

**Introduced by Senator Cortese  
(Coauthor: Senator Wieckowski)**

(Coauthors: Assembly Members Kalra, Lee, and Robert Rivas)

March 7, 2022

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Senate Joint Resolution No. 13—Relative to the Muwekma Ohlone Tribe.

LEGISLATIVE COUNSEL’S DIGEST

SJR 13, as introduced, Cortese. Muwekma Ohlone Tribe: federal recognition.

This measure would urge the United States Congress and the Department of the Interior and its Bureau of Indian Affairs to reaffirm and restore the Muwekma Ohlone Tribe as a federally recognized Indian tribe and include the Muwekma Ohlone Tribe in the Federal Register as a recognized tribe.

Fiscal committee: no.

1 WHEREAS, The United States Federal District Court of the  
2 District of Columbia recognized in *Muwekma Tribe v. Babbitt*  
3 (2000) 133 F.Supp.2d 30, that “The Muwekma Ohlone Tribe is a  
4 tribe of Ohlone Indians indigenous to the present-day San Francisco  
5 Bay Area. In the early part of the Twentieth Century, the  
6 Department of the Interior recognized the Muwekma Tribe as an  
7 Indian tribe under the jurisdiction of the United States. In more  
8 recent times, however, and despite its steadfast efforts, the  
9 Muwekma Tribe has been unable to obtain federal recognition, a  
10 status vital for the Tribe and its members.”; and

11 WHEREAS, The United States Federal District Court of the  
12 District of Columbia recognized in *Muwekma Ohlone Tribe v.*

1 Kempthorne (D.D.C. 2006) 452 F.Supp.2d 105 stated: “The  
2 following facts are not in dispute. Muwekma is a group of  
3 American Indians indigenous to the San Francisco Bay area, the  
4 members of which are direct descendants of the historical Mission  
5 San Jose Tribe, also known as the Pleasanton or Verona Band of  
6 Alameda County (the “Verona Band”). From 1914 to 1927, the  
7 Verona Band was recognized by the federal government as an  
8 Indian tribe. Neither the United States Congress nor any executive  
9 agency ever formally withdrew federal recognition of the Verona  
10 Band.”; and

11 WHEREAS, The Muwekma Ohlone people, who never left their  
12 aboriginal land and were once pronounced extinct by  
13 anthropologists, have retained their culture and social identity for  
14 the past 230 years; and

15 WHEREAS, The Muwekma Ohlone people have left a record  
16 of approximately 13,000 years of human history; and

17 WHEREAS, The United States government maintained a “trust”  
18 relationship with three Costanoan tribal groups, including the  
19 Muwekma Ohlone Tribe, historically identified as the Verona  
20 Band, by the Bureau of Indian Affairs from 1906 to 1927; and

21 WHEREAS, The Muwekma Ohlone Tribe was wrongly removed  
22 from the Federal Register in 1927 despite its “trust” relationship  
23 and its previous efforts to foster and secure federal recognition as  
24 an Indian tribe; and

25 WHEREAS, The Muwekma Ohlone Tribe enrolled with and  
26 was approved by the Bureau of Indian Affairs during the years  
27 between 1928 and 1933, inclusive, 1948 and 1957, inclusive, and  
28 1968 and 1971, inclusive, under the 1928 California Jurisdictional  
29 Act, attended Indian boarding schools between 1930 and 1950,  
30 inclusive, and have since organized according to the Bureau’s  
31 directives, but still have no right to be legally considered an Indian  
32 tribe without first obtaining reaffirmation and formal  
33 acknowledgment by the Secretary of the Interior; and

34 WHEREAS, There are over 600 individual descendants of the  
35 Muwekma Ohlone Tribe in the San Francisco Bay Area who have  
36 been identified by the Bureau of Indian Affairs; and

37 WHEREAS, European migration led to the near decimation of  
38 the Muwekma Ohlone Tribe and the lack of formal recognition  
39 after 1927 by the Department of the Interior suggests a disregard  
40 for the cultural diversity and historical presence that the Muwekma

1 Ohlone Tribe has offered to our state, including service in the  
2 United States Armed Services in previous wars and military  
3 conflicts spanning from World War I through the present day; and  
4 WHEREAS, Several California counties and elected officials  
5 have officially supported the Muwekma Ohlone Tribe in its efforts  
6 for recognition through legislation commending their efforts and  
7 historical and social accomplishments, supporting requests for  
8 historical claim by the Muwekma Ohlone Tribe, and urging the  
9 federal government to reaffirm and restore the Muwekma Ohlone  
10 Tribe as a federally recognized tribe; and

11 WHEREAS, It is imperative that the Department of the Interior  
12 and the federal government officially recognize the historical and  
13 social history of the Muwekma Ohlone Tribe through its efforts  
14 to attain federal recognition; now, therefore, be it

15 *Resolved by the Senate and the Assembly of the State of*  
16 *California, jointly,* That the Legislature does hereby urge the  
17 United States Congress and the Department of the Interior and its  
18 Bureau of Indian Affairs to reaffirm and restore the Muwekma  
19 Ohlone Tribe as a federally recognized tribe and include the  
20 Muwekma Ohlone Tribe in the Federal Register as a recognized  
21 tribe; and, be it

22 *Resolved,* That the Secretary of the Senate transmit copies of  
23 this resolution to the President and Vice President of the United  
24 States, to the Secretary of the Interior, to the Speaker of the House  
25 of Representatives, to the Majority Leader of the Senate, and to  
26 each Senator and Representative from California in the United  
27 States Congress.

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