



Policy Proposal

Return of the Presidio of San Francisco to the Muwekma Ohlone Tribe

Executive Summary

The Presidio of San Francisco is a site of profound historical, cultural, and spiritual significance to the Muwekma Ohlone Tribe. This proposal seeks to rectify past wrongs by restoring land to the Muwekma Ohlone, fostering a cultural renaissance, and supporting the Tribe's self-determination. This proposal outlines the steps necessary to return the Presidio of San Francisco to its aboriginal title holders, the Muwekma Ohlone Tribe. It emphasizes the importance of acknowledging historical injustices, recognizes the Muwekma Ohlone as the rightful owners of the land, and endorses President Donald J. Trump's proposal to dissolve the Presidio Trust and the repeal of the Presidio Trust Act of 1996.

This proposal advocates for the establishment of a new Indian Reservation for the Muwekma Ohlone people and implores the Secretary of the Interior to exercise the awesome powers of his Office established under Section 7 of the Indian Reorganization Act of 1996. Doing so would constitute the boldest #Landback indigenous rematriation initiative in American history, which will accrue enduring legacy value for the President and his Administration.

Objectives

- Acknowledge the historical injustices faced by the Muwekma Ohlone people.
- Dissolve the Presidio Trust to reduce the size, scope, and expenditures of the federal government.
- Proclaim the Presidio as an Indian Reservation for the Muwekma Ohlone Tribe.
- Allow the Tribe to elevate the Presidio as a global destination for tourism.

Introduction

Before European contact, our people inhabited the San Francisco Bay Area, including what is now the Presidio. We were part of a diverse network of Indigenous groups across California and lived in harmony with the land, utilizing its rich resources for sustenance, cultural practices, and social organization. In 1776, the Spanish established the Presidio of San Francisco as a military fortress where many thousands of Ohlone people were held in captivity before being enslaved at three Bay Area missions: Mission Delores (San Francisco de Asis), Mission Santa Clara, and Mission San Jose. This mission system aimed to convert and assimilate Indigenous populations into European religious and cultural practices in an agrarian forced labor system.

The establishment of the Presidio and Missions led to severe disruptions in our way of life. Ohlone people were either forced into the missions and forcibly converted to Catholicism, or we were killed. Inside the missions, we were subjected to harsh living conditions, forced labor, and loss of traditional spiritual practices. Our population decreased drastically due to disease, violence, the collapse of indigenous food systems, and dislocation, resulting from European encroachment and the violence of conquest.

With the secularization of the missions in the 1830s and the subsequent Mexican land grants, we were released from captivity in the Missions but our lands were further reduced. Under Mexican rule, the Missions claimed our lands and Mexico took control of the Presidio. In 1848, when the United States acquired California, the Presidio became a United States military installation, continuing the reality of our dispossession and marginalization.

The first Governor of California, Peter Burnett, declared a war of extermination against us and put state sponsored bounties on our heads. At the time, San Jose – which sits firmly atop Muwekma Ohlone land – was the Capital of California and it was an epicenter of the Gold Rush-era genocide. At the time, we were in no position to assert our aboriginal title to the Presidio or to the lands taken from us by the Mission system in an American court.

We survived this period of state sponsored violence against us by finding refuge in the hills of the East Bay, on the ranchlands of Phoebe Hearst where we served as her workforce. We were previously recognized by the Bureau of Indian Affairs as the Verona Band of Alameda County. They named us after Hearst's railroad station, named 'Verona'. That's not what we called ourselves, and the misidentification contributed to our wrongful administrative erasure.

Throughout the 20th century, our Tribe struggled to be seen by the federal government – despite our children attending Indian boarding schools through 1947. Our federal recognition status was never terminated by an Act of Congress. In 1978, the Bureau of Indian Affairs erred when it omitted us from its initial list of officially recognized tribes. Prior to that, there was no official list of recognized tribes. We have been in struggle ever since to get the BIA to acknowledge its mistake and add us to the 1978 list.

In May of 2022 in *Weiss v Perez*, a federal district court judge in the Northern District of California found that our Tribe has retained its sovereign immunity despite not being on the BIA's list. That same year, Stanford University published a seven-year genomic study that conclusively linked every member of our Tribal Council and our 11 core lineages with a 2,500 year old burial site in San Francisco.

What is the #Landback Movement?

#LandBack is a grassroots movement in the United States and Canada that seeks to return land to, and affirm the sovereignty of, Indigenous peoples. The profoundly optimistic, future-thinking, non-partisan movement is driven by the visions and aspirations that Indigenous communities have for ourselves, rooted in imagining new indigenous futurisms. The movement advocates for the repatriation of traditional territories that were taken from Indigenous communities through colonization, broken treaties, and state sponsored genocide. The movement acknowledges long-standing displacement and policies that led to the theft of our land, suppression of our cultures, and drastic population decline due to disease, violence, the destruction of food systems, and forced assimilation.

The central aim of the #LandBack movement is to restore Indigenous lands to Indigenous communities. This includes not just physical land, but the rights to manage and steward these areas according to Indigenous traditions and laws. Land is crucial for Indigenous self-determination. The movement underscores the importance of Indigenous nations having control over a land base that can be self-governed, which is essential for rectifying historical grievances and protecting rights and freedoms.

Dissolution of the Presidio Trust

The Presidio Trust, the federal agency created by Congress in 1996 to redevelop and manage the Presidio, has faced wide-ranging criticisms for its policies, management, and governance structure. The Trust has refused to acknowledge the Ohlone people's aboriginal title to the land upon which the Presidio sits. The Tribe's historical and spiritual relationship with the land continues to go unacknowledged by the Trust and the National Park Service. The Trust's posture has perpetuated the erasure of indigenous heritage.

No transparency. Lack of transparency in decision-making processes leads to a sense of disconnect between the Trust and the local community. Critics argue that the Trust often engages in inadequate public consultations – restricting meaningful input from area residents, park users, the Tribe, and environmental advocates.

Bureaucratic inefficiencies. The Trust's bureaucratic processes can be cumbersome and slow, hindering timely action on important matters such as repairs, renovations, and ecological restoration. Tribal leadership and control will be more agile and better able to engage with community stakeholders and capable of a more dynamic response in adapting to social and environmental challenges.

Political machinery. President Trump's critiques of Rep. Pelosi's relationship with the Presidio Trust often focus on alleged uses of the agency to benefit her political network, reward allies, and engage in patronage practices. The public should be deeply concerned about the use of federal resources for political purposes. The Trust's engagement practices cater to well-connected stakeholders with political ties rather than fostering an inclusive process that benefits all community members, particularly marginalized groups.

Patronage appointments. Rep. Pelosi has been accused of leveraging her influence to appoint political allies and patrons to the Presidio Trust Board. This practice raises concerns about the agency being viewed as a platform for rewarding loyalty rather than focusing on the Trust's mission to manage the Presidio effectively. The appointment of well-connected individuals can create an echo chamber, where decisions cater primarily to elite interests rather than the wider community or environmental considerations.

Influencing grant allocations. The Trust's funding and grant distributions reflect Pelosi's political priorities and those of influential constituents, rather than being driven by transparent criteria based on the public good. Some projects endorsed by the Trust may disproportionately benefit her political base or specific interest groups connected to her network, raising ethics questions regarding equity and fairness.

Boondoggle. As Speaker of the House, Rep. Pelosi had significant legislative influence. She utilized the visibility of the Presidio Trust to bolster her political agenda, extracting hundreds of millions of dollars from federal coffers to support initiatives that enhancing her political standing among benefactors. This is a means of polishing her image as a champion of a local cause, leveraging the Trust as a prop in her broader political narrative.

Repeal of the Presidio Trust Act

Repealing the Presidio Trust Act of 1996 is a fiscally responsible action that is supported on the grounds of promoting localizing decision making, minimizing federal involvement, and reducing expense obligations for taxpayers. The establishment of the Presidio Trust was a federal intervention that intended to mitigate the impacts of the closure of the former military base. While it may have been reasonable for a transitional period, today the federal involvement amounts to an overreach of federal involvement that has extracted hundreds of millions of dollars from federal coffers. Repealing the Act would return control of the Presidio to the most local form of government: the Tribal government of the land's aboriginal title

holders. By dismantling the Trust, this hyper-local government can assume responsibility for the site, leading to decisions that more accurately reflect the will and interests of those stakeholders closest to the ground, rather than continuing to prioritize elite interests. Local management encourages accountability and responsiveness, aligning with the ideals of a limited federal government.

Fiscal responsibility. The Presidio Trust has created an additional layer of bureaucracy that incurs significant administrative costs. Fiscal conservatives advocate for the elimination of wasteful government agencies and prioritize efficiency. Repealing the Trust would eliminate unnecessary overhead associated with its operations, allowing taxpayer funds to be conserved.

Better resource management. Local decision makers are more adept at managing the Presidio's resources efficiently, with a focus on cost-effectiveness and accountability. Locally controlled approaches could encourage innovative ideas for land management, preservation, and economic development that better align with the region's needs.

Agility in management. The Trust's bureaucratic structure hinders responsiveness to changing circumstances and priorities. Repealing the Act would allow for more agile management approaches, as the tribal government and stakeholders can quickly adapt policies based on current needs, environmental conditions, and community feedback.

Utilization of the Indian Reorganization Act

The Indian Reorganization Act of 1934 was Congress' New Deal Era approach to Indian Country's economic development. It establishes wide-ranging powers and vests them in the Secretary of the Interior. Among other things it provides avenues for the federal government to recognize Tribes, unrelated to the Part 83 federal acknowledgement process. This legislation was a significant shift in the United States' policy regarding Native American tribes, transitioning away from policies of assimilation and allotment to a focus on self-governance and the restoration of tribal sovereignty.

Section 7 [25 U.S.C. 5110] of the Act reads: "*The Secretary of the Interior is hereby authorized to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by this Act...*"

Section 17 [25 U.S.C. 5124] of the Act reads: "*The Secretary of the Interior may, upon petition by any tribe, issue a charter of incorporation to such tribe... Such charter may convey to the incorporated tribe the power to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description...*"

Section 19 [25 U.S.C. 5129] of the Act reads: "*The term 'Indian' as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction [as of June 18, 1934]... The term 'tribe' wherever used in this Act shall be construed to refer to any Indian tribe, organized band, pueblo, or the Indians residing on one reservation...*"

Because Muwekma was previously federally recognized at the time that the Indian Reorganization Act was passed, the statutory language makes it clear – in addition to *Carcieri v Salazar* [555 US 379 2009] – that these statutes can be invoked by the Interior Secretary to benefit Muwekma. The Secretary has the power to Proclaim a Reservation for our Tribe, while simultaneously chartering a Section 17 corporation for the Tribe to manage the Presidio.

Muwekma will manage the Presidio better than the Trust

Tribal governments can uniquely offer management and programming approaches for national parks that enhance conservation, community engagement, and cultural experiences. Tribal governments have intimate knowledge of the land, its ecosystems, and historical significance.

Unique leadership. Tribal leadership can engage community members in park management, fostering a sense of ownership and responsibility. This can lead to increased compliance with conservation efforts and engagement in park programs. Decision-making processes can benefit from Indigenous knowledge systems that emphasize sustainability and respect for the environment, leading to practices that resonate more closely with the community.

Flexibility. Tribal governments have more flexibility than federal agencies to adapt management practices quickly in response to changing environmental conditions or community needs. This can improve resilience against climate change and other ecological challenges. Tribes adopt a more holistic view of land management, considering cultural, spiritual, and ecological factors in a way that federal systems, often divided into bureaucratic categories, are likely to overlook.

Sustainability. Muwekma prioritizes sustainable tourism that aligns with cultural and environmental values. This can generate revenue while promoting conservation. By managing parks, tribes can create job opportunities for community members, thereby enhancing economic independence and fostering social well-being.

Ecological health. The Tribe has a long term focus on ecological health rather than short-term initiatives, leading to more sustainable management practices that prioritize biodiversity and habitat restoration. Tribal management integrates spiritual and cultural values into conservation strategies, leading to practices that honor the sacredness of nature, which can enhance both ecological and community preservation.

Posture of partnership. Muwekma leaders will foster partnerships with federal and state agencies, NGOs, and educational institutions to broaden the resources and expertise available for effective park management. Establishing joint management agreements with federal entities can create a cooperative framework that respects the tribe's sovereignty.

Educational programing. Our Tribe will design educational programs that emphasize Indigenous histories, cultural practices, and ecological knowledge, making them more relevant and engaging for diverse audiences. The management of national parks by tribes can also support language and cultural revitalization efforts, helping to pass on traditional ecological knowledge to future generations.

Conclusion

The Muwekma Ohlone Tribe can manage this national park with a blend of cultural insight, ecological knowledge, anthropological history, experiential programing, and a commitment to sustainability that enhances the overall effectiveness of conservation efforts and the experience of visitors. Our unique perspectives and practices can lead to stronger ecological outcomes, enriched cultural experiences, and more resilient communities.

The return of the Presidio of San Francisco is not just a land transfer; it represents a transformative opportunity to restore integrity to the body politic, to promote self-determination, and to engage in healing for both the Ohlone and for Californians at large. Let's move forward with urgency, ensuring that this extraordinary opportunity for #Landback rematriation is not lost.