

AMENDED IN ASSEMBLY MARCH 11, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

Assembly Concurrent Resolution

No. 32

Introduced by Assembly Member Miller

February 24, 2009

Assembly Concurrent Resolution No. 32—Relative to Native American tribal rights.

LEGISLATIVE COUNSEL'S DIGEST

ACR 32, as amended, Miller. Native American tribal rights.

This measure would reaffirm state recognition of the sovereign status of federally recognized Indian tribes as separate and independent *governmental and* political communities within the United States, encourage all state agencies, when engaging in activities or developing policies affecting Native American tribal rights or trust resources, to do so in a knowledgeable, sensitive manner that is respectful of tribal sovereignty, and encourage all state agencies to continue to reevaluate and improve the implementation of laws affecting Native American tribal rights.

Fiscal committee: yes.

1 WHEREAS, The United States Constitution gives Congress the
2 power “to regulate Commerce with foreign Nations, and among
3 the several States, and with the Indian Tribes” (Section 8, Article
4 I, U.S. Const.), thus recognizing Native American tribes as separate
5 and independent political communities within the territorial
6 boundaries of the United States; and

7 WHEREAS, The United States Constitution has been construed
8 to recognize Indian sovereignty by classifying Indian treaties as

1 part of the “supreme law of the land,” and to establish Indian affairs
2 as a unique area of federal concern; and

3 WHEREAS, Congress and the President of the United States
4 have enacted measures that promote tribal economic development,
5 tribal self-sufficiency, and a strong tribal government, such as the
6 federal Indian Gaming Regulatory Act (25 U.S.C. Sec. 2701 and
7 following); and

8 WHEREAS, Previous presidents have consistently affirmed
9 tribal sovereignty and, thus, the rights of Indian nations in the
10 following ways: President Lyndon B. Johnson recognized “the
11 right of the first Americans ... to freedom of choice and
12 self-determination”; President Nixon strongly encouraged
13 “self-determination” among the Indian people; President Reagan
14 pledged “to pursue the policy of self-government” for Indian tribes
15 and reaffirmed “the government-to-government basis” for dealing
16 with Indian tribes; and President George H.W. Bush recognized
17 that the federal government’s “efforts to increase tribal
18 self-governance have brought a renewed sense of pride and
19 empowerment to this country’s native peoples”; and

20 WHEREAS, The Legislature of the State of California is
21 committed to strengthening and assisting Indian tribal governments
22 in their development and to promoting Indian self-governance;
23 and

24 WHEREAS, The Legislature supports and is committed to the
25 enforcement of the Indian Civil Rights Act of 1968 (25 U.S.C.
26 Sec. 1301 and following), which safeguards tribal sovereignty
27 while simultaneously ensuring that the civil rights of Indian people
28 are protected; and

29 WHEREAS, Because the Legislature recognizes and respects
30 tribal customs and traditions, it is important that the state
31 government work to preserve tribal cultures; and

32 WHEREAS, The Legislature acknowledges that tribal
33 governments now are able to provide tribal members with better
34 health care services, education, job training, employment
35 opportunities, and other basic essentials; and

36 WHEREAS, The Legislature further recognizes that tribal
37 governments have been generous benefactors—helping their
38 neighbors in making California communities as good as they can
39 be; and

1 WHEREAS, The people of the State of California
2 overwhelmingly indicated their support for Indian sovereignty
3 through the passage of Proposition 5, the Tribal Government
4 Gaming and Self-Sufficiency Act of 1998, by a vote of 63 percent
5 at the November 3, 1998, general election and Proposition 1A, the
6 Gambling on Tribal Lands Initiative, by a vote of 64.5 percent at
7 the March 20, 2000, primary election; now, therefore, be it

8 *Resolved by the Assembly of the State of California, the Senate*
9 *thereof concurring*, That the Legislature of the State of California
10 reaffirms state recognition of the sovereign status of federally
11 recognized Indian tribes as separate and independent *governmental*
12 *and* political communities within the territorial boundaries of the
13 United States, encourages all state agencies, when engaging in
14 activities or developing policies affecting Native American tribal
15 rights or trust resources, to do so in a knowledgeable, sensitive
16 manner that is respectful of tribal sovereignty, and, in recognizing
17 their tribal sovereignty, encourages all state agencies to continue
18 to reevaluate and improve the implementation of laws that affect
19 Native American tribal rights; and be it further

20 *Resolved*, That the Chief Clerk of the Assembly transmit copies
21 of this resolution to all federally recognized tribes in California,
22 Members of Congress, and the President of the United States.