



CALIFORNIA TRUTH & HEALING COUNCIL

Consultation Report – September 2020

On June 18, 2019, Governor Gavin Newsom issued [Executive Order N-15-19](#), which:

- Formally apologizes for atrocities committed by the State of California against California Native Americans in the early days of statehood;
- Reaffirms and incorporates by reference the principles of government-to-government consultation required by Executive Order B-10-11; and
- Requires the Governor's Tribal Advisor to establish and convene a "Truth and Healing Council," which will be responsible for examining and producing a written report of the historical relationship between California Native Americans and the State from the Native perspective.

The Council must be composed of California tribal representatives and/or delegates and must produce its final report on or before January 1, 2025.

The Truth and Healing Council will be the first entity of its kind tasked with such an expansive and broad-based undertaking; thus, tribal input is critical to ensure that California tribal governments and broader California Native American population drive the creation and work of the Council.

Throughout Fall 2019 and early 2020, the Office of the Tribal Advisor requested consultation and received input to assist in: (i) determining the makeup of the Council, (ii) creating a framework for the Council to begin examining the historical relationship between California Native Americans and the State and (iii) establishing the issue areas to be examined by the Council.

The comments, recommendations and general feedback included in this report have informed the development of and proposed framework for the Council.



The following comments were received by the Office of the Tribal Advisor. The comment summaries often represent comments from multiple commenting parties but have been consolidated and summarized to more concisely respond to collective comments, recommendations and general feedback. Staff responses are provided to each.

I. MAKEUP OF THE COUNCIL

Comment Summary

- A. Non-federally recognized tribes on the list maintained by the Native American Heritage Commission should be included.
- B. The Council should be only include representatives from federally recognized tribes.
- C. All California tribes should be represented on the Council.
- D. There should be an even distribution of tribes from Northern, Central and Southern California with tribal representatives with multi-disciplinary expertise in California Native American affairs.
- E. The Council should be organized into four regions, including the Northern, Central, Southern and Eastern regions of the state.
- F. Members of the Council should be nominated by tribal governments or communities.
- G. Educators should be appointed to the Council.
- H. The Council should include individuals or groups that have done healing work for Native American communities.
- I. Christian leaders and organizations should be involved in the work of the Council.
- J. A varied mix of tribal members, leaders in education, and political leaders should be appointed to the Council. All appointees should have a demonstrated history of leadership and experience in relevant areas.
- K. Lay persons should be included in some capacity in order to gauge the public's knowledge and attitudes toward Native peoples in the state.
- L. Council members should be elected tribal officials.

Response to Comments

- A. Staff agrees that non-federally recognized tribes should be included. Staff recommends inclusion of representatives from both federally and non-federally recognized tribes from throughout the state.
- B. Staff disagrees that all members of the Council should be from federally recognized tribes. The historical depredations under examination are not limited to those tribes that have a legal relationship with the federal government. Staff recommends inclusion of representatives from both federally and non-federally recognized tribes from throughout the state.
- C. While the number of California tribes is too large for each tribe to have appointed representation, Staff agrees that the makeup of the Council should be representative of the regional, cultural and historical differences and diversity of experiences of California Native Americans, while allowing for open access and inclusion of those tribes not appointed to the Council. Staff recommends inclusion of representatives from tribes from throughout the state.
- D. Staff agrees but recommends inclusion of an equal amount of tribal representation from tribes in the Eastern area of the state to capture the historical, cultural and geographical variance throughout the state.
- E. Staff agrees and recommends inclusion of an equal amount of tribal representation from tribes in the Northern, Central, Southern and Eastern areas of the state to capture the historical, cultural and geographical variance throughout the state.
- F. Staff agrees that tribal governments or communities should drive selection of Council members. Staff recommends that Council members be recommended by tribal governments.
- G. Staff agrees that there should be opportunities for healing work to support the Council. Staff recommends that the Council utilize a culturally competent wellness practitioner and allow for open inclusion of supportive groups to help facilitate discussions and process historical trauma.
- H. Staff agrees that educators should be present on the Council, either as members (voting or non-voting) or in a supportive capacity.
- I. Staff recommends open inclusion of all groups with the ability support the work and/or the goals of the Council without prescribing which groups should be included beyond California Native Americans. Staff recommends that the voting members of the Council be representative of the California Native American.
- J. Staff agrees and recommends a variety of backgrounds and qualifications for voting and non-voting members of the Council.

- K. Staff agrees and recommends open inclusion of all groups with the ability support the work and/or the goals of the Council without prescribing which groups should be included beyond California Native Americans.
- L. Staff agrees that tribal elected officials will likely be most representative of collective interests of a number of California Native Americans but acknowledges that there may be instances when a tribe seeks to send a duly authorized designee based on their knowledge, experience or community leadership or an appointed tribal official terms out of office but still enjoys the support of their tribe. Staff recommends allowing for duly authorized designees of California Native American tribes to allow for greater flexibility.

II. FRAMEWORK FOR THE WORK OF THE COUNCIL

Comment Summary

- A. The Council should be organized by charter to reflect the purposes of Executive Order N-15-19.
- B. The Council should provide a written report with particularized recommendations for structural reforms for repeated systemic problems that led to the formation of the Council.
- C. The work of the Council should be inclusive, forward-looking and transparent.
- D. The Council should establish a committee structure to ensure that research and study are conducted in a comprehensive and complete manner. Committees should be staffed and/or assisted by properly credentialed professionals and experts in the relevant field to be included in the research and study.
- E. The Council should meet at least once every three months.
- F. The Council should meet throughout the state.
- G. Tribal wellness practitioners should attend meetings of the Council to facilitate healing.
- H. The Council should allow space and the opportunity for a talking circle and restorative practices.
- I. The Council should encourage participation of community members and descendants of perpetrators of violence and depredations against California Native Americans.

Response to Comments

- A. Staff agrees and recommends adoption of a Charter to guide the work of the Council.
- B. The Council is required to provide a written final report of findings by January 1, 2025 regarding the historical relationship between the State of California and California Native Americans.
- C. Staff agrees and recommends that the Council be inclusive, transparent and respectful of all experiences.
- D. Staff agrees. Staff recommends allowing for subcommittees and the opportunity to engage with academics and professionals as needed.
- E. Staff agrees. Staff recommends that the Council meet for two consecutive days every three months.
- F. Staff agrees. Staff recommends rotating the location of Council meetings to allow for regional representation and inclusion at each meeting.
- G. Staff agrees and recommends that the Council utilize a culturally competent wellness practitioner and allow for open inclusion of supportive groups to help facilitate discussions and process historical trauma.
- H. Staff agrees and recommends that one day of the two-day meetings allow for talking circle community engagement.
- I. Staff agrees and recommends that the Council be inclusive, transparent and respectful of all experiences.

III. ISSUE AREAS TO BE EXAMINED

Comment Summary

- A. The Council should examine and report on the historical dispossession of tribal land and water in California beginning with the 18 unratified treaties, through the Smiley Commission Report of Mission Indians that supported the Mission Relief Act in 1891, up to the passage of the Indian Reorganization Act in 1934 and the State's response to those changes in federal policy.
- B. The Council should review and report on historical and current funding dedicated to Native American students in California's educational system.
- C. The Council should serve in an advisory role for best practices with respect to future treatment of existing depictions of Native Americans found in public spaces throughout the state that may be deemed derogatory.

- D. The Council should examine and report on the efficacy of the University of California Native American Graves Protection and Repatriation Act Oversight Committee.
- E. State destinations should acknowledge the ancestral lands of the relevant Native peoples describe how the land was or currently is used by such Native peoples.
- F. The Council should discuss the relationship between tribal communities and archaeologists. There is an acute trauma element in the activities of archaeologists that continue to define tribes and their resources without deference to tribal knowledge. There is still a bias towards scientific knowledge over tribal knowledge when it comes to cultural affiliation and the “proof” of cultural resources and traditional cultural properties.
- G. The Council should examine issues pertaining to land, water, culture, education, infrastructure, economic development, employment, indigenous health and wellness programs, food sovereignty, health, elder and veteran outreach, urban versus rural native information, and intergenerational trauma healing.
- H. The Council should discuss civil jurisdictional approaches and roles as well as tribal-state coordination on crime and jurisdiction.
- I. The Council should examine educational curriculum and consider options for reintroducing and reinvigorating Native languages.
- J. The Council should examine educational curriculum and how history and social studies account for Native experiences.

Response to Comments

- A. Staff defers to the Council to determine the issue areas to be examined and will provide this recommendation to the Council once constituted.
- B. Staff defers to the Council to determine the issue areas to be examined and will provide this recommendation to the Council once constituted.
- C. Staff defers to the Council to determine the issue areas to be examined and will provide this recommendation to the Council once constituted.
- D. The Native American Heritage Commission and the State Auditor serve in similar roles under statute.
- E. Staff defers to the Council to determine the issue areas to be examined and will provide this recommendation to the Council once constituted.
- F. Staff defers to the Council to determine the issue areas to be examined and will provide this recommendation to the Council once constituted.

- G. Staff defers to the Council to determine the issue areas to be examined and will provide this recommendation to the Council once constituted.
- H. Staff defers to the Council to determine the issue areas to be examined and will provide this recommendation to the Council once constituted.
- I. Staff defers to the Council to determine the issue areas to be examined and will provide this recommendation to the Council once constituted.
- J. Staff defers to the Council to determine the issue areas to be examined and will provide this recommendation to the Council once constituted.

IV. ADDITIONAL COMMENTS

Comment Summary

- A. The Council should work with the California Center for Native Nations and the University of California at Riverside and the University of California Los Angeles American Indian Studies Program.
- B. The Council should have dedicated staff to assist with the work of the Council and stipends for tribal leaders to participate.

Response to Comments

- A. Staff agrees that the Council should work with academics familiar working with restorative justice and tribal issues. Staff recommends including academics as non-voting members to the Council or in another supportive capacity.
- B. Staff recommends at least one full-time researcher/writer to assist with the work of the Council and stipends and travel for voting members of the Council. Staff recommends allowing for several methods of participation to accommodate tribal leaders and community members that may not be able to travel easily throughout the state.

