

205 E Waring Ave
State College, PA 16801

16 November 2021

Bryan Newland
Department of the Interior
1849 C Street, N.W. MS-4660-MIB
Washington, DC 20240

Re: Petition of the Southern Sierra Miwok for Federal Acknowledgment

Dear Secretary Newland,

I am a faculty member at The Pennsylvania State University. I am also one of only a handful of women who have completed the Sierra High Route alone—an experience that has led me to write a manuscript (publication forthcoming) about the Sierra Nevada mountains.

I begin with this context because I am not a legal resident of California, nor a person of Indigenous descent. Instead, I am among the four million or so people who visit Yosemite National Park and its environs for recreation. We can't claim ancestry or residency, but we can fall in love with the area as tourists. We can become curious enough about it to look into its natural and human histories and the ways they intertwine.

For well over a century, we—the tourists, the recreationists—have been able to enjoy the Sierra Nevada mountains, and especially Yosemite National Park, in the context of an uncomplicated view of the National Parks. It's a comfortable narrative I imagine you know well: John Muir, preservation, public lands, "America's Best Idea."

That is changing, and it should. The violence against the Native people of what we now call California is interwoven tightly with public lands, including what we now call Yosemite Valley. The more clearly we see those strands, the more absurd, ironic, and brutal the specific federal response to Petitioner #82, the Southern Sierra Miwok Nation, in November 2018 appears.

In brief: the U.S. federal government proposes to decline to acknowledge the Southern Sierra Miwok Nation on the basis of Criterion 83.7(b), which requires that "[a] predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present." But on what basis does the Proposed Finding disagree with the Southern Sierra Miwok Nation's assertion that it is a distinct community?

The Proposed Finding uses several techniques to invalidate the Southern Sierra Miwok Nation that are consistent with the long history of injustice toward and manipulation of Native people, including: fixating on explicable particularities that are inconsistent with the letter of U.S. law (such as the evolution of "American Indian Council of Mariposa Co." into the "Southern Sierra Miwok Nation," page 4); relying on unjust treaties and flawed censuses documented during a genocidal campaign against Indigenous

people (pages 8-10); and valuing the assertions of non-Indigenous anthropologists working over a century ago more than Indigenous peoples' own knowledge about themselves and their culture (pages 6-7).

These are all perfectly legal strategies. They are also ethically wrong. They do not emerge from any impulse to offer respect, honor, or dignity to Indigenous people. They emerge from the impulse to deny, to gatekeep, and to continue reaping the benefits of violent land theft that still brings our government profit. They are paternalistic. And in the context of this specific place—Yosemite Valley—they are incommensurate with the concrete realities that have shaped the past and present of this place, and will continue to shape its future.

As you evaluate the Proposed Finding, please consider that between 1846 and 1873, in the years of the Gold Rush, an estimated 80 percent of the Indigenous people in California died. Again: 80 percent of the Indigenous people in California died. Please consider that their deaths were not accidental. As scholar Benjamin Madley reports, “the organized destruction of California’s Indian peoples under US rule was not a closely guarded secret. Mid-nineteenth century California newspapers frequently addressed, and often encouraged, what we would now call genocide.”

Please consider the ethnohistory included in Petition #82 (pages 2-4), which details how the victims of this genocidal, federally-approved campaign endured, gathered in Yosemite Valley, and (despite continued humiliation from the Park Service) worked to sustain their ancestral lands and practices.

With this historical context in mind, consider the Proposed Finding’s many dismissals, including this one (page 6): “The petitioner’s 1984 narrative claims that the petitioner evolved as a ‘Southern Sierra Miwuk’ Indian Tribe that existed in ‘Yosemite National Park and its environs’ at the time of first sustained contact. In contrast, the Department found evidence of numerous political entities organized as sovereign interdependent bands in 1851.”

The implication of the Proposed Finding is that the Southern Sierra Miwuk Nation, despite maintaining traditions, community, story, and relationship with their ancestral homeland in the face of sustained genocidal pressure and government dismissal, is not *pure* enough for the federal government to acknowledge its existence.

Again, I am not a Native person. But as a U.S. citizen and a person who values the Sierra Nevada landscape enough to educate myself and others about it, I read the Proposed Finding with deep shame and anger—knowing it is not only unjust, but also further perpetuates a long injustice.

Acknowledging the sovereignty of the Southern Sierra Miwuk Nation is within your power. Please examine the evidence the SSMN has presented in the context of the specific history of this place, and let that frame your approach to the petition for federal acknowledgment.

Sincerely,



Talley V. Kayser
The Pennsylvania State University