

Assembly Joint Resolution

No. 39

Introduced by Assembly Member Huffman

August 23, 2007

Assembly Joint Resolution No. 39—Relative to the Winnemem Wintu Tribe.

LEGISLATIVE COUNSEL’S DIGEST

AJR 39, as introduced, Huffman. Winnemem Wintu Tribe: federal reaffirmation.

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 reaffirm that the Winnemem Wintu Tribe possesses full federal recognition and all the rights and privileges that arise from that status.

Fiscal committee: no.

- 1 WHEREAS, The Winnemem Wintu Tribe is a sovereign Indian
2 Nation, located in Shasta and Siskiyou Counties in California, and
3 consists of 122 enrolled and documented members, with its tribal
4 headquarters located in Jones Valley, California, on the site of the
5 Wintu Village named “Tuiimayallii”; and
6 WHEREAS, The leaders of the Winnemem Wintu Tribe met
7 with representatives of the United States for treaty negotiations,
8 and a treaty was signed by both the tribal leaders and the United
9 States at Reading’s Ranch on August 15, 1851; and
10 WHEREAS, The Winnemem Wintu Tribe was thus recognized
11 by the United States Government as early as 1851; and

1 WHEREAS, The Winnemem Wintu Tribe again conducted
2 negotiations with the federal government in 1889 through the
3 presentation of a letter known as the “Wintu/Yana Petition” to
4 President Benjamin Harrison; and

5 WHEREAS, The result of that petition was the sending of special
6 Indian agents from the Department of the Interior to California
7 who were given the task of securing land for landless and homeless
8 Indians, particularly the Winnemem Wintu; and

9 WHEREAS, Special Indian Agent John Terrell conducted a
10 census of the Winnemem Wintu Tribe in 1915 for inclusion in the
11 government land purchase efforts; and

12 WHEREAS, The federal government failed in its mission to
13 secure land for the Winnemem Wintu Tribe as a whole, and instead
14 granted individual land allotments to some tribal members
15 (Allotment, non-Reservation Indians), in areas known at the time
16 to be in danger of inundation by the rising waters of the planned
17 Shasta Dam, as cited by Special Indian Agent John Terrell in his
18 correspondence to the Department of the Interior; and

19 WHEREAS, During the years 1935 to 1943, inclusive, the
20 federal government began removing tribal burials for reinterment
21 in the United States Government Shasta Reservoir Indian
22 Cemetery, held in trust status by the United States; and

23 WHEREAS, Up through 1985, the Winnemem Wintu Tribe
24 received federal education, housing, and health services offered
25 through the Bureau of Indian Affairs, the United States Forest
26 Services, and the United States Fish and Wildlife Services, to
27 federally recognized Indian tribes and bands; and

28 WHEREAS, Title to at least some of the allotments issued to
29 Winnemem Wintu tribal members as recorded in the 1915 census
30 created by United States Indian agents are still held in trust on
31 those members’ behalf by the United States, and the United States
32 continues to forward trust income to some members in
33 acknowledgment of those relationships, demonstrating that the
34 special trust relationship between the United States and the
35 Winnemem Wintu Tribe and its members has never been
36 terminated, only misplaced; and

37 WHEREAS, Since 1985, the Winnemem Wintu Tribe has not
38 been listed as an Indian tribe by the Bureau of Indian Affairs, even
39 though it was never officially terminated as one and although it
40 continues to have land held in trust by the United States on its

1 behalf and have government-to-government relations with other
2 agencies of the federal government; and

3 WHEREAS, Due to the tribe’s omission from the list of federally
4 recognized tribal entities, members of the Winnemem Wintu Tribe
5 have been denied access to federal services such as education,
6 housing, and health services under federal programs established
7 for federally recognized Native American tribes, and the tribe does
8 not receive the protections provided by Congress for members of
9 federally recognized tribes; and

10 WHEREAS, Numerous state and federal agencies have
11 recognized or currently recognize the Winnemem Wintu Tribe,
12 including, but not limited to, all of the following:

13 (1) The California Native American Heritage Commission,
14 which lists the Winnemem Wintu Tribe as a legitimate California
15 tribe.

16 (2) The United States Bureau of Reclamation, which issued the
17 Winnemem Wintu Tribe a permit to hold traditional ceremonies
18 on the Shasta Dam.

19 (3) The United States Forest Service, which signed a
20 memorandum of understanding committing to consult with the
21 Winnemem Wintu Tribe when working in traditional tribal lands
22 and managing sacred sites.

23 (4) The United States Forest Service, which has posted
24 information about the Winnemem Wintu Tribe at interpretive
25 facilities at Fowlers Campground, Middle Falls, and at the entrance
26 to Panther Meadows on Mount Shasta.

27 (5) The Department of Transportation, which signed a
28 memorandum of understanding with the Winnemem Wintu Tribe
29 to consult with the tribe when transit projects encroach upon tribal
30 land.

31 (6) The federal government, which signed the Cottonwood
32 Treaty of 1851 that was not ratified, but has never been withdrawn.

33 (7) Until the mid-1980’s, members of the Winnemem Wintu
34 Tribe received United States Bureau of Indian Affairs housing,
35 health care, and educational assistance available only to members
36 of recognized tribes; and

37 WHEREAS, The Winnemem Wintu Tribe can document
38 injustice at the hands of the federal government since the 1851
39 treaty to recognize the tribe was signed by the United States
40 Representative but lost prior to registry in Washington D.C.; and

1 WHEREAS, The Winnemem Wintu Tribe is an historic and
2 traditional band of California Indians whose people are the keepers
3 of their religious places and practices and upon whose shoulders
4 is placed the burden of carrying forward the religion, traditions,
5 culture, and teachings of and for their people and who seek
6 restoration of their federal recognition for cultural purposes, not
7 for Indian gaming purposes; now, therefore, be it

8 *Resolved by the Assembly and the Senate of the State of*
9 *California, jointly,* That the Legislature respectfully memorializes
10 the President and Congress of the United States, and the Assistant
11 Secretary for Indian Affairs in the United States Department of
12 the Interior to reaffirm that the Winnemem Wintu Tribe possesses
13 full federal recognition and all the rights and privileges that arise
14 from that status, including immediate inclusion of the tribe in the
15 list published in the Federal Register under the relevant provisions
16 of Title I of the Federally Recognized Indian Tribe List Act of
17 1994 (Public Law 103-454); and be it further

18 *Resolved,* That the Chief Clerk of the Assembly transmit copies
19 of this resolution to the President and Vice President of the United
20 States, to the Speaker of the House of Representatives, to each
21 Senator and Representative from California in the Congress of the
22 United States, and to the Assistant Secretary for Indian Affairs in
23 the United States Department of the Interior.