them. In fact, the tribe operates its own archaeological company to facilitate the study and research of ancestral sites throughout the San Francisco Bay area. Ohlone Family Services is a tribally run nonprofit corporation which collaborates with cultural resource management firms, University researchers, and ethno-historians.

**Background and history:**

The Native American Graves Protection and Repatriation Act of 1990 (Pub. L. 101-601, 25 U.S.C. 3001 et seq., 104 Stat. 3048) was passed by Congress and signed into law in 1990 by President George H. W. Bush. Repatriation legislation was framed as a remedy for the failure of the Federal Government to address the specific needs of Native Americans in the treatment and possession of the ancestral remains of Native Americans. The legislation was framed as a human rights issue by Senator Daniel Inouye:

“In light of the important role that death and burial rites play in Native American cultures, it is all the more offensive that the civil rights of America’s first citizens have been so flagrantly violated for the past century. Mr. President, the bill before us today is not about the validity of museums or the value of scientific inquiry. Rather, it is about human rights. — Senator Daniel Inouye, Hawaii, October 26, 1990.

[https://documents.saa.org/container/docs/default-source/doc-governmentaffairs/repatriation/testimony-of-the-society-for-american-archaeology.pdf?sfvrsn=fd4db68c\\_2](https://documents.saa.org/container/docs/default-source/doc-governmentaffairs/repatriation/testimony-of-the-society-for-american-archaeology.pdf?sfvrsn=fd4db68c_2)

Repatriation legislation was initiated by Native American peoples as a response to the unremitting and continual collection of Native American human remains and artifacts from burial sites. These efforts began in the 19<sup>th</sup> century in an effort to establish and “verify” differences in intelligence and intellectual capacity among black and brown peoples. The collection of Native American human remains was often undertaken at the sites of battles during the Indian wars of the 1800s. Native American crania were collected from battle sites and shipped back to Washington D.C. The scouts and guides who aided the U.S. Army witnessed the taking of these crania. It is significant that the first repatriations involved the return of Native American bodies to the great grandchildren of those involved in the battles. The names of individuals were recorded, but tribes were unable to be returned their dead for over a century.

In fact, the Surgeon General was charged with the specific task of collecting Native American crania and bodies and depositing them in museums and universities. During this time, living members of “primitive races” were also exhibited in human zoos at the 1893 Chicago World’s

Fair. The position of researchers as “scientists” enabled and facilitated the removal and study of Native American remains as the intellectual and personal property of researchers in the service of Scientific Racism until the middle of the 19<sup>th</sup> century. The legitimacy of scientific racism was called into question after the Second World War when anthropologists discovered that Nazi researchers had attempted to develop criteria for the identification of Jewish people during the holocaust.

In the 1950s and 60s, the decolonization of large areas of Africa, Asia, and the Americas led to indigenous peoples and colonial subjects questioning the acquisition and display of artifacts and human remains within colonial contexts. Beginning in the 1960s, Native Americans began to advocate for the return of ancestral human remains. These efforts were thwarted by archaeologists and anthropologists who viewed these individuals as the property and data sets of researchers. International pressure grew, and in 1986 the World Archaeological Congress developed the Vermillion Accords on Human Remains in order to recognize the rights of Indigenous Peoples in the treatment of human remains. This represented a dramatic shift in public perceptions and attitudes about the relationships between archaeologists and Native Americans. The passage of NAGPRA represented the culmination of these efforts.

As part of this legislation, museums, universities, and other federally funded institutions were required to make inventories of human remains, burial goods, and associated funerary objects as well as objects of cultural patrimony. Once these inventories were completed, the most likely descendent communities were to be notified about the nature and scope of these collections.

Estimates of the numbers of human remains held in museums are difficult because many of these collections have not been studied since they were brought into museums and universities. The total number is estimated to be well over 500,000. The University of California Audit failed to account for the total number of human remains. As of 2016, the total estimate for the NAGPRA inventory at UC Berkeley alone is listed as 406,500 items.

<https://www.auditor.ca.gov/reports/2019-047/auditresults.html>.

Under NAGPRA, California State Universities and institutions were not required to consult with and repatriate the remains of non-federally recognized tribes. Instead, most of these collections were categorized as “culturally unaffiliated” or “culturally unidentifiable.” But repatriation should require only a general affiliation between a Native American population and the ancestral region in which they resided historically. These issues were clarified in CALNAGPRA and will be discussed further below.

**Treatment, study and display of Native American Human Remains: The United Nations declaration on the rights of indigenous peoples (UNDRIP 2007)**

The World Archaeological Congress, an international body representing the global community of archaeologists, refined its recommendations through the International Council of Museums in 2006. This group made recommendations emphasizing respect for human remains and consultation with and permission from descendent communities for the collection and display of human remains. These were not legally enforced but provided standards for behavior for archaeologists and museum workers. Following these recommendations has become commonplace within the archaeological research community. The main qualification for research is that one treats descendent communities with respect.

In 2007, the United Nations passed the United Nations Declaration on the Rights of Indigenous Peoples. This statement ensures the minimum standards for the protection of Indigenous Peoples. The declaration emphasized the rights of Indigenous Peoples to control their intellectual property, cultural heritage and ancestral remains:

*“Affirming* that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

*Recognizing* the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources”.

Section 12 specifies control over the treatment and disposition of human remains as a fundamental human right: These rights were affirmed by the United States government in 2010.

<https://web.archive.org/web/20131019173349/http://www.bia.gov/cs/groups/xraca/documents/text/idc1-021809.pdf>

*Article 12*

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

[https://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

**CAL-NAGPRA: A Remedy for tribes not covered by National NAGPRA**

In 2020, the State of California passed legislation, **AB-275: Native American cultural preservation**, to reverse long-held practices in the state of California that did not support repatriation to tribes that were seeking federal recognition or in the process of reaffirmation of that status. The Assembly Bill closed the final loophole that researchers had used in designating large collections affiliated with non-federally recognized tribes as “culturally unidentifiable”. This legislation represents the final wave of a shift in public sentiment and public policy about the treatment of Native American human remains. The legislation states:

*(a) In recent years, the State of California has made great strides towards treating California Indian tribes with respect and dignity. In 2019, the Governor issued Executive Order No. N-15-19 that recognized that the state historically sanctioned over a century of depredations and prejudicial policies committed by state actors against California Native Americans and apologized, on behalf of the citizens of the State of California, for the many instances of violence, maltreatment, and neglect California inflicted on tribes.*

*(c) California Indian tribes have suffered a unique set of circumstances, including, but not limited to, unratified treaties, termination, Indian indenture laws, the California mission system, boarding schools, and other violent and destructive policies and systems on a larger scale than anywhere else in the United States.*

*(d) These systems and government-sanctioned extinction policies and actions dispossessing California Indian tribes from their lands validated, permeated, and sustained a culture of historical mistreatment of California Indian tribes that existed brutally from around the 16th century through the early 20th century, with the aftermath of these policies and mistreatment still visible and tangible today.*

*(e) These policies and actions resulted in the separation of the California Indian tribes from many of their cultural items and Native American human remains.*

*(f) Throughout the state’s history, a key human rights violation has been that thousands of Native American human remains and items that are culturally affiliated with California Indian tribes are still not yet under the control of those tribes. Even though the tribal members are the legal decedents, these Native American human remains, and cultural items remain under the control of private and state-funded institutions and museums.*

*(g) In 1990, the federal government enacted and implemented the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. Sec. 3001 et seq.) to address this nationwide human rights violation.”*

## **The Society for American Archaeology Statement Concerning the Treatment of Human Remains April 14, 2021**

In 2021, the Society for American Archaeology issued a recommendation citing its “principles and ethics of stewardship and responsibility.” the Society statement reads:

“It is the archaeologist’s responsibility to seek and incorporate the perspectives of descending communities, affiliated groups, and other stakeholders in making decisions about how and whether to work with human remains...The work covered by the statement includes, but is not limited to, excavation, research, education, creation, exhibits and publication.”

### **“Principle 1: Working with human remains is a privilege, not a right.**

Archaeologists should approach work with human remains from a perspective of ethical stewardship, responsibility, and equity, rather than entitlement, ownership, or exclusivity. Any work involving human remains should respect the views and interests of descendent communities, affiliated groups, and other stakeholders. In some cases, this may mean that work should not be done unless it is legally required.

### **Principle 2: Human remains should be treated with dignity and respect.**

Human remains are deserving of the dignity and respect afforded to living people. This principle applies to all human remains, regardless of ethnicity, sex, age, religion, nationality, socioeconomic status, cultural tradition, form of burial, condition of remains, or circumstances of acquisition.

### **Principle 3: Archaeologists should consult, collaborate, and obtain consent when working with human remains.**

In each stage of work with human remains, archaeologists should make every effort to consult, collaborate, and maintain communication with descendant communities, affiliated groups, and other stakeholders. Archaeologists should consult and collaborate as broadly as possible, keeping in mind that there may be descendant communities, affiliated groups, and other stakeholders whose interests have not been previously recognized or acknowledged. Archaeologists should seek to obtain consent from descendant communities, affiliated groups, and other stakeholders for any work involving human remains.

[https://documents.saa.org/container/docs/default-source/doc-careerpractice/statement-concerning-the-treatment-of-human-remains.pdf?sfvrsn=f04be5ff\\_2](https://documents.saa.org/container/docs/default-source/doc-careerpractice/statement-concerning-the-treatment-of-human-remains.pdf?sfvrsn=f04be5ff_2)

**IV. Conclusions and analysis regarding the Muwekma Ohlone Tribe’s satisfaction of the standards for sovereign immunity under federal law.**

I understand that, under federal law, a tribe is entitled to sovereign immunity if it is “a body of Indians of the same or similar race, united in a community under one leadership or government, and inhabiting a particular though sometimes ill-defined territory” and is the “modern-day successor” to a “historical sovereign entity that exercised at least the minimal functions of a governing body.”

My conclusion is that the Muwekma Ohlone Tribe satisfies all of those criteria, for the reasons stated below.

**The Present-Day Muwekma Ohlone Tribe**

The present-day Muwekma Ohlone Tribe comprises all of the known surviving American Indian lineages aboriginal to the San Francisco Bay region who trace their ancestry through the Missions Santa Clara, San Jose and San Francisco. The Tribe’s 650 members are descended from the historic, Federally Recognized Verona Band of Alameda County.

The 650 members of the Muwekma Ohlone Tribe are represented by the heads of nine lineages and extended families. The heads of these families are nominated by the families and each serves a term in office. The lineage heads or tribal-council members elect a Chairperson and Vice Chairperson. The Chairperson has the authority to make final decisions about the governance of the Tribe. The Chairperson is responsible for interacting with government officials and other institutions and agencies in consultation processes. These include land-use, water rights, fishing and natural resource uses, and the protection of sacred spaces and ancestral sites and villages. The Vice Chair oversees a budget that is raised by the communities’ archaeological resource company, Ohlone family services. The Tribe provides legal and financial assistance to members who are in need. During the Covid epidemic, for example, many tribal members lost their jobs and the Tribe provided a food distribution service for its members as well as visits to elders. The Tribe also works with community partners in educational projects. Elementary and high school students consult with the Tribe in public education efforts.

Tribal council members as well as the Chairperson serve on the board of the Muwekma Ohlone Preservation Foundation. This is a land trust as well as nonprofit corporation sponsored by the Peninsula Open Space Trust, which is the fiscal sponsor of the organization. The Trust has applied for and received funding for the acquisition of land and expanding the institutional capacity of the Tribe. The Tribe works in collaboration with other Native American land trusts in restoring public lands to traditional uses, and the Tribe has initiated outreach to open space district and parks in order to facilitate prescribed burns. The Trust board comprises seven

members who work as legal counsel, financial counseling, public relations, public education, and community service.

The Tribe has the only known present-day Ohlone speakers. They work with the University of California Berkeley in linguistic programs designed to teach young people and adults how to communicate in this native tongue. In addition, the Tribe is actively engaged in consultation with every California State university and private museum about the repatriation of ancestral remains and cultural objects. The Tribe plans to purchase or acquire land for the reburial of its ancestors. The Tribal Council oversees each of these efforts.

The membership of the Tribe meets several times a year to engage with community members and enjoy each other's company. The Tribe has historically gathered in locations such as Stanford University. The University has hosted them during Christmas festivals where Stanford students and faculty sponsor a toy drive every year. These gatherings can occur outside and involve the collection of traditional foods and basket-making materials. The revival of the basket-making tradition is active within the Tribe as is the reintroduction of traditional food. Tribal members operate a restaurant known as Café Ohlone, which has been reviewed in *Bon Appetit* and is currently located on the site of the Hearst Museum.

### **A brief history of the Muwekma Ohlone Tribe of the San Francisco Bay Area**

The homeland of the Muwekma Ohlone Tribe includes San Francisco, San Mateo, most of Santa Clara, Alameda, Contra Costa counties as well as portions of Napa, Santa Cruz, Solano and San Joaquin. This large contiguous geographical area fell under the sphere of influence of these three missions between 1776 and 1836. The Spanish colonial policies of *reducción* (forcible removal) and *missionization* deployed by the Catholic Church and supported by military forces brought many distantly related and inter-married tribal groups together at the missions.

By the early 1800s, the majority of Bay Area tribes had been brought into these missions. Their presence was recorded in Mission registries. Between 1769 and 1834 when the mission system was nominally dissolved, the majority of Native Peoples in the missions lived in Mission San Jose. This is the wealthiest and largest native population in the area.

Comprehensive genealogical analysis of the Mission Baptism, Death, and Marriage Records from the three Bay Area Missions trace the surviving Muwekma lineages of the late 19<sup>th</sup> century back to several aboriginal villages. Present-day tribally enrolled Muwekma lineages are identified as: Armija/Thompson, the Santos-Piños-Juarez-Colos-Armija, the Guzman-Nonessa, and the Marine-Guzman-Peralta, Marine-Alvarez-Galvan, Marine-Sanchez, Marine-Munoz, Marine-Munoz-Guzman, Marine- Arellano, and Marine-Elston-Thompson-Ruano descended families. The current membership of the Tribe comprises these lineages.

With secularization of the missions in 1834, lands were to have been divided among converted native peoples. In fact, these lands were granted to non-native Mexican individuals and families. In the case of mission San Jose, Ranchos were divided between 10 to 12 families. Two of these land grants have been identified as belonging to Muwekma Ohlone ancestors. The first was awarded to an individual named Buenaventura. The other was known as the San Lorenzo Rancho.

In some cases, these laborers were allowed to perform ritual practices and ceremonies in accordance with their traditions. The extensive presence of Anglo and Mexican settlers in the San Francisco Peninsula and the violence visited upon California Natives resulted in migration to Mission San Jose and its surrounding ranches. The practice of inter-marriage and family alliance building was institutionalized through Catholic Godparenthood. Mission baptismal records provide the primary documentation supporting the presence of the tribe as a unified political, cultural and economic unit throughout the late 18<sup>th</sup> and early 20<sup>th</sup> centuries.

With the discovery of gold, Muwekma Ohlone ancestors were forced to seek safety in three large ranchos in the East Bay. These are documented as the Bernal Ranch; Alisal Rancheria and Niles (River) Rancheria. These ranches allowed for traditional practices to continue. In fact, the Ghost Dance which was influential among the plains tribes during the Plains Indian Wars, was practiced at Alisal Rancheria in the 1870s. The presence of high-ranking female and male leaders in baptismal records provides evidence of continued political authority throughout the colonial period. The direct ancestors of enrolled Muwekma lineages resided on and cultivated the lands of these Rancherias. In 1853 two brothers, Silvestre and Anciето Avendano applied for a land claim on behalf of the Muwekma Ohlone Indians using the U.S. Land Claims Commission. Their petition was denied.

California Tribes who are not currently recognized by the Federal government were in fact listed as partners in a series of treaties signed on the eve of the discovery of gold in 1848. In that year, military parties were dispatched to the gold fields of California to negotiate treaties and settlements with tribal leaders. These treaties, known as The 18 Unratified Treaties were brought to Congress to be ratified. With the discovery of gold, the treaties were not only not signed, but were locked in the national archives for an undetermined period of time. As a result, few California tribes were awarded property or offered protection by the federal government. Muwekma is one such tribe.

By the turn of the century, the Muwekma population shifted to the area of Niles Canyon and a village known as "Indiantown" in contemporary Pleasanton. The Alisal Rancheria had continued to provide safety for Muwekma tribal members until it was sold to Phoebe Apperson Hearst in 1886. Muwekma tribal members were hired to construct Hearst's estate. A train stop used for the deposit of construction materials was named after the estate. Known as "the Verona Station", Muwekma laborers were incorrectly labeled as the "Verona Band of Mission San Jose Indians".

In 1905, the 18 unratified California Indian Treaties were “discovered” by Indian Affairs officials. Charles E. Kelsey of San Jose, was appointed Special Indian Agent to California by the Commissioner of Indian Affairs in Washington, D.C. In 1905, Agent Kelsey was charged by the Bureau to conduct a Special Indian Census (1905-1906), in order to identify all of the landless and homeless tribes and bands residing from Los Angeles County in southern California north to the Oregon border, and all of the tribes listed in his census, were placed under federal jurisdiction by Agent Kelsey.

Based upon the results of Kelsey’s Special Indian Census, Congress passed multiple Appropriation Acts beginning in 1906 on through 1937, for the purpose of purchasing “home sites” for the many intact California Indian tribes and bands. One of the bands specifically identified by Agent Kelsey was the **Verona Band of Alameda County** residing near Pleasanton, Sunol and Niles (surrounding Mission San Jose).

The direct ancestors of the present-day Muwekma Tribe became Federally Acknowledged by the U.S. Government through the Appropriation Acts of Congress of 1906. Between the years 1906 and 1927, the Verona Band fell under the direct jurisdiction of the Indian Service Bureau in Washington, D.C., and later to the Reno and Sacramento Agencies. Agent Kelsey was tasked with purchasing land for landless tribes in California. Included in his list was Muwekma. Unfortunately, Kelsey was either unable or unwilling to purchase land for the tribe and instead used his discretion to appropriate funds to tribes who he determined to be in greater need.

In 1900, the federal government, for the first time, included Indians as a category in the US Census. Muwekma families appear in the 1900 Federal Indian Census for Niles, Washington Township and for Pleasanton, Murray Township. Agent Kelsey’s Special Indian Census of 1905-1906 and the 1910 Federal Indian Census of “Indian Town,” document the presence of Muwekma tribal members.

In 1914 Indian agency records and administration duties were formally transferred to the Reno agency in Nevada. The agency took no actions and likely never visited the tribe. Special agent and superintendent Dorrington was rebuked by the Central Office in Washington DC for failing to perform his duties, answer correspondence or refile reports. In 1927 Dorrington, without having visited the tribe, wrote that he did not think the “Verona band” needed any land.

Although the Tribe was left completely landless, and in some instances completely homeless, between 1929 and 1932 all of the surviving Verona Band (Muwekma) lineages enrolled with the BIA under the 1928 California Indian Jurisdictional Act. It was during this time period that Verona Band Elders still used their linguistic term “**Muwekma**” which means “**la Gente**” or “**the People**” in Chochenyo and Thámien. Enrollment in Bureau of Indian affairs rolls, while not providing property or material support of any kind, did result in Muwekma youth being sent to Indian boarding schools. Muwekma youth were sent to the Sherman Institute and Indian School in Riverside California.

## **Muwekma Rejection of Claims Commissions Payments**

The efforts of California Indians to sue the federal government under the Jurisdictional Act of 1928 resulted in the creation of the Federal Indian Claims Commission in 1946. This federal body allowed Indian groups to testify in court about the loss or theft of Indian lands. By 1966, all separate California Indian claims were consolidated into a single case. Beginning in the early 1950s, settlement checks for the sum of \$150.00 were issued as compensation for the loss of 8.5 million acres of land (with interest back to 1852), for the lands that were not recognized under the terms of the unratified California treaties.

By the late 1960s, a compromise settlement of \$29,100,000 was offered for 64,425,000 acres of land. After deduction of (BIA) attorney's fees (\$12,609,000), plus interest, the payment amounted to 47 cents per acre. Payments of **\$668.51** per eligible enrolled person was issued to Muwekma citizens in 1972. Many of these checks were not cashed.

During World War II Muwekma elders enlisted in the war and were designated as having Bureau of Indian affairs ID cards. With the construction of the highway system in the 1960s, a number of cemeteries and ancestral states were threatened with destruction. This resulted in the re-organization of the tribe from a council of tribal members and elders to a constitutional government. The present-day Muwekma Ohlone Tribe is governed by a Bureau of Indian Affairs Constitution. They are represented by a Tribal Council, and led by a Tribal Chairperson and Vice Chairperson.

## **Legal decisions and court cases**

The Muwekma Ohlone tribe is currently in the process of seeking reaffirmation from the Federal Government. Over the past decades several assistant Secretaries of Indian Affairs of have reaffirmed the status of tribes in cases in which the tribe was once federally recognized but never formally terminated. Termination of a tribe requires Congress to officially enact a termination proceeding. No such proceeding has occurred to date. Still, the identification of Muwekma as a tribe has been recognized in two Federal Court cases.

In *Muwekma Tribe v. Babbitt* (2000) 133 F.Supp.2d 30, the court stated 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 recognized the Muwekma Tribe as an Indian tribe under the jurisdiction of the United States. In more recent times, however, and despite its steadfast efforts, the Muwekma Tribe has been unable to obtain federal recognition, a status vital for the Tribe and its members."

The United States Federal District Court of the District of Columbia recognized in *Muwekma Tribe v. Kempthorn et al.* (Sept. 21, 2006) stated: "The following-facts are not in dispute. Muwekma is a group of American Indians indigenous to the San Francisco Bay area, the members of which are direct descendants of the historical Mission San Jose Tribe, also known as the Pleasanton or Verona Band of Alameda County ("the Verona Band"). From 1914 to

1927, the Verona Band was recognized by the federal government as an Indian tribe. Neither Congress nor any executive agency ever formally withdrew federal recognition of the Verona Band.

# EXHIBIT 1

STANFORD UNIVERSITY  
CENTER FOR  
COMPARATIVE STUDIES IN RACE AND ETHNICITY  
450 Serra Mall, Building 360  
Stanford University, Main Quad  
STANFORD, CALIFORNIA 94305-2034

## **CURRICULUM VITAE**

**Michael Vincent Wilcox**  
**33 Peter Coutts Circle**  
**Stanford, CA 94305**  
[mwilcox@stanford.edu](mailto:mwilcox@stanford.edu)  
<http://www.stanford.edu/~mwilcox/>  
**650-576-5663**

### **Employment**

Senior Lecturer, Native American Studies, Comparative Studies in Race and Ethnicity; College of Earth, Energy and Environmental Sciences, Anthropology (2017- present).

Associate Professor, Department of Anthropology, Archaeology, Native American Studies, Comparative Studies in Race and Ethnicity Affiliate (2012-2017).

Assistant Professor, Department of Anthropology, Stanford University, (2001-2012)

Cultural Resource Officer (THPO), Muwekma Ohlone Tribe, San Francisco Bay Area (2019-Present)

Resident Fellow, Murray House, Comparative Studies in Race and Ethnicity, (2003-2013).

### **Education**

HARVARD UNIVERSITY, Cambridge, MA  
Graduate School of Arts and Sciences  
Ph.D. ANTHROPOLOGY, June 2001  
Thesis Title: The Archaeology of the Pueblo Revolt of 1680: A Contextual Study of Ethnicity, Conflict and Indigenous Resistance in Colonial New Mexico

STANFORD UNIVERSITY  
CENTER FOR  
COMPARATIVE STUDIES IN RACE AND ETHNICITY  
450 Serra Mall, Building 360  
Stanford University, Main Quad  
STANFORD, CALIFORNIA 94305-2034

HARVARD UNIVERSITY, Cambridge, MA  
Graduate School of Arts and Sciences  
MASTER OF ARTS, ANTHROPOLOGY, June 1995  
High Pass awarded upon General Examination

UNIVERSITY OF CALIFORNIA, Santa Barbara  
BACHELOR OF ARTS, ANTHROPOLOGY, Magna Cum Laude, June 1993

Departmental Distinction in Major

Dean's Award: Certificate of Academic Excellence

Advanced College Honors Curriculum

### **Recent Profile: Indigenous Archaeology**

My research on the Pueblo revolt of 1680 helped inform my understanding of indigenous archaeology as an emergent set of practices and theoretical approaches in a variety of temporal and historical contexts. As a Native American archaeologist (Yuma), my approach to indigenous archaeology is based upon the premise that archaeologists working in colonial contexts should be explaining the presence and persistence of indigenous peoples rather than reinforcing the pervasive trope of indigenous peoples as invisible, extinct and marginal figures in contemporary society. Working against what I refer to as "terminal narratives", my research actively questions the use of disease, depopulation, conquest and acculturation as determining the contemporary fates of indigenous peoples. I believe that colonization is an active process that requires maintenance and that indigenous archaeology is a powerful tool for reversing these terminal narratives. This theoretical position creates a space for community engagement, the awakening of language, indigenous technologies and subsistence strategies and the role of education all the while recognizing the importance of sovereignty, political recognition and laws protecting cultural heritage.

While the Pueblo world was the location for the earliest contacts between Native Americans and Europeans in the early 1500s, California represented the terminus of Westward expansion in the United States and as such was the location of some of the most violent interactions in the 19<sup>th</sup> and early 20<sup>th</sup> century. This contributed to an extinction narrative facilitated by early 20<sup>th</sup> century anthropologists and helped enshrine a vision of Native Americans and California Indians in particular as the last of their kind. Similarly, Hawaii became the location for American imperialism in the Pacific and its history of reflects a similar struggle for cultural

STANFORD UNIVERSITY  
CENTER FOR  
COMPARATIVE STUDIES IN RACE AND ETHNICITY  
450 Serra Mall, Building 360  
Stanford University, Main Quad  
STANFORD, CALIFORNIA 94305-2034

and political sovereignty. Native Hawaiians have in recent years drawn from the work of archaeological researchers and environmental scientists in restoring traditional subsistence practices and stewardship of the land.

### Research Interests

Indigenous archaeology, colonization and violence, ethnohistory of Pueblo Indians of the American Southwest, The Pueblo Revolt of 1680, archaeological approaches to ethnicity, ancient DNA and identity, the construction of race in America (blood quantum), contact period and colonial archaeologies, Hawaiian archaeology, Indigenous subsistence technologies, food sovereignty, sustainability and Ahupua'a restoration; San Francisco Bay Area Native American historical archaeology, sovereignty and multi-scalar collaborative partnerships; Chaco Canyon, political and historical relationships between Native Americans, Native Hawaiians, anthropologists and archaeologists, ethnic identity and conflict, the colonization of Hawaii, Hawaiian systems of indigenous resource management, contested histories and sovereignty of self and community.

### Publications

#### Monographs and Books

*(In Prep) Claiming Home, Reclaiming History: Rebellion, Mobility and the Narratives of Invisibility Among California's Bay Area Natives. (Monograph).*

2015 *Rethinking Colonial Pasts Through Archaeology*, co-edited with Rodney Harrison and Neal Ferris. Oxford University Press. Oxford, United Kingdom.

2009 *The Pueblo Revolt and the Mythology of Conquest: An Indigenous Archaeology of Contact*. University of California Press. Berkeley, California.

#### Articles

*(In Prep) Reversing the Terminal Narrative: Rethinking Conquest from The Pueblo Revolt to the Indigenous Rebellions of California. (Journal TBD).*

*(In Prep) When is a conquest? Rethinking the Early Colonial and Indigenous History of the San Francisco Bay Area: Documentary and Archaeological Evidence from The Hinterlands (Journal TBD).*

STANFORD UNIVERSITY  
CENTER FOR  
COMPARATIVE STUDIES IN RACE AND ETHNICITY  
450 Serra Mall, Building 360  
Stanford University, Main Quad  
STANFORD, CALIFORNIA 94305-2034

(*In Prep*) Indigenous Rebellions and Resistance in Atlantic North America. Oxford Bibliographies in Atlantic History. (Oxford University Press).

- 2020 (*under editorial review*) "The Mythology of Conquest and Extinction on the Borders of the Spanish Empire: The Arc of History from New Mexico to California". Decolonizing "Prehistory": Deep Time and Topological Knowledge in the Americas. Gesa Mackenthun, Universität Rostock: Philosophische Fakultät Institut für Anglistik/Amerikanisti.
- 2017 Report: Initial Findings in the Excavation of San Mateo County Archaeological Site in the San Francisquito Creek Watershed, Windy Hill Space Preserve (SMA-810), Prepared for the Midpeninsula Regional Open Space District.
- 2016 Questioning Conquest in The Pueblo World, In *Contesting the Borderlands*. Edited by Deborah and Jon Lawrence. University of Oklahoma Press.
- 2015 Indigenous Archaeology and the Pueblo Revolt of 1680: Social Mobility and Boundary Maintenance in Colonial Contexts. In *From The Margins: The Archaeology of the Colonized*. Edited by Rodney Harrison, Neal Ferris and Michael Wilcox. Oxford University Press.
- 2014 Book Review: *Pueblo Indians and Spanish Colonial Authority in Eighteenth-Century New Mexico*. Tracy L. Brown. *American Historical Review, Oxford Journals. Volume 119, Issue 5: 1685-1687*.
- 2012 Colonizing The Genome: DNA and The New Raciology In American Archaeology. *Scientific Discourses and Cultural Difference*. Edited by Gesa Mackenthun. Waxmann Verlag, Berlin.
- 2010 Saving Indigenous Peoples from Ourselves: Separate but Equal Archaeology is not Scientific Archaeology. *American Antiquity*, Volume 75, Number 2, 221-228.
- 2010 Marketing Conquest and the Vanishing Indian: An Indigenous Response to Jared Diamond's *Guns, Germs and Steel* and *Collapse*. *Journal of Social Archaeology*. Volume 10, Number 1, 93-117.
- 2009 Marketing Conquest and the Vanishing Indian: An Indigenous Response to Jared Diamond's *Guns Germs and Steel* and *Collapse*. In *Questioning*

STANFORD UNIVERSITY  
CENTER FOR  
COMPARATIVE STUDIES IN RACE AND ETHNICITY  
450 Serra Mall, Building 360  
Stanford University, Main Quad  
STANFORD, CALIFORNIA 94305-2034

*Collapse*. Edited by Norm Yoffee and Patricia McAnany. Cambridge University Press. 113-142.

- 2009 NAGPRA and Indigenous Peoples: The Social Context and Controversies, and the Transformation of American Archaeology. In *Voices in American Archaeology: Society for American Archaeology 75<sup>th</sup> Anniversary Special Volume*. Society for American Archaeology Press. 178-192.
- 2005 Schizophrenia on the Frontier. In *Native American Voices on Identity, Art, & Culture: Objects of Everlasting Esteem*. Edited by Lucy Fowler Williams, William Wierzbowski, & Robert W. Preucel. University of Pennsylvania Press. 95-96.
- 2002 Social Memory and the Pueblo Revolt: A Postcolonial Perspective. In *Archaeologies of the Pueblo Revolt: Identity, Meaning, and Renewal in the Pueblo World*. Edited by Robert W. Preucel. University of New Mexico Press. 167-180.
- 2001 'Now the God of the Spaniards is Dead': Ethnogenesis and Community Formation in the Aftermath of the Pueblo Revolt of 1680. Robert W. Preucel, Loa Traxler and Michael Wilcox co-authors. *Traditions, Transitions and Technologies. Proceedings of the 2000 Southwest Symposium*. 71-93.
- 2000 Dialogue or Diatribe? Indians and Archaeologists in the Post-NAGPRA Era. In *Spirit Wars: Native North American Religions in the Age of Nation Building*. Edited by Ronald Niezen. University of California Press. 190-193.

### **Conference Papers**

2019. "Migrations, Identity, and History Through Genomics: A Pragmatic Approach for Indigenous Peoples and Researchers, with Alexander Ioannidis "I Kahiki ka ua, ako 'ē ka hale: A changing climate for Hawaiian archaeology" paper presented at the Society for Hawaiian Archaeology Annual Conference 2019
- 2018 "The San José Pueblo Papers: An Examination Agency, Resistance, and Persistence of Native Americans in the San Francisco Bay Area" paper presented at the Society for California Archaeology Annual Conference 2017-18.

STANFORD UNIVERSITY  
CENTER FOR  
COMPARATIVE STUDIES IN RACE AND ETHNICITY  
450 Serra Mall, Building 360  
Stanford University, Main Quad  
STANFORD, CALIFORNIA 94305-2034

- 2018 “Repatriating History, Claiming Home: Indigenous Archaeology and Survivance at the Edge of Empire” Invited Speaker, University of Texas at Austin.
- 2018 “The Mythology of Conquest and Extinction on the Borders of the Spanish Empire: The Arc of History from New Mexico to California” Invited Speaker. Decolonizing “Prehistory”: Deep Time and Topological Knowledge in the Americas. Universität Rostock: Philosophische Fakultät Institut für Anglistik/Amerikanisti.
- 2016 “Native Americans, Anthropologists, and Filmmakers” Invited Speaker with Irene Bedard, Wittenberg University Colloquium, Springfield, Ohio.
- 2015 “Cubism, History and Narrative in Archaeology: Shifting Borders and Disciplinary Boundaries from New Mexico to California.” Invited Speaker, Frixell Award Presented to David Hurst Thomas. Society For American Archaeology Annual Meeting, San Francisco California.
- 2014 “Franciscan Florida In a Pan-Borderlands Perspective: Adaptation, Negotiation and Resistance Language and Rebellion” Invited Speaker. Flagler Conference on Colonial History. Saint Augustine, Florida.
- 2014 “Collaboration 101: Practical Tips and Cautionary Tales In Community Based Archaeology” Discussant. Society for American Archaeology Annual Meeting. Austin Texas.
- 2014 “The Consequences of Social Violence in the Pueblo World.” Invited Speaker, Society for Anthropological Sciences Annual Meeting, Albuquerque New Mexico.
- 2013 “Indigenous Archaeology: A view of Indigenous Histories from The Pueblo World to Hawaii.” Keynote Speaker, Society for Hawaiian Archaeology, Kona Hawaii.
- 2013 “Origins, Influences and the Future: Indigenous Archaeology and the Narratives of History”. Invited Speaker, Society for American Archaeology Annual Meeting, Honolulu Hawaii.
- 2012 “North American Indigenous Borderlands History: A View From the Pueblo World” Invited Speaker, Native American and Indigenous Studies Conference, Mohegan Sun Connecticut.

STANFORD UNIVERSITY  
CENTER FOR  
COMPARATIVE STUDIES IN RACE AND ETHNICITY  
450 Serra Mall, Building 360  
Stanford University, Main Quad  
STANFORD, CALIFORNIA 94305-2034

- 2011 "Reversing the Terminal Narrative: Native American Histories and Indigenous Archaeology." Invited Speaker, Plenary Session. Society for Historical Archaeology Annual Meeting.
- 2011 "The Archaeology of the Pueblo Revolt of 1680: Social Mobility and Boundary Maintenance on a Fragile Frontier." Society for Historical Archaeology Annual Meeting.
- 2010 "The Life of the Project: Negotiating the Practical Ethics of Collaborative Research." Chair, Forum Discussion. Society for American Archaeology Annual Meeting.
- 2009 "Questioning Collapse: Narratives of Disappearance at Chaco Canyon and the Hohokam Heartland." Invited Speaker, China Institute of Archaeology, Beijing China.
- 2009 "Culturally Unidentifiable Human Remains Policy: What is at Stake for Archaeologists and Native Peoples?" Chair, Forum (Sponsored by the Indigenous Populations Interest Group) Society for American Archaeology Annual Meeting.
- 2008 "Terminal Narratives and the Pueblo Revolt of 1680." In Exploring Native American Concepts of Historical Archaeology. Discussant. Society for Historical Archaeology Annual Meeting.
- 2008 "Collaboration, Terminal Narratives and Continuity in the Pueblo World." In Something For Everyone: Approaches to Collaboration With Native American And First Nations Communities. Plenary Session Speaker (sponsored by the SAA Committee on Native American Relations) Society for American Archaeology Annual Meeting.
- 2007 "Colonizing the Genome: DNA And The New Raciology In American Archaeology." Paper presented at the American Anthropological Association Annual Meeting.
- 2006 "Colonization as Accident: Archaeology and the Creation of the 'Invisible Indian.'" Paper presented at the American Anthropological Association Annual Meeting.
- 2005 "Indigenous Archaeology, Postcolonial Studies and the Borderlands: A View From the American Southwest." Paper presented at the Society for American Archaeology Annual Meeting.

STANFORD UNIVERSITY  
CENTER FOR  
COMPARATIVE STUDIES IN RACE AND ETHNICITY  
450 Serra Mall, Building 360  
Stanford University, Main Quad  
STANFORD, CALIFORNIA 94305-2034

- 2005 “Archaeological Narratives and the ‘Invisible Indians’ Who Passed NAGPRA.” Paper presented at the Society for American Archaeology annual Meeting.
- 2004 “Statement as Chair of the Committee for Indigenous Relations regarding the Kennewick Man Decision.” Paper presented at the Society for American Archaeology Annual Meeting.
- 2004 “Integrating Native American Perspectives: Working With Educational, Professional and Cultural Barriers to Multivocality.” Paper presented at the Society for American Archaeology Annual Meeting.
- 2004 “Culture Contact: The View from the American Southwest in a Post-NAGPRA Age.” Paper presented at the Culture Contact Conference (Co-Chair), Stanford University.
- 2003 “Kennewick Man and the Reaction: Abandoning the Spirit of NAGPRA.” Paper presented at the World Archaeological Congress, Washington D.C.
- 2003 “Politicizing Archaeology to make the point that Archaeology is Not Political: the Kennewick Debacle in the Press.” Paper presented at the World Archaeological Conference, Washington D.C.
- 2002 “Scratching the Surface: Implications of Indigenous Archaeology.” (Symposium Organizer and Chair). Sponsored by SAA Committee on Native American Relations Denver, Colorado.
- 1999 “Communities of Resistance: Ethnicity and The Pueblo Revolt of 1680.” Paper presented at a Special Session on the Pueblo Revolt of 1680, Society for American Archaeology Annual Meeting.

### **Fieldwork and Selected Projects**

Principal Investigator: Muwekma Ohlone Historic Research Project, (2012-Present)

Principal Investigator and Director: Ho’l hou ka loko (Bridging Past Present and Future) Island of Hawaii Community-based Archaeology and Native Ecology Restoration Project- District of Hamakua; Kaloko-Honokohou National Park, (2019-Present)

STANFORD UNIVERSITY  
CENTER FOR  
COMPARATIVE STUDIES IN RACE AND ETHNICITY  
450 Serra Mall, Building 360  
Stanford University, Main Quad  
STANFORD, CALIFORNIA 94305-2034

Invited Researcher: Castles and Communities: Community Based Research and Education in Ireland. O'Connor Castle, Ballintober, County Roscommon Eire. Foothill Community College (2019-)

Principal Investigator: Preserving Cultural Heritage and Agricultural Technology in Ancient Hawaii: An Archaeological and Ethnobotanical Survey of the Breadfruit Economy, 2011-2013

Director, Stanford University Indigenous Archaeology Project, 2005-2012

Principal Investigator, Abó Archaeological Research Project, 2003-2004/ Director, Salinas Pueblo at Abó Archaeological Field School, 2004

Cochiti Research Project: project manager and research assistant, 1996-1998

Cultural Resource Management Youth Program Coordinator, Gila River Indian Community, Sacaton Arizona, summer 1995

Pueblo of Jemez, Indigenous Archaeology Field Project, Vice Provost for Undergraduate Education (VPUE), Research Grant, Stanford University, (2006 – 2012)

Vice Provost for Undergraduate Education (VPUE), Research Grant, Stanford University Archaeological Field School at Abó, New Mexico, (2003 – 2004, 2004 – 2005)

### **Selected Grants**

Principal Investigator: Muwekma Ohlone Historic Research Project, (2012-Present): Humanities and Sciences Dean's Fellowship, Muwekma Anthropological and Historical Project, 2012 – present (\$75,000)

Mid-Peninsula Regional Open Space District Archaeological and Historical Research Grant, 2013 – present (\$10,000)

Principal Investigator: Preserving Cultural Heritage and Agricultural Technology in Ancient Hawaii: An Archaeological and Ethnobotanical Survey of the Breadfruit Economy, 2011-2013 (\$20,000)

Director, Stanford University Indigenous Archaeology Project, 2005-2012

STANFORD UNIVERSITY  
CENTER FOR  
COMPARATIVE STUDIES IN RACE AND ETHNICITY  
450 Serra Mall, Building 360  
Stanford University, Main Quad  
STANFORD, CALIFORNIA 94305-2034

Led team of undergraduates on a tour of local archaeological and ethnographic projects among pueblo, Navajo and Ute communities in the Four Corners area (\$15,000 per year)

Principal Investigator, Abó Archaeological Research Project, 2003-2004/ Director, Salinas Pueblo at Abó Archaeological Field School, 2004

Cochiti Research Project: project manager and research assistant, 1996-1998

Cultural Resource Management Youth Program Coordinator, Gila River Indian Community, Sacaton Arizona, summer 1995

Pueblo of Jemez, Indigenous Archaeology Field Project, Vice Provost for Undergraduate Education (VPUE), Research Grant, Stanford University, (2006 – 2012)

Vice Provost for Undergraduate Education (VPUE), Research Grant, Stanford University Archaeological Field School at Abó, New Mexico, (2003 – 2004, 2004 – 2005)

Principal Investigator: Muwekma Ohlone Historic Research Project, 2012-Present

Principal Investigator: Preserving Cultural Heritage and Agricultural Technology in Ancient Hawaii: An Archaeological and Ethnobotanical Survey of the Breadfruit Economy, 2011-2013

Director, Stanford University Indigenous Archaeology Project, 2005-present

Principal Investigator, Abó Archaeological Research Project, 2003-2004

### **Research Grants, Teaching Awards and Scholarships**

Anne Medicine Award (Stanford University-wide Award): Comparative Studies in Race and Ethnicity Award for Outstanding Teaching, Mentorship and Service, 2010

Humanities and Sciences Dean's Fellowship, Muwekma Archaeological and Historical Project, 2012 – present (\$75,000)

Mid-Peninsula Regional Open Space District Archaeological and Historical Research Grant, 2013 – present (\$10,000)

STANFORD UNIVERSITY  
CENTER FOR  
COMPARATIVE STUDIES IN RACE AND ETHNICITY  
450 Serra Mall, Building 360  
Stanford University, Main Quad  
STANFORD, CALIFORNIA 94305-2034

New Mexico Pueblo Indigenous Archaeology Field Project, Vice Provost for Undergraduate Education (VPUE), Research Grant, Stanford University, (2006 – 2012)

Vice Provost for Undergraduate Education (VPUE), Research Grant, Stanford University Archaeological Field School at Abó, New Mexico, (2003 – 2004, 2004 – 2005)

National Academies of Science, Ford Foundation Postdoctoral Fellowship, University of California at Berkeley, (2004 – 2005)

Native American Studies Outstanding Mentor for Native American and Hawaiian students (student nominated): Stanford University, (2002-2018)

Mellon Foundation Dissertation Completion Award, (1999 – 2000)

Harvard Native American Program Doctoral Research Fellowship, (2000 – 2001)

Harvard University, Graduate School Prize Fellowship Admissions Award, (1993 – 2001)

Harvard University Certificate of Distinction in Teaching, (1996, 1997, 1998, 1999)

Mellon Foundation Dissertation Fieldwork Award, (1996 – 1999)

Derek Bok Center Graduate Writing Fellows Program Harvard University, (1997)

William Jones 1900 Fund for Native American Students at Harvard University, (1993 – 1999)

**Selected Teaching Experience and Sample Courses: Archaeology/Cultural Anthropology/ Ethnic Studies/Native American Studies**

- “Muwekma: Identity, Culture and the Narratives of History” This course explores the dynamic reawakening of local Indigenous people in California and the Bay area through a repatriation of history, landscape, sacred spaces and subsistence. Field based course.
- “Heritage, Environment and Sovereignty in Hawaii” This field-based course explores the cultural, political, economic and environmental status of contemporary Hawaiians. How has the local culture and landscape of Hawaii been transformed by agribusiness, tourism and military use and how

STANFORD UNIVERSITY  
CENTER FOR  
COMPARATIVE STUDIES IN RACE AND ETHNICITY  
450 Serra Mall, Building 360  
Stanford University, Main Quad  
STANFORD, CALIFORNIA 94305-2034

can Hawaiians reclaim sustainable food technologies, environmental management and food security in order to ensure community health for the “7<sup>th</sup> generation”.

- Native Americans in the 21<sup>st</sup> Century- This course examines the erasure of Indigenous peoples from the narratives of American society, questions the roles of colonization and cultural appropriation as ongoing social processes and highlights the resilience and “survance” of Indigenous peoples. We discuss language awakening, artistic contributions and the reclamation of historical narratives from the dominant society.
- “The Big Shift: Demographic and Social Change in America” This class uses the modes and methods of ethnographic analysis in an examination of changes in American society and culture. Topics explored include shifting demographics in the middle class, the working poor and the super wealthy, post-traumatic stress disorder among returning veterans from Afghanistan, white flight from suburbs to “whitopias”, modern agribusiness and the social life of food production and consumption, redemption and reintegration of former gang members in Los Angeles through non-profit employment enterprises.

### **Selected Repatriation Experience**

Stanford Human Remains Oversight Committee 2021-

Stanford University Repatriation Committee Chair, 2007-2016

Native American Program at Harvard: Faculty Advisory Board Member,  
Graduate School of Arts and Sciences, 1996-2000

Peabody Museum Repatriation Committee: Native American Representative,  
1996-2000

Graduate Student Representative to Anthropology Department Faculty, Harvard  
University, 1994-95

Summer Youth Program Organizer, Department of Cultural Resource  
Management, Gila River Indian Community: Sacaton, Arizona, 1994

Summer Youth Internship Program: Pueblo of Cochiti, New Mexico, summer 1996-  
2000

STANFORD UNIVERSITY  
CENTER FOR  
COMPARATIVE STUDIES IN RACE AND ETHNICITY  
450 Serra Mall, Building 360  
Stanford University, Main Quad  
STANFORD, CALIFORNIA 94305-2034

### **National Professional Positions Held**

Founding Member Harvard University Native American Program Leadership Circle,  
(March 2016 – Present)

American Antiquity Editorial Board Member, (2015 –2018)

Co-Founder and Chair: Bay Area Cultural Landscapes Research Group,  
(2014 – Present)

Founder: Coalition of Indigenous Archaeologists, (2008 – Present)

Series Editor: Archaeology of Colonialism in North America: University of Arizona  
Press, (2009 – Present)

Chair: Society for American Archaeology, Indigenous Persons Interest Group,  
Chair, (2006 – 2010)

Amerind Foundation, Selection Committee Member, (2005 – 2008)

Chair: Society for American Archaeology, Committee on Native American  
Relations, (2005 – 2006; 2008-2011)

Ford Fellow: National Science Foundation, (2005 – 2006)

American Antiquity Reviewer (2004-present)

Journal of the Native American and Indigenous Studies Reviewer (2015-Present)

American Historical Review Reviewer, (2009 – Present)

American Anthropologist Reviewer, (2008 – Present)

University of Arizona Press Reviewer, (2005 – Present)

Journal of Social Archaeology Reviewer, (2004 – Present)

Journal of Hawaiian Archaeology Reviewer (2016-Present)

STANFORD UNIVERSITY  
CENTER FOR  
COMPARATIVE STUDIES IN RACE AND ETHNICITY  
450 Serra Mall, Building 360  
Stanford University, Main Quad  
STANFORD, CALIFORNIA 94305-2034

## Media

(Stanford Report articles)

<https://news.stanford.edu/2019/11/19/stanford-course-moves-beyond-missions-native-american-studies/>

<https://news.stanford.edu/2019/11/14/jane-stanford-way-celebration-ceremony/>

<https://www.youtube.com/watch?v=lz1nuctQmAQ>

[https://www.youtube.com/watch?v=s7myzKQ\\_Er4](https://www.youtube.com/watch?v=s7myzKQ_Er4)

[https://archive.org/details/ReclaimingTheirVoiceTheNativeAmericanVoteInNewMexicoBeyond\\_432](https://archive.org/details/ReclaimingTheirVoiceTheNativeAmericanVoteInNewMexicoBeyond_432)

<http://nativeappropriations.com/2010/03/were-still-here-explaining-native-persistence-through-indigenous-archaeology.html>

Science, [Grave Disputes](#)

<http://www.sciencemag.org/content/330/6001/166.1.full>

Science, [Walking in Two Worlds](#)

<http://www.sciencemag.org/content/330/6001/168.full>

NPR Interview, [Our Times with Craig Barnes](#), Broadcast on KSFR Santa Fe

<http://www.craig-barnes.com/radio/>

<http://www.craig-barnes.com/media/wilcox.mp3>

Santa Fe New Mexican, [New book explores Spanish conquest brutality](#)

<http://www.santafenewmexican.com/LocalNews/New-book-explores-Spanish-conquest-brutality>

Albuquerque Journal, [Conflict of the Conquest Continues to this Day](#)

<http://www.abqjournal.com/north/28224017north03-28-10.htm>

UC Press Blog, [Indigenous Archaeology and the Pueblo Revolt](#)

<http://www.ucpress.edu/blog/5000/indigenous-archaeology-and-the-pueblo-revolt/>

## Motions

[5:22-cv-00641-BLF Weiss v. Perez et al](#)

ADRMOP

U.S. District Court

California Northern District

### Notice of Electronic Filing

The following transaction was entered by Phillips, Bradley on 2/24/2022 at 1:22 PM PST and filed on 2/24/2022

**Case Name:** Weiss v. Perez et al  
**Case Number:** [5:22-cv-00641-BLF](#)  
**Filer:** Vincent J Del Casino  
Roberto Gonzales  
Walt Jacobs  
Stephen Perez  
Alisha Marie Ragland  
Charlotte Sunseri

**Document Number:** [31](#)

#### Docket Text:

**MOTION to Dismiss *Complaint* filed by Vincent J Del Casino, Roberto Gonzales, Walt Jacobs, Stephen Perez, Alisha Marie Ragland, Charlotte Sunseri. Motion Hearing set for 6/2/2022 09:00 AM in San Jose, Courtroom 3, 5th Floor before Judge Beth Labson Freeman. Responses due by 3/10/2022. Replies due by 3/17/2022. (Attachments: # (1) Proposed Order, # (2) Declaration Sunseri Decl, # (3) Exhibit A to Sunseri Decl., # (4) Exhibit B to Sunseri Decl., # (5) Exhibit C to Sunseri Decl., # (6) Exhibit D to Sunseri Decl., # (7) Exhibit E to Sunseri Decl., # (8) Declaration Wilcox Decl., # (9) Exhibit A to Wilcox Decl.)(Phillips, Bradley) (Filed on 2/24/2022)**

**5:22-cv-00641-BLF Notice has been electronically mailed to:**

Bradley S. Phillips brad.phillips@mto.com, DKT-Filings@mto.com, mary.pantoja@mto.com, Melissa.Lee-Segovia@mto.com

Daniel Moshe Ortner DOrtner@pacificlegal.org, bsiebert@pacificlegal.org, IncomingLit@pacificlegal.org

Ethan Blevins ewb@pacificlegal.org

**5:22-cv-00641-BLF Please see [Local Rule 5-5](#); Notice has NOT been electronically mailed to:**

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**C:\fakepath\Weiss v. Perez MTD (MTO 2.24.22)).pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-0]  
[b05e30ef29e7ca7c4ca0b784c32cb75831912c635cc8c7acc3509d5e17687ad22efa  
960cc4b474d54129245a6fa536acfe74b45676844acca3d2db534258a743]]

**Document description:**Proposed Order

**Original filename:**C:\fakepath\CSU Case No. 522-cv-00641 Proposed Order to MTD.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-1]  
[5cc568d69297acf1b75ccadecd93255dc5de231ae13449d8049a1d9d37d691ff3e7a  
34412f47f066e00e1111c3a31f0649139d947658ffecfc4c9e013f34ac55]]

**Document description:**Declaration Sunseri Decl

**Original filename:**C:\fakepath\1-Sunseri Declaration ISO Motion to Dismiss.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-2]  
[5414ee045967ebf339191dcc2d402c4d630937ef18f4b884169b24fed68fa06e805a  
2e1387b1a8c52144d5116ca128a6c2f340daa5a89ba48c09fdcf562bf16d]]

**Document description:**Exhibit A to Sunseri Decl.

**Original filename:**C:\fakepath\Exhibit A - Sunseri.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-3]  
[b282c6db414f8f19197263c473196288d18a5bc88ffe59e9eed6c44fc810bf6a2d6a  
4891df4389bd78c0a009d44240b83289d23df720d40a0f408f8c756a39c7]]

**Document description:**Exhibit B to Sunseri Decl.

**Original filename:**C:\fakepath\Exhibit B - Preliminary Inventories List PDF Version (1).pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-4]  
[ae9356e8f1fe2ead1910c90107099b491b82958e1f9b6d43bfl1e7e51aad00d0d48d  
fc81a3455e8875f3ab09ce5c65383a8b62ce07009dc6ae7e9bee04136fde]]

**Document description:**Exhibit C to Sunseri Decl.

**Original filename:**C:\fakepath\Exhibit C - Total Consultations List.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-5]  
[8f8d33f99f20eb86014683e1ba6f079060d9c44a9a1d7fc377ae92cc6dad917529d8  
54fc133347ec52db50ae73846a9dbacef80a2f7010dba7d9b0fa52b7c706]]

**Document description:**Exhibit D to Sunseri Decl.

**Original filename:**C:\fakepath\Exhibit D - Oct 9\_ Muwekma OpEd.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-6]  
[135510b40fdc28b51c8eb64367bc380e9961403a3d0327768b91210f39839577ff08  
94551e6d0217258b732c9d32986d0c4a623602a31e83c7434859aaee02c]]

**Document description:**Exhibit E to Sunseri Decl.

**Original filename:**C:\fakepath\Exhibit E - Inventory Protocols\_AMR adapted from LCP.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-7]  
[919367c5819681e136dd485eb2c62976d1732f28ccb0ce3c47b58bf0f478eae99f17  
497de02b70fea6b2b9178c8665574bd5f3e221ea1e65359ec10467c505fb]]

**Document description:**Declaration Wilcox Decl.

**Original filename:**C:\fakepath\Wilcox Declaration ISO MTD.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-8]  
[83935df4db8bbe7c523c5c7929b392305fd42bdd96fcd642963cab6d62d053d6f460  
6500bb66cdf7a7c3fbc1fe4340b49a0636cb81cac977431ff4e47e4d9c6a]]

**Document description:**Exhibit A to Wilcox Decl.

**Original filename:**C:\fakepath\Ex. A - FINAL Wilcox Report.pdf

**Electronic document Stamp:**

[STAMP CANDStamp\_ID=977336130 [Date=2/24/2022] [FileNumber=18970581-9]  
[1d6ea61111108263ebf7c56bc4384b9833cc3ee3114f44827d3bb14fe7d13e629d  
4792c524ee0ae104dfcf77a344328ddd16f7874b8a57205b51777a27d4e0]]