

ASSEMBLY THIRD READING
AJR 18 (Ramos)
As Introduced June 30, 2025
Majority vote

SUMMARY

Resolves to recognize the historical wrongdoing committed against California Native Americans.

Major Provisions

- 1) Makes the following findings and declarations relating to early relations between the State of California and its indigenous population during the early years of California statehood:
 - a) From the incorporation of the California territory into the United States of America in 1848, the California State Legislature was complicit in the actions taken against the Native people of this land.
 - b) In 1849, delegates of the California Constitutional Convention agreed to provisions in the new Constitution to deny the Native people of California the right to vote. The delegates of the convention limited the vote to white male citizens of the United States and white Mexican men, who elected to be citizens of the United States under the Treaty of Guadalupe Hidalgo.
 - c) In 1850 the California Legislature passed "An Act for the Government and Protection of Indians," which facilitated the removal of Indigenous groups from their lands through family separation and indentured servitude. This act also prohibited Indigenous people and other minorities from serving as credible witnesses against criminal acts committed by white citizens; criminalized the actions of Native Americans who they believed to be "vagrants" and authorized local authorities to "hire out" such persons "within 24 hours to the best bidder . . . or the highest price that can be had, for any term not exceeding four months."
 - d) The California State Legislature authorized the Governor to call upon militias to execute the laws of the state, to suppress any insurrection and to repel any invasion, to pursue and punish Native Americans, and authorized citizens to organize into armed companies that waged war against Native Californian. Between 1851 and 1859 the Legislature appropriated approximately \$1.3 million to fund these campaigns.
 - e) In 1852, the California State Legislature voted to oppose the ratification of 18 treaties between the United States government and California Indian tribes.
 - f) In 1860, the California Legislature established a Joint Special Committee on the Mendocino Indian War, which provided recommendations by both the majority and minority in regards to crimes committed between white settlers and Native Americans. The Majority Report determined that the state needed to pass legislation that would provide "better protection of the Indians of California," while the Minority Report dissented and requested that the federal government "cede to the State of California the entire jurisdiction over Indians and Indian affairs within [its] borders" and that "the state should, then, adopt a general system of peonage or apprenticeships, for the proper disposition and distributions of the Indians by families among responsible citizens."

- g) Despite all of these wrongdoings by the California State Legislature and all other institutions in the state, the California Native American has survived. This survival serves as a testament of their resilience, their spirit of resistance and defiance against those who wish them harm.
 - h) The California State Legislature has never formally examined or documented their relationship with California Native Americans for the express purpose of acknowledging or apologizing for its historical wrongdoing.
 - i) The California State Legislature seeks to continue working with California Native American Tribes to pursue closer relationships with its communities and governments in order to acknowledge the true history of this State.
- 2) In light of the above findings, the Assembly and Senate of the State of California resolves the following:
- a) The California State Legislature recognizes the historical wrongdoing committed against California Native Americans and that there is much work needed to be done for healing and reconciliation.
 - b) The Assembly and the Senate of the State of California condemns any actions it has taken against California Native Americans that has led to the destruction of important cultural and spiritual sites and recognizes the irreparable harms it has caused to its tribal communities.
 - c) The Assembly and the Senate of the State of California commends and honors the California Native Americans for their resilience and continued work to maintain their cultural and linguistic traditions for which this House proudly considers part of the state's history and cultural identity.
 - d) The Assembly and the Senate of the State of California call upon the government of the United States to reaffirm and strengthen its commitment to collaborating with California Native American tribes and prioritize the protection of tribal sovereignty, the preservation of cultural heritage, and the advancement of economic opportunities.
 - e) The Assembly and the Senate of the State of California urge the federal government to work alongside tribal leaders to address historic injustices, uphold treaty obligations, and ensure equitable access to resources, healthcare, education, and environmental stewardship.

COMMENTS

Historical Background. Hubert Howe Bancroft (1832-1918), who contributed to and oversaw the creation of a multivolume *History of California* in the late 19th century, in 1886 wrote the following about the onset of the "American" (U.S.) period of California history:

The idea of conquest in the American mind has never been associated with tyranny. On the contrary, such is the national trust in its own superiority and beneficence, that either as a government or as individuals we have believed ourselves bestowing a precious boon upon whomsoever we could confer in a brotherly spirit our institutions. And down

to the present time the other nations of the earth have not been able to prove us far in the wrong in indulging this patriotic self-esteem. (Bancroft, *History of California*, vol. 6, p. 256.)

One can only imagine that California's indigenous people did not see "conquest" in quite the same way as Bancroft did. They did not experience conquest as "beneficence," a "precious boon," or "brotherly spirit." They might have accused Bancroft not of indulging in a patriotic "self-esteem," but in self-serving denial and historical blindness. This resolution seeks to address that denial and blindness.

One of the most succinct studies of California's early laws relating to indigenous Californians was produced by the California Research Bureau of the California State Library in 2002. Prepared by Kimberly Johnston-Dodds at the request of Senator John Burton, who was then the President pro Tempore, the report focused on "four examples of early State of California laws and policies that significantly impacted the California Indians' way of life": 1) the 1850 Act for the Government and Protection of Indians; 2) California militia policies and expeditions waged against Native Americans from 1851-1859; 3) the State of California's official response to federal treaties negotiated with California tribes during 1851 and 1852; and 4) early state fish protection laws that exempt California Indians from certain prohibitions. (Kimberly Johnston-Dobbs, *Early California Laws Related to California Indians*, California Research Bureau Report 02-014 (2002), p. 1.) This fascinating report includes not only a concise narrative overview of early state policies, but also includes as appendices many important primary sources, including statutes, court documents, copies of articles of indenture, and related material.

According to Johnston-Dobbs, the 1850 *Act for the Government and Protection of Indians* facilitated the removal of Indians from native lands, separated children from their families by apprenticing and indenturing them to white families, and punished Native Americans arrested for "vagrancy" by hiring them out to the highest bidder if they could not provide sufficient bail. As Johnston-Dodds notes, an earlier version of the Act was perhaps more accurately titled "An Act for the protection, punishment, and government of Indians," though there seemed to be much more punishment and government than protection. Many of these provisions, including the vagrancy provisions, were quite similar to Black Codes passed in Southern states after the Civil War to regulate the lives of Freedmen, including prohibitions on Native American testimony against whites in criminal trials. Johnston-Dodds also documents many cases in which the provisions of the Act providing for the "apprenticeship" of Native American children, removed from the custody of their parents sometimes amounted to little more than the "kidnapping and selling of Indians." (*Id.*, at pp. 5-14.)

Article VII of the 1849 Constitution gave the Governor the power to call out the militia to "suppress insurrections, and repel invasions." However, even when there were no insurrections (and certainly "invasions") by Native Californians, the Governor used conflicts between whites and Native Americans as a pretext for ordering the militia "to resist and punish the attacks of the Indians upon the frontier." According to the records of California State Comptroller, the state spent over \$843,000 on these militia campaigns. In addition, the Legislature reimbursed local armed citizen organizations that waged war on Native Californians. In all, the expenditures against Native Californians amounted to nearly \$1.3 million. (*Id.*, at pp.16-18, citing Comptroller of the State of California, *Expenditures for Military Expeditions for Military Expeditions against Indians*, located at California State Archives.)

In 1860, during the so-called "Mendocino Wars," the Legislature created a Joint Special Committee to investigate incidents of alleged Indian stealing of settlers' livestock, as well as alleged atrocities committed by whites against Native Americans. The Committee's majority report noted that Native Americans had committed "depredations on the stock of the settlers," but it also concluded that the response to these "depredations" were disproportionate and "marked by the most horrid atrocity. . . . No provocation has been shown, if any could be, to justify such acts." The report noted:

Accounts are daily coming from the counties of the Coast Range, of sickening atrocities and wholesale slaughters of great numbers of defenseless Indians in that region of the country. Within the last four months, more Indians have been killed by our people than during the century of Spanish and Mexican domination. Either our government, or our citizens, or both, are to blame. (The report is reproduced in Johnston-Dodds, pp. 20-22.)

Indeed, someone is to blame. The documents analyzed in California Research Bureau Report, as well as the many secondary sources cited in the report's footnotes, suggest that the California State Legislature, by its own admission, shares much of the blame. While many of the atrocities were committed by private citizens, those actions were either authorized, funded, or tolerated by the Legislature.

This resolution seeks, belatedly, to acknowledge the Legislature's culpability in these wrongdoings, which the majority report quoted above admitted as early as 1860. However, this resolution does not merely catalog the wrongdoings. It also commends and honors the resilience of indigenous Californians in resisting and surviving in the face of such hostility. (For an account of resistance and survival, see, for example, Albert Hurtado, *Indian Survival on the California Frontier* (1988).) Finally, the resolution calls upon the federal government to reaffirm and strengthen its collaboration with California tribes by recognizing tribal sovereignty, upholding treaty obligations, preserving cultural heritage, advancing economic opportunities, and ensuring equitable access to resources, healthcare, education, and environmental stewardship.

According to the Author

In 1851, California's first Governor and Legislature declared a war against the Native people of this land – a war aimed to exterminate what the state's leadership believed was a threat to their society. The first members of this Legislature were not only complicit, but actively engaged in the conflict. Lawmakers enacted laws aimed to marginalize Native Americans in the newly established 31st state and empower those conducting the war. This is the legacy of the California's State Legislature. With AJR 18, California's legislative bodies can officially recognize historical wrongdoings and condemn any and all actions committed by members of both houses during this horrific period in our state's history. California's First People cannot be expected to move forward by forgetting a past that instilled a trauma that continues to impact Native American communities to this day. That is why AJR 18 serves as an acknowledgement of our history and will serve as a commitment by the Assembly to continue working with California's First People.

Arguments in Support

None on file

Arguments in Opposition

None on file

FISCAL COMMENTS

None

VOTES

ASM JUDICIARY: 11-0-1

YES: Kalra, Dixon, Hart, Bryan, Connolly, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ABS, ABST OR NV: Macedo

UPDATED

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CONSULTANT: Tom Clark / JUD. / (916) 319-2334

FN: 0001090