

**From:** [Dakota Bodell](#)  
**To:** [Hicks, Alison](#); [Showalter, Pat](#); [Abe-Koga, Margaret](#); [Kamei, Ellen](#); [Matichak, Lisa](#); [Ramirez, Lucas](#); [Ramos, Emily Ann](#); [City Council](#)  
**Cc:** [Tedde Simon](#); [REDACTED]  
**Subject:** Re: Agenda Item 4.2 -- 04/25/23 City Council Meeting  
**Date:** Friday, April 21, 2023 9:30:39 AM  
**Attachments:** [2023.04.21 ACLUNC Letter to Mountain View City Council re Juristac Resolution.docx](#)

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Dear Mayor Hicks and members of the Mountain View City Council,

Please find, attached, a letter from the American Civil Liberties Union Foundation of Northern California urging your support of Agenda Item 4.2 on the Council's Agenda for its April 25, 2023, public meeting, the "Adopt a Resolution in Support of the Efforts of the Amah Mutsun Tribal band to Preserve Sargent Ranch/Juristac as Open Space."

Thank you for your consideration,

**Dakota Bodell (she/her)**

*Legal-Policy Assistant, Racial & Economic Justice Program and Gender, Sexuality, & Reproductive Justice Program*

ACLU of Northern California

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Northern  
California

*Transmitted via Electronic Mail*

April 21, 2023

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**Re: Agenda Item 4.2: “Adopt a Resolution in Support of the Efforts of the Amah Mutsun Tribal Band to Preserve Sargent Ranch/Juristac as Open Space,” 04/25/2023 Agenda**

Dear Mayor Hicks and members of the Mountain View City Council,

The American Civil Liberties Union Foundation of Northern California (“ACLU NorCal”) submits this letter to express support of the “Adopt a Resolution in Support of the Efforts of the Amah Mutsun Tribal Band to Preserve Sargent Ranch/Juristac as Open Space” (Agenda Item 4.2 on the Council’s Agenda for its April 25, 2023 public meeting).<sup>1</sup>

The ACLU supports and defends the rights of all Native American peoples to retain their specific and unique cultural and religious traditions and practices. The future existence of Tribes across our country depends ultimately upon secure and permanent land bases, and the rights of self-determination necessary to preserve traditional customs and ways of life.<sup>2</sup> Self-determination,

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<sup>1</sup> Hereinafter referred to as “Juristac Resolution”

<sup>2</sup> ACLU Bd. Pol’y 313; ACLU Found. N. Cal. Bd. Res. No. 2021-06-24A, “In Support of Nationwide ACLU Indigenous Justice Initiatives,” available at:

American Civil Liberties Union of Northern California

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religious freedom, and cultural survival are intimately tied to protection of sacred sites. There can be no religious freedom if the foundation for the practice of the religion in question has been destroyed.

The future survival and vitality of the ancestral people of these lands, represented by the Amah Mutsun Tribal Band, is largely tied to preservation of the sanctity of Juristac. To destroy this site would be to continue the long and ugly history of the nation and the state of California, which was founded on the forced removal, enslavement, and genocide of Indigenous peoples.<sup>3</sup> As our state's first Governor, Peter Burnett, put it bluntly in his 1851 address to the Legislature: “[t]hat a war of extermination will continue to be waged between the two races until the Indian race becomes extinct must be expected.”

California's treatment of its original inhabitants was shockingly violent. After the brutal Mission system enslaved and took the lives of thousands of Indigenous peoples, the state sanctioned and funded massacres against Indigenous peoples—authorizing \$1.29 million in 1850's dollars to pay for the militia campaigns that amounted to genocide.<sup>4</sup> In addition to this brutality, California Indians were subjected to repugnant laws and policies. For example, the 1850 “Act for the Governance and Protection of Indians” made the enslavement of California Indians legal and fueled the kidnapping and trafficking of Native American children into indentured servitude. Furthermore, the State of California and the U.S. federal government destroyed sacred places and prohibited traditional and cultural practices by law.

Native peoples—who stood in the way of the rich bounty that California's diverse natural beauty signified for newcomers—were forcefully removed from and dispossessed of their ancestral lands.

Through treaties and other agreements, the United States federal government acknowledged Indian Tribes' existence as sovereign nations predating the existence of the US as a nation, and entered into government-to-government relationships with Tribes. In exchange for vast swaths of ancestral territory - nearly the entire country - and often upon forced removal to distant, barren lands, the federal government assumed a trust relationship with the Tribes, legally binding itself to provide for the education, health, and well-being of Native American peoples; to hold tribal land in trust and to respect self-determination; and to provide federal protections for sacred and burial sites and rights to hunt, fish and gather. But many tribes were either never recognized by the United States

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<https://www.aclunc.org/sites/default/files/FOUNDATION%20RESOLUTION%20supporting%20indigenous%20justice%20FINAL%2006.24.21.pdf>.

<sup>3</sup> See ACLU N. Cal., “Gold Chains: The Hidden History of Slavery in California,” available at <https://www.aclunc.org/sites/goldchains/index.html> (last accessed Oct. 15, 2021); see also Benjamin Madley, *An American Genocide: The United States and the California Indian Catastrophe 1846–1873* (Yale University Press, 2016).

<sup>4</sup> See Brendan C. Lindsay, *Murder State: California's Native American Genocide, 1846–1873* 346 (University of Nebraska Press 2015); see also Madley, *supra* n.2. For a non-comprehensive list of genocide incidents in the San Joaquin Valley, see STATE OF CAL. NATIVE AM. HERITAGE COMM'N, *Timeline of Genocide Incidents in the San Joaquin Valley Region*, available at: <http://nahc.ca.gov/cp/timelines/san-joaquin/> (last accessed Apr. 9, 2021).

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or had their federal relationship terminated. In California, this has often been a direct result of California elites fighting to disposes Native peoples of their land and heritage and, in effect, erase Native peoples from our state. Without federal recognition, tribes still exist, but without the rights and protections afforded under federal law. Many tribes are today fighting to gain or regain federal recognition—including the Amah Mutsun Tribal Band.

That the Amah Mutsun do not have federal recognition—and the tribal sovereignty, government-to-government relationship, and protection of important and hard-won federal laws—is not an accident. We must not use legacy of stolen land and broken treaties as a reason to deny the principles of freedom, equality and justice enumerated in our Constitution to all people today. ***A mine at Juristac would be only another shameful stain on our state's history.***

ACLU NorCal stands with the Amah Mutsun Tribal Band in their efforts to protect their traditional lands and urges the City of Mountain View City Council to approve the Juristac Resolution at its April 25, 2023 meeting.

Sincerely,



Tedde Simon  
Indigenous Justice Advocate  
ACLU Foundation of Northern California

[REDACTED]

CC: Alice Kaufman

[REDACTED]

Chairman Valentin Lopez

[REDACTED]

American Civil Liberties Union of Northern California

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