

AMENDED IN SENATE JUNE 24, 2002

Senate Joint Resolution

No. 47

Introduced by Senators Soto and Polanco

May 22, 2002

Senate Joint Resolution No. 47—Relative to the Gabrieleno Indians.

LEGISLATIVE COUNSEL'S DIGEST

SJR 47, as amended, Soto. Gabrieleno Indians: federal recognition.

This measure would ~~memorialize the President and Congress of the United States and the Assistant Secretary for Indian Affairs in the United States Department of the Interior to grant~~ support the extension of federal recognition to the Gabrieleno Band of Mission Indians *through the enactment of H.R. 3824.*

Fiscal committee: no.

- 1 ~~WHEREAS, The Gabrieleno Indians, aboriginally known as~~
2 *WHEREAS, The Gabrieleno Band of Mission Indians is a*
3 *sovereign Indian tribe located in Riverside and San Bernardino*
4 *Counties in California, consisting of 47 documented members with*
5 *its tribal headquarters located in Beaumont, California; and*
6 *WHEREAS, During 1851 and 1852, the ancestors of the*
7 *Gabrieleno Band of Mission Indians lived as virtual prisoners on*
8 *the San Gabriel Mission, and thus were unable to travel to*
9 *Temecula in order to sign treaties of recognition with the United*
10 *States; and*
11 *WHEREAS, The inability to sign these treaties has prevented the*
12 *Gabrieleno Band of Mission Indians from receiving federal*
13 *recognition as an Indian tribe; and*

1 *WHEREAS, Even in the absence of this recognition, individual*
2 *members of the Gabrieleno Band of Mission Indians were*
3 *recognized as Indians by the federal government in the 1928*
4 *California Indian Census conducted by the Department of the*
5 *Interior, and were again listed on the supplemental enrollment*
6 *book of 1933 by the same department; and*

7 *WHEREAS, The Gabrieleno Band of Mission Indians has had*
8 *ethnography completed by the well known anthropologist and*
9 *foremost authority on California Indians, Dr. Lowell Bean, and the*
10 *Gabrieleno Band of Mission Indians were also the subject of his*
11 *book, 'The First Angelinos'; and*

12 *WHEREAS, Because the Gabrieleno Band of Mission Indians*
13 *is not listed as a federally recognized Indian tribe, it is unable to*
14 *participate in health, education, and social service programs*
15 *provided by the Bureau of Indian Affairs and the Indian Health*
16 *Services; and*

17 *WHEREAS, The Gabrieleno Band of Mission Indians are*
18 *seeking federal recognition to enable its members to have the same*
19 *rights to health, education, and social services that members of*
20 *other Indian tribes possess; and*

21 *WHEREAS, The Gabrieleno Band of Mission Indians has filed*
22 *a letter of intent with the Bureau of Acknowledgement and*
23 *Research, a branch of the Department of Interior, to petition for*
24 *federal recognition; and*

25 *WHEREAS, This petition has been listed in the Federal Register*
26 *since 1999 as petition 201; and*

27 *WHEREAS, The Gabrieleno Band of Mission Indians has met*
28 *the criteria for federal recognition pursuant to 25 C.F.R. 83.7; and*

29 *WHEREAS, The Gabrieleno Band of Mission Indians is not*
30 *seeking land in Los Angeles County, nor are they seeking to*
31 *conduct Indian gaming on lands taken into trust for the benefit of*
32 *the tribe pursuant to federal recognition; and*

33 *WHEREAS, The Gabrieleno Band of Mission Indians has*
34 *survived the Spanish conquest of the 17th century, the deprivations*
35 *of the missions in the 18th century, the transfer of power from Spain*
36 *to Mexico, and from Mexico to the United States in the 19th*
37 *century, and the urbanization of the Gabrieleno homeland in the*
38 *20th century, and continue to assert their sovereign right to self*
39 *governance today and for generations and centuries to come; now,*
40 *therefore, be it*



1 *Resolved by the Senate and Assembly of the State of California,*
2 *jointly, That the Legislature respectfully memorializes the*
3 *President and the Congress of the United States, and the Assistant*
4 *Secretary for Indian Affairs in the United States Department of the*
5 *Interior, to grant the Gabrieleno Band of Mission Indians full*
6 *federal recognition and all the rights and privileges that arise from*
7 *that declaration, including listing the tribe in the Federal Register*
8 *under the relevant provisions of Title I of the Federally Recognized*
9 *Indian Tribe List Act of 1994 (Public Law 103-454); and be it*
10 *further*

11 *Resolved, That the Secretary of the Senate transmit copies of this*
12 *resolution to the President and Vice President of the United States,*
13 *the Speaker of the House of Representatives, each Senator and*
14 *Representative from California in the Congress of the United*
15 *States, and to the Assistant Secretary for Indian Affairs in the*
16 *United States Department of the Interior.*

17 ~~the kumi-vit, live within their homelands along the drainages of~~
18 ~~the Santa Ana and San Gabriel Rivers and the San Pedro,~~
19 ~~Wilmington, and Paso Robles areas of southern California; and~~

20 ~~WHEREAS, The Gabrieleno Band of Mission Indians is~~
21 ~~recognized by anthropologists, historians, and genealogists, as the~~
22 ~~lineal, social, and political descendants of Native Americans~~
23 ~~contacted by Spanish and Portuguese explorers and settlers in the~~
24 ~~16th and 17th centuries; and~~

25 ~~WHEREAS, In the 17th and 18th centuries, the Spanish~~
26 ~~Mission San Gabriel was established on Gabrieleno Indian~~
27 ~~homelands causing the loss of their land base and disruption of the~~
28 ~~Gabrieleno Band of Mission Indians; and~~

29 ~~WHEREAS, Today's Gabrieleno Indians are direct lineal~~
30 ~~descendants of enrollees on the 1928 Indian Census and on the~~
31 ~~1933 supplemental roll book pursuant to Section 7 of Chapter 624~~
32 ~~of the United States Statutes at Large approved May 18, 1928; and~~

33 ~~WHEREAS, Gabrieleno tribal culture, manifest in life and~~
34 ~~burial rites and other social and religious practices, has been~~
35 ~~handed down from generation to generation to the present day; and~~

36 ~~WHEREAS, The Gabrieleno Band of Mission Indians is an~~
37 ~~Indian Tribe which is recognized as eligible for the special~~
38 ~~programs and services provided by the United States to Indians~~
39 ~~because of their status as Indians and does in fact receive such~~
40 ~~services; and~~



1 ~~WHEREAS, The Bureau of Indian Affairs has determined the~~
2 ~~Gabrieleno tribal blood quantum of each of the enrolled members~~
3 ~~of the Gabrieleno Band of Mission Indians; and~~

4 ~~WHEREAS, For this and other reasons, the members of the~~
5 ~~Gabrieleno Band of Mission Indians receive certain federal and~~
6 ~~state services that are afforded to them only because they are~~
7 ~~Indians; and~~

8 ~~WHEREAS, The Gabrieleno Band of Mission Indians of~~
9 ~~California, Inc., was incorporated as a California nonprofit~~
10 ~~corporation on May 16, 2000, for the purpose of administering the~~
11 ~~business of the tribe; and~~

12 ~~WHEREAS, The federal Department of Health and Human~~
13 ~~Services has determined that the Gabrieleno Band of Mission~~
14 ~~Indians of California, Inc., is eligible for certain federal programs~~
15 ~~because of its tribal and legal status and has provided grants to it~~
16 ~~in support of tribal governance; and~~

17 ~~WHEREAS, The Gabrieleno Band of Mission Indians, Inc., is~~
18 ~~recognized by other federally recognized tribes in San Bernardino~~
19 ~~and Riverside Counties of California, as the governing body of the~~
20 ~~Gabrieleno Band of Mission Indians; and~~

21 ~~WHEREAS, The Gabrieleno Band of Mission Indians is~~
22 ~~desirous of securing its cultural and its social and economic future~~
23 ~~and land on which to bury the remains of ancestors and for other~~
24 ~~purposes; now, therefore, be it~~

25 ~~*Resolved by the Senate and Assembly of the State of California,*~~
26 ~~*jointly, That the Legislature of the State of California respectfully*~~
27 ~~*supports the extension of federal recognition to the Gabrieleno*~~
28 ~~*Band of Mission Indians through the enactment of H.R. 3824 and*~~
29 ~~*requests that all laws and regulations of the United States of*~~
30 ~~*general application to Indians, or nations, tribes, or band of*~~
31 ~~*Indians, including the Indian Reorganization Act of June 18, 1934*~~
32 ~~*(25 U.S.C. 461 et seq.), shall be applicable to the tribe and its*~~
33 ~~*members; and be it further*~~

34 ~~*Resolved, That the Legislature of the State of California*~~
35 ~~*requests that the tribe and its members shall be eligible, on and*~~
36 ~~*after the date of the enactment of H.R. 3824, for all future services*~~
37 ~~*and benefits provided by the federal government to federally*~~
38 ~~*recognized tribes without regard to the existence of a reservation*~~
39 ~~*for the tribe or the location of the residence of any member on or*~~
40 ~~*near any Indian reservation; and be it further;*~~



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

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