Senate Joint Resolution No. 13

Introduced by Senator Cortese
(Coauthor: Senator Wieckowski)
(Coauthors: Assembly Members Kalra, Lee, and Robert Rivas)

March 7, 2022

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

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

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

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

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

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

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

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

WHEREAS, European migration led to the near decimation of the Muwekma Ohlone Tribe and the lack of formal recognition after 1927 by the Department of the Interior suggests a disregard for the cultural diversity and historical presence that the Muwekma
Ohlone Tribe has offered to our state, including service in the United States Armed Services in previous wars and military conflicts spanning from World War I through the present day; and

WHEREAS, Several California counties and elected officials have officially supported the Muwekma Ohlone Tribe in its efforts for recognition through legislation commending their efforts and historical and social accomplishments, supporting requests for historical claim by the Muwekma Ohlone Tribe, and urging the federal government to reaffirm and restore the Muwekma Ohlone Tribe as a federally recognized tribe; and

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

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature does hereby 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 tribe and include the Muwekma Ohlone Tribe in the Federal Register as a recognized tribe; and, be it

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