

Ohlone-Costanoan
Esselen
Nation

*The Struggle for
Recognition:
Protecting the
Ancestors, Being
Together*

Centering Tribal Stories - UC Riverside

This curriculum module can be used as a case study to show how one federally unrecognized tribe has fought to continue their relationships with their ancestors by working to protect their ancestors' remains, burial sites, and sacred places. Because of the tribe's lack of recognition and the absence of a land base and tribal income, the Ohlone/Costanoan-Esselen Nation (OCEN) has developed intricate partnerships with other tribes, private landowners, commissions, corporations, the US military, cemeteries, museums, and local governments in order to bring their ancestors home and protect their burial sites. The videos in this collection give firsthand accounts from tribal members and are filmed on location. Most of the videos highlight Chairwoman Louise Miranda Ramirez and her heroic role in these efforts. Cultural monitors also share their experiences working at construction sites to protect ancestral remains and worlds. There is also recording of a theatrical play that connects Esselen creation stories to contemporary tribal members' experiences navigating settler colonial society, and a film that poetically engages Chairwoman Ramirez's philosophy and commitments as a caretaker for the dead, showing how her motivation is entangled with the care she continues to show for her daughter, Tiara, who passed away from leukemia when she was fourteen years old.

The module is organized around four themes: 1. Federal Recognition, 2. Colonial Property Relations, 3. Repatriation and NAGPRA, and 4. the Social and Political History of the Ohlone/Costanoan-Esselen Nation. It is also organized around and takes you via video to several sites significant to OCEN: the shellmound at the Presidio at Monterey, a construction site at Moss Landing, archeological and sacred site CA Monterey 264, Asilomar State Marine Reserve, the Pacific Grove Museum of Natural History, and OCEN's reburial site in Pacific Grove. In each location, and in relation to the difficulties confronted by the tribe and the forces arrayed against them, different forms of protection are demonstrated, from reburying items that rise to the surface of a shellmound as part of ceremonial practice, to negotiating the work of cultural monitoring with large corporations, to disrupting the building of basements and large houses that threaten burials and sacred spaces by appealing to the complex network of laws available. Taken as a whole, the module portrays the efforts of a nonrecognized tribe to continue the traditions of their ancestors who lived amongst and cared for the dead as a way

to ensure that the tribe remains together as a community into the future through their relationships to the ancestors.



Federal Recognition

Federal recognition means that the United States government recognizes the right of an Indian tribe to exist as a sovereign entity. From the Office of Indian Affairs: “A federally recognized tribe is an American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation, and is eligible for funding and services from the Bureau of Indian Affairs. Furthermore, federally recognized tribes are recognized as possessing certain inherent rights of self-government (i.e., tribal sovereignty) and are entitled to receive certain federal benefits, services, and protections because of their special relationship with the United States. At present, there are 574 federally recognized American Indian and Alaska Native tribes and villages.”

In California alone, there are more than 80 tribes without federal recognition. Many of these tribes are seeking recognition through the Office of Federal Acknowledgement. The OFA uses anthropological, genealogical, and historical research methods to assess petitions from tribes and make determinations about recognition status. During the treaty making process with tribes in California in the early 20th century, many tribes signed treaties with the federal government to ensure some continuity of their tribal relations in a genocidal context. These treaties were never ratified by Congress and were sealed from the public for fifty years. Even after efforts were made to federally recognize some of the tribes in California, based on testimony by settler anthropologists, many of these tribes lost their status. The Esselen were one such tribe, as documented by Deborah Miranda in her book, *Bad Indians: A Tribal Memoir*. Tribes seeking recognition face many hurdles, not the least of which is a form of settler legal recognition deeply entangled with the western social scientific criteria that was used to undermine tribal claims to begin with.

Many of the videos in this module can be used to demonstrate the difficulties unrecognized tribes face in enacting their sovereignty. OCEN’s efforts to protect their ancestors show how unrecognized tribes often navigate these systems in highly creative ways. The video, “Interview with OCEN Chairwoman Louise Miranda Ramirez at Sacred Site CA Monterey 264/NOAA Building/City Council Meeting,” demonstrates this creativity. It also shows how city

governments and property markets normalize ongoing colonization and elimination of tribal relations and ties to homelands.

Some further readings on this topic (see the full bibliography below for more):

-Kat Whiteley, *Justice in the Balance: The Indians of California versus The United States of America, 1900-1955*

-Olivia Chilcote, *Unrecognized in California: Federal Acknowledgment and the San Luis Rey Band of Mission Indians*

-Glen Coulthard, *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*



Settler colonialism is a system that seeks to destroy and eliminate Indigenous social and political relationships to homelands, to other tribes, and to other beings. It seeks to replace Indigenous social worlds with western property relationships which separate humans from the rest of “nature,” which becomes a material resource to be exploited. Social hierarchies based on ownership, labor, race, class, gender, and exploitation are put in place of Indigenous social worlds. The intricate systems of ownership--private, public, military, corporate, federally protected, easements, etc--that OCEN navigate in their attempts to protect their ancestors are all founded on this fundamental colonial replacement. The ability of the settler system to divide private property from the city-owned NOAA building and property with a public road, for example, is rooted in histories of dispossession as force of making property alienable and transmittable outside the ongoing relations the ancestors have to the present and future.

Many of the videos in this module can be used to demonstrate how OCEN navigates colonial property relations. The interviews with cultural monitors and Chairwoman Ramirez at Moss Landing in particular show the tactics the tribe employs to engage powerful corporations in order to slow down their reckless development and destruction of burial sites, sacred spaces, and Indigenous relations in order to protect them as well as the difficulty and often impossibility for tribal members to live in their homelands, as they have been priced out.

Some further readings on this topic (see the full bibliography below for more):

-Mishuana Goeman, *Mark My Words: Native Women Mapping Our Nations*

-Robert Nichols, *Theft is Property! Dispossession and Critical Theory*

-Patrick Wolfe, "Settler Colonialism and the Elimination of the Native"

-Brenna Bhandar, *Colonial Lives of Property: Law, Land and Racial Regimes of Ownership*

-William Bauer, *"We Were All Like Migrant Workers Here": Work, Community and Memory on California's Round Valley Reservation, 1850-1941*



Repatriation and NAGPRA

Repatriation is the process of returning ancestral remains and cultural items from the settler institutions that have captured them to the tribes in which they are in relation. The struggle for repatriation has a long history, but the US federal government attempted to regulate the process by passing the Native American Graves Protection and Repatriation Act (NAGPRA) in 1990. Legislation existed in piecemeal fashion prior to NAGPRA's passing, and the passage of the law is very much the result of activism on the part of Native people. Nonetheless, the law has severe limitations related to the forms of evidence it accepts, the possibility of stalling by institutions, the entanglements of social and physical sciences with settler law in both the legislative process and its enforcement, the criteria for cultural identification, and the difficulties it still poses for federally unrecognized tribes. CalNAGPRA was passed by the state of California in 2001 and AB275 was passed in 2020 to try to address some of these issues as they specifically effect California Indian tribes, but problems remain.

All of the videos in this module relate to the repatriation process and its difficulties, both generally and in relation to unrecognized tribes. "Interview with OCEN Chairwoman Louise Miranda Ramirez at Asilomar State Marine Reserve," "Interview with OCEN Chairwoman Louise Miranda Ramirez at Pacific Grove Museum of Natural History," and "Interview with OCEN Chairwoman Louise Miranda Ramirez at Reburial Site - E, Carmelo Cemetery in Pacific Grove, CA" all address the struggle by OCEN for repatriation of their ancestors, the processes and governing bodies involved, and the reburial ceremony performed by the tribe.

Some further readings on this topic (see the full bibliography below for more):

-Joanne Barker, “The Recognition of NAGPRA: A Human Rights Promise Deferred”

-Vanessa Esquivido and Brittani Orona, “[Continued Disembodiment: NAGPRA, CAL NAGPRA, and Recognition.](#)”

-Gerald Vizenor, “Bone Courts.”

-[NAGPRA](#), [CalNAGPRA](#), and [AB275](#)

-[AB52](#)



OCEN Social and Political History

The Ohlone/Costanoan-Esselen Nation have been in what is now called Monterey County since time immemorial. Their ancestors were subjected to enslavement by the Spanish in the missions as well as violence by the soldiers at the Presidio of Monterey. As with all tribes during missionization, they suffered unbelievable amounts of death during this time. During the Mexican period and the decommissioning of the missions through secularization, tribal members were forced into the local labor market. This continued with the transference of colonial territory to the United States and then statehood, along with accelerating dispossession from land relationships. These developments include the initial recognition of OCEN and then the removal of this status based on evidence provided by anthropologists. Much of this history is told through archival documents, first and second person accounts, and renarrativization by OCEN tribal member, Deborah Miranda, in her book, *Bad Indians: A Tribal Memoir*.

Many of the videos in this module address OCEN’s social and political history. “Interview with OCEN Chairwoman Louise Miranda Ramirez at the Presidio of Monterey” parts 1 and 2 and “Recording of Play *IYA: The Ex'celen Remember*” narrate these histories. The documentary style of the first two videos resonates with the theatrical presentation in the second in productive ways and together offer the possibility of conversation around methods of presentation.

Some further readings on this topic (see the full bibliography below for more):

-Deborah Miranda, *Bad Indians: A Tribal Memoir*

- Louise J. Miranda Ramirez, “Festival of Storytelling.”

-Malcolm Margolin, “Fighting for Our Rights: Louise Miranda Ramirez.”



Repatriation and NAGPRA

1. A Basic Introduction to NAGPRA

[Carrying Our Ancestors Home: What is NAGPRA?](#)

Landau, Patricia M., and D. Gentry Steele. “Why Anthropologists Study Human Remains.” *American Indian Quarterly*, vol. 20, no. 2, 1996, pp. 209–28.

Wilson, Diane Drake. “California Indian Participation in Repatriation: Working Toward Recognition.” *American Indian Culture and Research Journal*, vol. 21, no. 3, 1997, pp. 191–209.

2. The Problem with NAGPRA

Barker, Joanne. “The Recognition of NAGPRA: A Human Rights Promise Deferred.” *Recognition, Sovereignty Struggles, and Indigenous Rights in the United States*, The University of North Carolina Press, 2013, p. 95–113.

Daehnke, Jon and Amy Lonetree. “Repatriation in the United States: The Current State of the Native American Graves Protection and Repatriation Act.” *American Indian Culture and Research Journal*, vol. 35, no. 1, 2011, pp. 87–97.

3. Museums and the Management of Cultural Items and Ancestral Remains

Boissoneault, Lorraine. “Museums Once Coated Native Cultural Objects in Toxic Pesticides.” *Atlas Obscura*, 9 July 2020, <https://www.atlasobscura.com/articles/poison-on-native-objects-in-museums>.

Luby, Edward, and Melissa Nelson. "More Than One Mask: The Context of NAGPRA for Museums and Tribes." *American Indian Culture and Research Journal*, vol. 32, no. 4, 2008, pp. 85-105.

Vizenor, Gerald. "Bone Courts: The Rights and Narrative Representation of Tribal Bones." *American Indian Quarterly*, vol. 10, no. 4, 1986, pp. 319–331.

4. California Indians and the Spanish Missionization

Miranda, Deborah. "Introduction: California Is a Story" and "The End of the World: Missionization: 1776-1836" from *Bad Indians: A Tribal Memoir*. Heyday, 2013.

5. California Indians and NAGPRA

Miranda, Deborah. "Ishi At Large." *Bad Indians: A Tribal Memoir*. Heyday, 2013.

—. "In the Basement of the Bone Museum." *Bad Indians: A Tribal Memoir*. Heyday, 2013.

Orona, Brittani, and Vanessa Esquivido. "Continued Disembodiment: NAGPRA, CAL NAGPRA, and Recognition." Cal Poly Humboldt University, 2020, pp. 50-68,
<https://digitalcommons.humboldt.edu/cgi/viewcontent.cgi?article=1132&context=hjsr>.

Social and Political History of OCEN

Dissertations

1. Padilla, Sedna Villavicencio. *The UCLA Fowler Museum & Collaborative Repatriation: An Analysis of NAGPRA Compliance Working with California Indian Tribes*. University of California, Los Angeles, 2019.
 - p. 44. ". . . The Stanford University repatriation case of 1989, the first major repatriation done by a California university to the Ohlone tribe and before NAGPRA was enacted, also unnerved Meighan and his supporters.¹⁵¹ Academic freedom, research value of collections, or ownership beliefs are some reasons why anti-repatriation supporters disagreed with Stanford's decision . . . "

Articles & Books

2. Miranda, Deborah A. "Extermination of The *Joyas*: Gendercide in Spanish California." *GLQ: A Journal of Lesbian and Gay Studies*. 16(1- 2):253–284, 2010.

3. —. “They Were Tough, Those Old Women Before Us”: The Power of Gossip and Felt Theory in Isabel Meadows’ Narratives (*Biography*, 06/2016, Volume 39, Issue 3)
4. —. “Saying the Padre Had Grabbed Her: Rape is the Weapon, Story is the Cure.” *Inter/texts*, 2010.
5. —. “Dildos, Hummingbirds and Driving Her Crazy: Searching for American Indian Women’s Love Poetry and Erotics.” *Frontiers*, 2002.
6. —. “What’s Wrong With a Little Fantasy? Storytelling from the (Still) Ivory Tower” and “Footnoting Heresy.” *This Bridge We Call Home: Radical Visions for Transformation*, Routledge, 2002.
7. —. “Nomadic Tongues: American Indian Writers.” *Shenandoah. Introduction to the special Native American portfolio issue*. Ed. by R.T. Smith. v. 54 no. 3, 2004.
8. —. “I Don't Speak the Language that has the Sentences: An Interview with Paula Gunn Allen.” *Sojourner: The Women's Forum* 24. 2, 1999.
9. —. *Raised By Humans*. Tia Chucha Press, 2015.
10. —. *Bad Indians: A Tribal Memoir*. Heyday, 2013.
11. —. *Sovereign Erotics: An Anthology of Two-Spirit Writing*. University of Arizona, 2011.
12. —. *The Zen of La Llorona: Poems*. Salt, 2005.
13. —. *Indian Cartography: Poems*. Greenfield Review, 1999.
14. Rhyce, Walter. “[Ohlone/Costanoan-Esselen Nation rebury their ancestors in a historic ceremony.](#)” Monterey County Weekly, 2017.
15. Ramirez, Louise J.Miranda. “Festival of Storytelling.” *News from Native California*, vol. 25, no. 1, Fall 2011, pp. 16–18.
 - The article reviews a performance of oral storytelling titled "Festival of Storytelling," orated by members of the Ohlone/Costanoan-Esselen Nation and consisting of traditional stories adapted for the stage.
16. Margolin, Malcolm. “Fighting for Our Rights: Louise Miranda Ramirez.” *News from Native California*, vol. 26, no. 1, Fall 2012, pp. 27–29.
 - An interview with Louise Miranda Ramirez is presented. She clarified that the Ohlone/Costanoan-Esselen Nation is not federally recognized. She points out that they have 700 hundred tribal members and 13 thirteen core families where memberships is accepted only from these families. She indicates that her duties as tribal leader is just to get out and meet as many as people as she can as well as representing the tribe and telling people that they are still around.

17. [Chapter 10. Today's Ohlone/Costanoans, 1928-2008.](#) NPS,

Misc.

19. [A presentation made by the City of Pacific Grove](#) (TT)

20. [A flag making website](#)

Videos

21. [California Native Americans: Ohlone Costanoan Esselen Nation \(OCEN\) Monterey Band History](#)

22. [8/28/21 Santa Cruz El Camino Real Bell Removal](#)