



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Ortiz
Councilmember Davis
Councilmember Cohen
Councilmember Candelas
Councilmember Doan

SUBJECT: SEE BELOW

DATE: 7-30-24

Approved:

SUBJECT: REQUEST TO ADD RESOLUTION ON FEDERAL RECOGNITION FOR MUWEKMA OHLONE TRIBE TO THE CITY COUNCIL MEETING AGENDA OF AUGUST 13, 2024

RECOMMENDATION:

1. Consider a Resolution of the City Council of the City of San José Declaring the City's Support of Federal Recognition of the Muwekma Ohlone Tribe
2. Add the draft Resolution of the City Council of the City of San José Declaring the City's Support of Federal Recognition of the Muwekma Ohlone Tribe to the City Council Agenda for its regular meeting of August 13, 2024

BACKGROUND

The City of San José, and the Bay Area, are built upon indigenous land, continually inhabited by speakers of the Ohlone family of languages and their descendants. As across the State of California, these indigenous residents historically suffered colonial violence at the hands of the Spanish, Mexican, and United States governments.

There are currently no federally recognized Ohlone tribes. The Verona Band of Alameda County, now reconstituted as the Muwekma Ohlone Tribe, was once federally recognized but was unilaterally dropped by the Sacramento Indian Agency of the United States Bureau of Indian Affairs in 1928.

In 1995, the Muwekma Ohlone Tribe submitted a petition to the United States government for federal acknowledgment. While this process is ongoing, the Bureau of Indian Affairs has acknowledged that the vast majority of members have documented their descent from members

of the Verona Band, and that a federal relationship was never dissolved or forbidden by an act of Congress.

Federal recognition can be granted by the Bureau of Indian Affairs or an Act of Congress. Federal recognition would enable the Tribe to acquire land to be held in trust, allow tribal members to access federal services and programs, and grant certain legal protections and rights, among other benefits. Supporting federal recognition would not obligate the City of San José to grant any land or bring any specific economic activity to the City, nor would it foreclose the City from establishing a relationship with another indigenous group or supporting their federal recognition.

We strongly believe that federal recognition will benefit the residents of San José who belong to the Muwekma Ohlone Tribe and credibly advance the City's equity goals.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE

OFFICIALLY RECOGNIZING THE MUWEKMA OHLONE TRIBE AND SUPPORTING THE TRIBE IN ITS EFFORTS TO SECURE FEDERAL RECOGNITION AS AN INDIAN TRIBE BY THE UNITED STATES GOVERNMENT.

WHEREAS, the present-day Muwekma Ohlone Tribe is comprised of all of the known surviving American Indian lineages aboriginal to the San Francisco Bay region who trace their ancestry through the Missions Dolores, Santa Clara, and San Jose and who were also members of the historical Federally Recognized Verona Band of Alameda County;

WHEREAS, the aboriginal homeland of the Muwekma Ohlone Tribe includes the following counties: Santa Clara, San Francisco, San Mateo, Alameda, Contra Costa, and portions of Napa, Santa Cruz, Solano, and San Joaquin;

WHEREAS, comprehensive genealogical analysis of the Mission, Baptismal, Death, and Marriage Records from the three Bay Area Missions traces the surviving Muwekma lineages of the late 19th century through today back to their aboriginal villages;

WHEREAS, the present-day tribally enrolled Muwekma lineages are represented by the Armija/Thompson, the Santos-Pinos-Juarez-Colos-Armija, the Guzman-Nonessa, and the Marine-Guzman-Peralta, Marine-Alvarez-Galvan, Marine-Sanchez, Marine-Munoz, Munoz-Guzman, Marine-Arellano, and Marine-Elston-Thompson-Ruano descended families;

WHEREAS, the Muwekma Ohlone Tribe has been a continuous and distinct social and political community pre-dating the State of California, between 1982 and 1984, it formally organized congruent with the laws of the United States;

WHEREAS, by 1989, the Muwekma Tribal Council had also passed a resolution to petition the United States government for federal acknowledgment;

WHEREAS, on January 25, 1995, the Tribe submitted its petition for federal recognition during a White House meeting of California Indian leaders, and on May 24, 1996, the Bureau of Indian Affairs Branch of Acknowledgment and Research (now known as the Office of Federal Acknowledgment) made a positive determination of "previous unambiguous Federal Recognition";

WHEREAS, on March 26, 1998, after the submission of additional documentation by the Muwekma Tribe, the Bureau of Indian Affairs placed the Muwekma petition on the ready for "Active Consideration" lists and subsequently on "Ready Status" lists;

WHEREAS, given the number of tribes on both the "Active Consideration" and "Ready Status" lists and the rate at which tribal petitions were being processed, the Muwekma Tribal Council sought to expedite the formal determination;

WHEREAS, on December 8, 1999, the Muwekma Tribal Council filed a lawsuit and, on June 30, 2000, the Honorable Ricardo M. Urbina of the United States District Court for the District of Columbia ruled in favor of the Muwekma Tribe and ordered the Department of the Interior to formulate a process to expedite the Muwekma Tribe's petition;

WHEREAS, on July 25, 2002, California Congresswoman Zoe Lofgren issued a statement in support of the Muwekma Tribe's restoration on the floor of the House of Representatives;

WHEREAS, on August 29, 2002, California's then-Lieutenant Governor Cruz Bustamante wrote a letter supporting the Tribe to then-Assistant Secretary - Indian Affairs, Neil McCaleb;

WHEREAS, a Federal District Court Judge in the Northern District of California found that the Tribe retains its sovereign immunity despite not being on the Bureau of Indian Affairs' list of recognized Tribes;

WHEREAS, the previously recognized Tribe has never been Terminated by an Act of Congress; and

WHEREAS, securing federal recognition would improve the ability of the Muwekma Ohlone

Tribe to enhance the quality of life of its members, would serve to better educate San Jose residents on the rich history of Muwekma Ohlone heritage, and would recognize the right of this vulnerable indigenous population to exist and to Nation-build here on its 10,000-year Bay Area homeland.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Jose, hereby officially recognizes the Muwekma Ohlone Tribe and supports the tribe in its efforts to secure federal recognition as an Indian Tribe by the United States Congress and the Bureau of Indian Affairs.