

**Assembly Concurrent Resolution**

**No. 32**

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**Introduced by Assembly Member Miller**

February 24, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

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

This measure would reaffirm state recognition of the sovereign status of federally recognized Indian tribes as separate and independent 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  
9 part of the “supreme law of the land,” and to establish Indian affairs  
10 as a unique area of federal concern; and

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

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

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

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

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

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

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

38 WHEREAS, The people of the State of California  
39 overwhelmingly indicated their support for Indian sovereignty  
40 through the passage of Proposition 5, the Tribal Government

1 Gaming and Self-Sufficiency Act of 1998, by a vote of 63 percent  
2 at the November 3, 1998, general election and Proposition 1A, the  
3 Gambling on Tribal Lands Initiative, by a vote of 64.5 percent at  
4 the March 20, 2000, primary election; now, therefore, be it

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

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