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27 May 2025

Via email

Merri Lopez-Keifer

Director, Office of Native American Affairs
Office of Attorney General Rob Bonta
California Department of Justice
1300 I Street, Sacramento, CA 95814
Merri.LopezKeifer@doj.ca.gov

Subject: Amah Mutsun Tribal Band

Dear Ms. Lopez-Keifer:

As you know, this office represents the McDowell family in relation to the "Betabel" project in San Benito County, which the McDowells developed through their nonprofit to provide the largest private source of funding for childrens' cancer research in the world. A group calling itself the Amah Mutsun Tribal Band (AMTB) is opposed to that project.

The McDowells have made serious settlement proposals for significant tribal conservation easements on the property, and they remain open to settling the matter.

So far, your office has sided with the AMTB against the Betabel project. I write to apprise you of additional facts that call into question the bona fides and standing of AMTB, and to invite your office to play a constructive, rather than litigious, role in this process.

In addition to representing the McDowell family, this office now also represents Mr. Marciano Lopez Jr. and Ms. Laura Vignoli, Chair and Vice-Chair of *California Indian Nation*, which has ancestry from all 21 California Missions. Vital records in my possession establish that Mr. Lopez and Ms. Vignoli are the great-grandchildren of

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Alberta Lopez (born Alberta Sanchez), who is listed on the “Census Roll of the Indians of California Under the Act of May 18, 1928 (45 Stat., P. 602)” as being of the Mission San Juan Bautista tribe or band. Alberta Lopez is the granddaughter of Ascención Solórsano Cervantes.

Proof of direct descent from individuals on the 1928 Act census rolls is the first and best evidence now required for listing under the NAHC’s 2018 guidelines and the NAHC’s proposed draft contact list regulations. California Indian Nation is applying for listing.

AMTB was listed on the NAHC contact list for San Benito County before the 2018 Guidelines were issued, and my clients do not believe that AMTB remains eligible for listing. They intend to petition NAHC to remove the AMTB from the San Benito County contact list, which would moot AMTB’s claims against the Betabel project and be a significant embarrassment to your office.

AMTB seems to recognize that it now does not qualify for listing. Neither Mr. Valentin Lopez (no relation to Marciano Lopez Jr.), the AMTB’s chair, nor Mr. Edward Ketchum, AMTB’s historian and Vice-Chair, has provided any evidence to my clients of direct descent—despite multiple meetings and repeated requests. Mr. Ketchum told my clients that, despite hiring a genealogist, Valentin Lopez is not able to prove any tribal lineage.

AMTB has tried to pressure my clients into joining AMTB so that AMTB could demonstrate direct descent, but my clients have refused to join AMTB. For example, Mr. Ketchum once offered Marciano Lopez Jr. a part-time “job” with housing, and a \$250,000/year salary, if only he would join AMTB. He refused.

AMTB has also tried to enlist my clients into a false historical narrative about an “Amah Mutsun Tribe” that never existed. In 2018, my clients met with Mr. Ketchum to review boxes of historical documents related to Native Californian claims and lineages from the Al Logan Slagle Collection at UC Davis. The boxes contained numerous original legal and genealogical documents, many of which related directly to my clients’

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family. Among the most significant findings were firsthand responses by my clients' ancestors—rancheros, land grantees, and mission-affiliated individuals—recorded in various censuses and interviews, including the 1900, 1910, and 1928 California Indian Censuses, as well as documentation related to land grant testimonies. In response to direct questions about tribal identity, my clients' ancestors were on record stating "I do not know". This detail confirmed longstanding suspicions about the Amah Mutsun being a fabricated tribal identity that did not exist during these ancestors' lifetimes.

When my clients questioned him directly about the authenticity and origins of the so-called "Amah Mutsun Tribe", Mr. Ketchum admitted that the tribal identity was not historic, but rather a construct created in the 1990s as part of a strategy for federal recognition and organizational formation.

Following this revelation, my clients have conducted further independent research, which led them to uncover additional Mission records, census data, township records, and contemporary newspaper accounts that further corroborated that their ancestors had no historical affiliation with any tribe known as "Amah Mutsun".

The AMTB's federal recognition efforts are currently suspended, in part due to BIA's "significant concern" over AMTB's claimed membership lists.

The Attorney General's office should not be intervening on behalf of the AMTB when such serious questions about the AMTB's bona fides are pending. Rather than your office trying to resolve this situation through further litigation, all of my clients would welcome the use of your good offices to try to resolve this matter.

Please do not hesitate to contact me with any questions.

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Sincerely,

BRISCOE IVESTER & BAZEL LLP

/s/ Peter Prows

cc: Michelle Carr, NAHC General Counsel
Sara Clark, Counsel for AMTB
David Prentice, San Benito County Counsel