

AMENDED IN ASSEMBLY APRIL 14, 2009  
AMENDED IN ASSEMBLY MARCH 11, 2009  
CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**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 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

1 WHEREAS, The United States Constitution has been construed  
2 to recognize Indian sovereignty by classifying Indian treaties as  
3 part of the “supreme law of the land,” and to establish Indian affairs  
4 as a unique area of federal concern; and

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

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

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

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

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

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

38 WHEREAS, The Legislature further recognizes that tribal  
39 governments have been generous benefactors—helping their

1 neighbors in making California communities as good as they can  
2 be; and

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

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

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

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