

Assembly Concurrent Resolution No. 185

RESOLUTION CHAPTER 150

Assembly Concurrent Resolution No. 185—Relative to Native American tribal rights.

[Filed with Secretary of State September 18, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

ACR 185, Battin. 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.

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

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

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

WHEREAS, Previous presidents have consistently affirmed tribal sovereignty and, thus, the rights of Indian nations in the following ways: President Lyndon B. Johnson recognized “the right of the first Americans ... to freedom of choice and self-determination”; President Nixon strongly encouraged “self-determination” among the Indian people; President Reagan pledged “to pursue the policy of self-government” for Indian tribes and reaffirmed “the government-to-government basis” for dealing with Indian tribes; and President Bush recognized that the federal government’s “efforts to increase tribal self-governance have brought a renewed

sense of pride and empowerment to this country's native peoples"; and

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

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

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

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

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

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

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature of the State of California reaffirms state recognition of the sovereign status of federally recognized Indian tribes as separate and independent political communities within the territorial boundaries of the United States, encourages 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, in recognizing their tribal sovereignty, encourages all state agencies to continue to reevaluate and improve the implementation of laws that affect Native American tribal rights; and be it further

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

