SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 2115 (Ramos)
Version: February 18, 2026
Hearing Date: June 16, 2026
Fiscal: Yes
Urgency: No
AWM

SUBJECT

California Native Americans: formal apology

DIGEST

This bill states that the State of California recognizes, accepts responsibility, apologizes, and asks forgiveness for the harms and atrocities committed by the State and its representatives, directly or by sanctioning private actors, against California Native Americans; and requires a plaque memorializing the apology to be installed and maintained publicly and conspicuously in the State Capitol Building.

EXECUTIVE SUMMARY

In 2019, Governor Gavin Newsom signed an executive order that apologized on behalf of the citizens of the State of California to all California Native Americans for the many instances of violence, maltreatment, and neglect California inflicted on tribes. The executive order recognized that the State of California and California Native Americans have never jointly formally examined or documented their relationship for the express purpose of acknowledging and accounting for the State's historical wrongs committed against California Native Americans. To date, however, the Legislature has not apologized for its role in committing, or sanctioning, these historical wrongs.

This bill extends a long-overdue apology to California Native Americans on behalf of the California Legislature for its responsibility for the state's denial of rights to, and violence against, California Native Americans. The bill further provides that the Legislature accepts responsibility for its role in denying California Native Americans their inherent rights, dignity, and sovereignty, asks for forgiveness, and affirms the Legislature's responsibility to confront and end ongoing injustices that stem from these historical wrongs. Additionally, this bill requires a plaque commemorating the apology to be established and placed in the State Capitol Building.

This bill is sponsored by the Santa Ynez Band of Chumash Indians and is supported by Habematolel Pomo of Upper Lake, the Morongo Band of Mission Indians, the Society for California Archaeology, and the Yurok Tribe. The Committee has not received timely opposition to this bill. If this Committee passes this bill, it will then be heard by the Senate Governmental Organization Committee.

PROPOSED CHANGES TO THE LAW

Existing federal law, in the Department of Defense Appropriations Act of 2010, recognized that "there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes" and apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States. (Pub. L. No. 111-118, § 8113, 123 Stat. 3409, 3453.)

Existing state law and executive orders:

1) Makes legislative findings and declarations relating to California's perpetration of gross human rights violations and crimes against humanity on African slaves and their descendants, and states that California recognizes, accepts responsibility, apologizes, and asks forgiveness for those harms. (Gov. Code, §§ 8301.1, 8301.2.)

2) Requires a plaque memorializing the apology in 1) to be installed and maintained publicly and conspicuously in the State Capitol Building. (Gov. Code, § 8301.3.)

3) Requires the Secretary of State to submit a final copy of the formal apology in 1) to the State Archives, as follows:
    a) The Legislature shall prepare the formal apology.
    b) The formal apology shall bear the Great Seal of the State.
    c) The apology is requested to be signed by the Speaker of the Assembly, the President Pro Tempore of the Senate, the Governor, and the Chief Justice of California.
    d) The copy of the formal apology shall be available for viewing by the general public in perpetuity. (Gov. Code, § 8301.4.)

4) Through Executive Order, states that the State of California does all of the following:
    a) Recognizes that the State historically sanctioned over a century of depredations and prejudicial policies against California Native Americans.
    b) Commends and honors California Native Americans for persisting, carrying on cultural and linguistic traditions, and stewarding and protecting this land that we now share.
    c) Apologizes on behalf of the citizens of the State of California to all California Native Americans for the many instances of violence, maltreatment, and

neglect California inflicted on tribes. (Governor's Exec. Order No. N-15-19 (Jun. 18, 2019).)

5) Requires, through Executive Order, the Governor's Tribal Advisor to establish the Truth and Healing Council to bear witness to, record, examine existing documentation of, and receive California Native American narratives regarding the historical relationship between the State of California and California Native Americans in order to clarify the historical record of this relationship in the spirit of truth and healing. (Governor's Exec. Order No. N-15-19 (Jun. 18, 2019).)

This bill:

1) Establishes the California State Legislature's Formal Apology to California Native Americans Act.

2) Makes findings and declarations about the United States and California's history of policies, and complicity in private acts, that harmed and encouraged violence against California Native Americans, removed California Native Americans from their lands, denied California Native Americans their civil rights, separated California Native American children from their families and kept them from their culture, and stole tribal resources.

3) Finds and declares the following:
    a) Despite the many wrongdoings committed by the Legislature and other institutions in the State, California Native Americans have survived. Their survival stands as a testament to their resilience and their spirit of resistance and defiance against those who wished them harm.
    b) In 2019, Governor Gavin Newsom issued an apology to California Native Americans through Executive Order No. N-15-19, which also established the California Truth and Healing Council.
    c) The Legislature and California Native Americans have never formally examined or documented their own relationship for the express purpose of acknowledging and accounting for the historical wrongs committed through the State's actions and inaction.
    d) The Legislature has never formally apologized to California Native Americans for its historical wrongdoing.
    e) The Legislature has never formally expressed a commitment to working with California Native American Tribes to build a closer relationship with their communities and governments to rectify the historical wrongdoing.

4) Provides all of the following:
    a) The State of California recognizes and accepts responsibility for all of the harms and atrocities committed by its representatives who promoted, permitted, facilitated, and enforced policies of violence against California

Native Americans, which has left an enduring legacy of trauma and has led to the destruction of important cultural and spiritual sites, and recognizes the irreparable harms it has caused to its tribal communities.

b) The Legislature commends and honors California Native Americans for their resilience and continued work to maintain their cultural and linguistic traditions, which this State proudly considers part of its history and cultural identity.
c) The Legislature apologizes for perpetuating the harms experienced by California Native Americans as a result of policies enacted, sanctioned, or tolerated by this body throughout the State's history. These harms, which include acts of violence, forced displacement, cultural suppression, land theft, family separation, and the deliberate erosion of tribal sovereignty, inflicted generational trauma and contributed to the systematic marginalization of Native peoples across California.
d) The Legislature acknowledges that these were not isolated incidents but part of a sustained pattern of state-supported actions and inactions that denied California Native Americans their inherent rights, dignity, and humanity. The Legislature further recognizes that the consequences of these injustices continue to affect tribal communities today, contributing to disparities in health, education, land access, cultural preservation, and economic opportunity.
e) The Legislature humbly asks for forgiveness from those affected by past atrocities, whether committed deliberately or through negligence, and affirms its responsibility to confront and end ongoing injustices that stem from these historical wrongs.

5) Requires a plaque memorializing the apology in 4), including the findings and declarations in 2)-4), to be installed and maintained publicly and conspicuously in the State Capitol Building.

6) Requires the Department of General Services (DGS), in consultation with the Joint Rules Committee, to do all of the following:
   a) Plan the plaque to be put in the State Capitol Building pursuant to 5).
   b) Review the preliminary design plans to identify potential maintenance concerns.
   c) Ensure compliance with the Americans with Disabilities Act and other safety concerns.
   d) Obtain any necessary review and approval under the California Environmental Quality Act for the work at the designated historic property.
   e) Review the final construction documents to ensure that all requirements are met.
   f) Prepare a maintenance agreement outlining the DGS's responsibility for the long-term maintenance of the plaque due to aging, vandalism, or relocation.

g) Establish a schedule for the design, construction, and dedication of the plaque, implement procedures to solicit designs for the plaque, devise a selection process for the choice of design, and establish a program for the dedication of the plaque.

7) Requires the Joint Rules Committee to approve the design and any other aspect of the plaque, and the DGS to provide for continuous maintenance and upkeep of the fixture.

8) Requires the Secretary of State to submit a final copy of the formal apology in 4) to the State Archives, where it shall be available for viewing by the general public in perpetuity.
   a) The Legislature shall prepare the formal apology.
   b) The apology shall bear the Great Seal of the State.
   c) The Speaker of the Assembly, President Pro Tem of the Senate, Governor, and Chief Justice of California are requested to sign the apology.

9) Permits the DGS and Joint Rules Committee, notwithstanding any other provision of law, to receive moneys from any federal, state, or local grant, or from any private donation or grant, for the purposes of this bill, and that any such funds received are continuously appropriated to the DGS and Joint Rules Committee, without regard to fiscal years, for the purpose of this bill.

COMMENTS

1. Author's comment

According to the author:

> AB 2115 would provide that the State of California recognizes and accepts responsibility for all of the harms and atrocities committed by its public officials, those who promoted, permitted, facilitated, and enforced policies of violence against California's First People. This apology would further the path of reconciliation and demonstrate the state commitment to rectifying the wrongs committed against their communities.
>
> Although the Governor has apologized for the historic wrongs committed by his predecessors, the Legislature and courts have yet to apologize for their role in this traumatic history. Their actions remain a stain on California's history, one that has not been truthfully or fully told. California's First People deserve an apology for the harm they endured and the generational trauma that continues to affect their communities to this day.

2. California's long, shameful history of violence, enslavement, family separation, and deliberate cultural suppression of California Native Americans

It is not possible, in the space of this analysis, to give a full accounting of the atrocities committed, encouraged, or sanctioned by the State against California Native Americans. This Comment merely provides a high-level overview of some of the most horrific examples.

a. Enslavement

As soon as colonizers arrived in what is now California, they forced Native Americans into enslavement. Spanish colonizers established missions in California that were "essentially coercive religious labor camps organized primarily to benefit the colonizers" at the expense of the Native American residents.[1] Indigenous persons were subjected to forced family separation, sexual assault, and coerced working conditions tantamount to slavery.[2] Nearly one-third of California's Native American population died as a direct consequence of the missions.[3] The Mexican Republic continued the practice of holding Indigenous persons as slaves.[4]

Although California ostensibly joined the United States as a free state, the 1850 Act for the Government and Protection of Indians provided that:

> Any Indian [*sic*] able to work and support himself in some honest calling, not having wherewithal to maintain himself, who shall be found loitering and strolling about, or frequenting public places where liquors are sold, begging, or leading an immoral or profligate course of life, shall be liable to be arrested on the complaint of any resident citizen of the county.[5]

A Native American person found to be a "vagrant" under this law would be "hired out" to the highest bidder in a public auction, for a term of up to four months; the Native American would receive room and board but not pay.[6] The general system of indenture for Native Americans was also expanded in 1860, permitting male children to be indentured until they were up to 30 years old.[7] Evidence suggests that many "indentured" children were kidnapped by white Californians or taken as "prisoners of

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[1] Castillo, State of California Native American Heritage Commission, *Short Overview of California Indian History*, http://nahc.ca.gov/resources/california-indian-history/. All links in this analysis are current as of June 11, 2026.
[2] *Ibid.*
[3] Castillo, *supra*.
[4] *Ibid.*
[5] Johnston-Dodds, *Early California Laws and Policies Related to California Native Americans* (Sept. 2002) California Research Bureau, CRB-02-2014, p. 8, *available at* https://courts.ca.gov/sites/default/files/courts/default/2024-08/module1-resources.pdf.
[6] *Ibid.*
[7] *Id.* at pp. 8-9.

war."[8] These laws functionally criminalized being Native American in public and forced Native Americans into slavery and were not repealed in their entirety until 1937.[9]

b. Genocidal violence

The Gold Rush "brought death, torture, rape, starvation, and disease to the Indigenous peoples whose ancestral territories included the sought-after goldfields north and east of San Francisco."[10] After California joined the Union, California's first governor, Peter H. Burnett, believed it was "inevitable" that "a war of extinction [would] continue to be waged between the races, until the Indian race becomes extinct."[11] To that end, Burnett and subsequent California governors repeatedly used the State Militia to attack Native Americans in California; while "it is impossible to determine exactly" the total number of attacks, records indicate that campaigns took place all over the state.[12] In addition to the official militia attacks, the Legislature enacted the "Act Concerning Volunteer or Independent Companies," which permitted the citizens of a county to organize into an independent military company, arm themselves like the United States Army, and provide "assistance" to the state militia upon request.[13] Between 1850 and 1859, the Governor called forth the militia for so-called "Expeditions against the Indians" on multiple occasions.[14] Overall, "US occupation and settlement exterminated more than one hundred thousand California Native people…reducing the population to thirty thousand by 1870—quite possibly the most extreme demographic disaster of all time."[15]

In 1860, the Legislature established a Joint Special Committee on the Mendocino Indian War to investigate allegations that Native Americans stole and killed settlers' stock and that white Californians had committed atrocities against Native Americans.[16] A majority of the committee concluded that California utterly failed to protect Native Americans from white settlers, who had destroyed Native Americans' ability to subsist on the land and then murdered Native Americans en masse when they killed the settlers' cattle just to survive.[17] The majority recommended that the Legislature enact legislation to better protect Native Americans in California.[18] A minority of the

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[8] *Id.* at pp. 10-12.
[9] *Id.* at p. 14.
[10] Dunbar-Ortiz, An Indigenous Peoples' History of the United States (2104) at p. 129 (An Indigenous Peoples' History of the United States).
[11] Johnston-Dodds, *supra*, at p. 15. Burnett also attempted to enact laws that would have excluded Black people and Chinese immigrants from the state. (Nokes, *Gavin Newson calls out California's racist first governor. Who was Peter Hardeman Burnett?* (Jun. 30, 2019; updated Jul. 9, 2019) CalMatters, https://calmatters.org/politics/2019/06/native-american-genocide/.)
[12] Johnston-Dodds, *supra*, at pp. 15-16.
[13] *Id.* at p. 17.
[14] *Id.* at p. 16.
[15] Dunbar-Ortiz, *supra*, at p. 129.
[16] Johnston-Dodds, *supra*, at p. 20.
[17] *Id.* at pp. 20-21.
[18] *Id.* at p. 21.

committee, however, argued for the wholesale destruction of Native life: the Minority Report recommended that the state should "adopt a general system of peonage or apprenticeship, for the proper disposition and distribution of the Indians by families among responsible citizens."[19] Such an act would ensure that "whites might be provided with profitable and convenient servants, and the Indians with the best protection and all the necessaries of life in permanent and comfortable homes."[20]

c. Land theft

The 1850 Act for the Government and Protection of Indians "facilitated removing California Indians from their traditional lands, separating at least a generation of children and adults from their families, languages, and cultures."[21] Specifically, the Act allowed any white person to apply to a Justice of the Peace for the removal of California Native Americans from lands in the white person's possession.[22] Although the federal government attempted to enter into treaties with 18 California Indigenous tribes, which would have set aside 7,488,000 acres, or 11,700 square miles, for Indigenous use, the California Legislature instructed its senators to oppose ratification and called for the government to remove the Indians from the state as they had done in other states.[23] The Senate failed to ratify the treaties.[24] Many of the California Native Americans who were removed from their lands were transported to reservations in Oregon and Oklahoma against their will.[25]

d. Boarding schools and the destruction of Native American culture through family separation

For as long as America has been a country, Americans have used Indian children as weapons against their tribes. Following the ratification of the Constitution, "American military strategists, empowered by the foreign affairs and war powers, targeted Indian children for kidnapping and imprisonment as a means to undermine tribal resistance."[26] "Early American state papers make note of military plans to capture children, hold them in military jails, and use them as bargaining chips with tribal leaders."[27] Treaties between the United States and various Indian tribes during the end

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[19] *Id.* at p. 22.
[20] *Ibid.*
[21] *Id.* at p. 5.
[22] *Ibid.*
[23] Castillo, *supra*.
[24] *Ibid.* In 1944, under a federal law allowing Indigenous persons to sue the federal government for loss of lands, as represented by the state attorney general, the California Attorney General agreed to a settlement of $17,053,941.98—but the government withheld "its 'costs' of providing reservations, supplies, and even salaries of the corrupt and do-nothing" reservation overseers, resulting in a payment of $150 per Indigenous person. (*Ibid.*)
[25] Dunbar-Ortiz, *supra*, at p. 130.
[26] Fletcher & Sengel, Indian Children and the Federal-Tribal Trust Relationship, 95 Neb. L. Rev. 885, 889-890.
[27] *Id.* at p. 902.

of the eighteenth century and the early nineteenth century provided for the "education" of Indian children, which "intertwined western religions and religious entities with federal programs designed to educate—or 'civilize'—Indian nations."[28]

By the latter half of the nineteenth century, eradicating Indian culture by removing children from their homes, families, and tribes was official American policy, as captured in the slogan "Kill the Indian to Save the Man."[29] The "boarding school" model gained prominence after Congress enacted federal legislation to compel Indian parents to send their children to government schools.[30] Indian children were removed from their families against their will—often for years at a time—forced to speak English and punished for speaking their native languages, and housed in deplorable conditions, with the goal of forcing them to reject their culture and embrace "whiteness."[31]

Thirteen Federal Indian Boarding Schools (FIBS) were located in California.[32] FIBS practiced "systematic identity-alteration methods" to alienate Indian children from their families and tribes, including forcing them to adopt Christianity, cutting their hair, and "renaming Indian children from Indian names to different English names"—literally stealing their identities.[33] Destroying Indian families was the point—"taking [Indian children] from their parents when small and keeping them away until parents and children become strangers to each other…the problem of the [Indian] could be solved by educating the children, not to return to the reservation, but to be absorbed one by one into the white population."[34] Even worse, the "United States used monies resulting from Indian wealth depletion from cessions of territories, and held in Federal trust accounts for Indian tribes, to pay for the attempted assimilation process of Indians," with Indian trust fund monies making up to 95 percent of the funding.[35]

In the twentieth century, the project of forced assimilation changed its methods, but not its goal. As state governments developed child welfare programs, "[m]any states began to systematically remove Indian children from their homes in the mid-twentieth century to 'save' them from reservation life, intentionally placing the children in non-Indian

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[28] *Id.* at pp. 910-911.
[29] Lacey, The White Man's Law and the American Indian Family in the Assimilation Era, 40 Ark. L. Rev. 327, 356–357 (1986) (internal quotation marks omitted).
[30] United States Department of the Interior, Federal Indian Boarding School Initiative: Investigative Report, Vol. 1 (May 2022) p. 35.
[31] Lacey, *supra*, at pp. 356-358.
[32] Bureau of Indian Affairs, List of Federal Indian Boarding Schools, Appendix A to the Federal Indian Boarding School Initiative: Investigative Report, Vol. 2 (2024) pp. 1-2, *available at* https://www.bia.gov/sites/default/files/media_document/vol_ii_appendix_a_list_of_federal_indian_boarding_schools_public_508_final%5B1%5D.pdf.
[33] Federal Indian Boarding School Initiative: Investigative Report, *supra*, at p. 53. The full list of horrors experienced by Indian children is too long to list in this analysis; as the Department of the Interior notes, "[r]ampant physical, sexual, and emotional abuse; disease; malnourishment; overcrowding; and lack of health care" at the boarding schools are all well-documented. (*Id.* at p. 56.)
[34] *Id.* at p. 38.
[35] *Id.* at p. 41.

homes as far away from their families as possible."[36] This policy held that mere Indian identity was sufficient to warrant taking a child: "most government officials deemed Indian families inherently and irreparably unfit," and one state policy "held that the reservation was, by definition, an unacceptable environment for children."[37] "State actors removed children with 'few standards and no systematic review of judgments' by impartial tribunals" and "Indian parents rarely received adequate notice, almost never received paid counsel, and generally had no meaningful opportunity to respond" to the removals.[38] After decades of this practice:

> It was estimated that state governments removed between 25 [percent] and 30 [percent] of all Indian children nationwide from their families, placing about 90 [percent] of those removed children in non-Indian homes. No one will ever know the exact numbers; far too many removals were paperless and lacked even rudimentary process.[39]

The United States did not halt the states' Native American family separation policies until 1978, with the passage of the Indian Child Welfare Act.[40]

e. Denial of civil rights

At the California Constitutional Convention in 1849—before California was formally admitted to the United States—a majority of delegates voted to deny Native American males the right to vote, even though they had been granted suffrage under the prior Mexican regime, and even though they would be required to pay state taxes.[41] In 1850 and 1851, the Legislature enacted measures prohibiting Native Americans from "giving 'evidence in favor of, or against, any white person.' "[42] Although this provision was eliminated in 1855, "legal treatises of the 1860s continued to cite the general civil procedure laws that excluded Indians from being witnesses at court as valid law."[43] The 1850 Act for the Government and Protection of Indians further restricted Native Americans' legal rights, including permitting a justice of the peace to decide any matter involving a Native American, and prohibiting the Native American person from appealing the justice's ruling to an actual court.[44]

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[36] Fletcher & Stengel, *supra*, at p. 952.
[37] *Id.* at pp. 954-955 (internal modifications omitted).
[38] *Id.* at p. 954.
[39] *Id.* at pp. 954-955.
[40] *See* 25 U.S.C. §§ 1901 et seq.
[41] Johnston-Dodds, *supra*, at p. 3. The Constitution ultimately granted the right to vote to white men and Mexican men who had elected become citizens under the treaty of Guadalupe Hidalgo. (*Ibid.*) Although the Fifteenth Amendment to the United States Constitution prohibited the denial of the right to vote on the basis of race, most California Native Americans were denied suffrage until the federal Citizenship Act of 1924 was enacted. (*Ibid.*)
[42] *Id.* at p. 6.
[43] *Id.* at p. 8.
[44] *Ibid.*

3. Past apologies for California's, and the nation's, treatment of Native Americans

In 2009, Congress passed, and President Barack Obama signed, the Department of Defense Appropriations Act, 2010.[45] Section 8113 of that Act set forth an "acknowledgement and apology" on behalf of "the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States."[46] The apology "urge[d] the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land,"[47] but no further steps were taken by the Obama administration. In October of 2024, President Joe Biden formally apologized for the federal government's Native American boarding schools, describing it as "[o]ne of the most horrific chapters in American history."[48]

Here in California, in 2019, Governor Gavin Newsom signed an executive order that apologized "on behalf of the citizens of the State of California to all California Native Americans for the many instances of violence, maltreatment and neglect California inflicted on tribes."[49] The executive order also directed the Governor's Tribal Advisor to establish the Truth and Healing Council, which would be led and convened by the Governor's Tribal Advisor and include representatives or delegates from California Native American tribes.[50] The Truth and Healing Council was directed to "bear witness to, record, examine existing documentation of, and receive California Native American narratives regarding the historical relationship between the State of California and California Native Americans in order to clarify the historical record of this relationship in the spirit of truth and healing."[51] The Council was slated to provide a final report to the Governor in 2025, but it does not appear that the report has been published.[52]

4. This bill offers an apology on behalf of the State of California, and asks forgiveness on behalf of the Legislature for all of the harms committed, or sanctioned, by the State against California Native Americans

This bill offers a long-overdue apology to California Native Americans on behalf of the California Legislature for its responsibility for the state's denial of rights to, and violence against, California Native Americans. The bill recognizes that, despite the centuries of repression and violence committed against them, California Native

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[45] Pub. L. No. 111-118 (Dec. 19, 2009) 123 Stat. 3409.
[46] *Id.*, § 8113, 123 Stat. at p. 3453.
[47] *Ibid.*
[48] Pres. Joe Biden, Presidential Remarks on Helping Tribal Communities (Oct. 25, 2024) C-SPAN, https://www.c-span.org/program/public-affairs-event/presidential-remarks-on-helping-tribal-communities/651073.
[49] Governor's Exec. Order No. N-15-19 (Jun. 18, 2019).
[50] *Ibid.*
[51] *Ibid.*
[52] *See* Governor's Office of Tribal Affairs, About the California Truth & Healing Council, https://tribalaffairs.ca.gov/cthc/about/.

Americans have survived, and that their survival is a testament to their resilience and their spirit of resistance and defiance against those who wished them harm. The bill also recognizes that California Native Americans' cultural and linguistic traditions are a vital part of California's history and cultural identity. The bill apologizes and accepts responsibility for the Legislature's role in denying California Native Americans their inherent rights, dignity, and sovereignty, asks for forgiveness, and affirms the Legislature's responsibility to confront and end ongoing injustices that stem from these historical wrongs.

To ensure that the Legislature's apology doesn't fade into obscurity, this bill requires the establishment of a plaque memorializing the apology, which will be completed by DGS in consultation with the Joint Rules Committee. The Senate Governmental Organization Committee, which will hear this bill if it passes out of this Committee, will address the creation of the plaque.

5. <u>This apology is not intended to, and does not appear to, create legal liability on behalf of the State</u>

Although this bill states that California recognizes and accepts responsibility for all the harms and atrocities committed, or sanctioned, by the State against California Native Americans, this bill is not intended to, and appears very unlikely to, establish legal liability on behalf of the State. First and foremost, it does not appear that there is any precedent for an apology of this type—in which a governmental actor apologizes for historical wrongs—resulting in legal liability; Committee staff were unable to find any case law to that effect. Moreover, a number of legal doctrines appear to make a lawsuit based on this bill's apology legally impossible, including sovereign immunity,[53] the political question doctrine,[54] and statutes of limitations.[55] Also, "the primacy of the individual is critical to American jurisprudence," which has led to a general judicial refusal to impose liability on a group basis;[56] because this bill's apology does not address specific injuries to specific individuals, it is almost certainly too vague to satisfy the legal requirements of harm, causation, and damages necessary in a legal action.

Indeed, the State has already issued formal apologies for a number of atrocities committed or sanctioned by the State without incurring liability, including:

- In 2024, the Legislature passed, and the Governor signed, AB 3089 (Jones-Sawyer, Ch. 624, Stats. 2024), which formally accepted responsibility for the harms and atrocities committed by the State in connection with chattel slavery

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[53] *E.g.*, *Sonoma Ag Art v. Dept. of Food & Agriculture* (2004) 125 Cal.App.4th 122, 124 (" 'Sovereign immunity is the rule in California' "); *see also* Gov. Code, § 815.

[54] *E.g.*, *Powell v. McCormack* (1969) 395 U.S. 486, 518-522; *see In re Nazi Era Cases Against German Defenses Litig.* (D.N.J. 2001) 129 F.Supp.2d 370, 383-384 (ruling that political question doctrine rendered plaintiff's suit seeking damages from companies for atrocities committed in Nazi Germany non-justiciable).

[55] *See* Code Civ. Proc., pt. 2, tit. 2, §§ 312 et seq.

[56] Burkett, Reconciliation and Nonrepetition: A new Paradigm for African-American Reparations, 86 Or. L. Rev. 99, 126-127 (2007).

and for perpetuating the harms suffered by African Americans, and apologized for those harms. AB 3089 is structurally similar to this bill, and also requires the establishment of a plaque in the State Capitol Building to commemorate the apology.

- The Apology Act for the 1930s Mexican Repatriation Program, which apologized to the persons forcibly removed and other victims for California's role in the forcible removal of persons of Mexican ancestry from the United States beginning in 1929 and the fundamental violations of their basic civil liberties and constitutional rights committed during that period.[57]
- The Assembly passed a House Resolution that apologized to all Americans of Japanese ancestry for its past actions in support of the unjust exclusion, removal, and incarceration of persons of Japanese descent during World War II.[58]

It does not appear that any of these past apologies, or apologies issued by the federal government,[59] resulted in legal liability for the acts which were the subject of the apology.

6. Arguments in support

According to the Santa Ynez Band of Chumash Indians:

> California is home to the largest Native American population in the United States, with more than 100 Native Nations residing within its border, each nation with its own distinct culture, spiritual traditions, and histories. These communities have endured centuries of violence sanctioned by both state and federal policies, violence that has continued to impact their communities to this day.
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> For tribes like the Chumash, whose ancestral homelands span the Central Coast, these policies were not abstract or distant. They translated into dispossession from traditional lands, the erosion of cultural practices, and generations of trauma that continue to affect our people today. These harms were the direct result of state-sanctioned policies adopted and maintained during California's early history.
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> AB 2115 builds on the work initiated by Governor Newsom's 2019 executive order. It ensures that the Legislature formally acknowledges its role in these historic wrongs and affirms the State's commitment to true government-to-government

[57] Gov. Code, tit. 2, div. 1, ch. 8.5, §§ 8720 et seq.
[58] HR 77 (Muratsuchi, 2020). A virtually identical resolution was introduced in the Senate, but it was held due to COVID-19-related bill limits. (*See* SR 72 (Pan, 2020).)
[59] Federal government apologies include the Civil Liberties Act of 1988, which apologized for unjustly interning persons of Japanese descent during World War II (50 U.S.C. §§ 4211-4220); a resolution apologizing to Native Hawaiians for the overthrow of the Kingdom of Hawai'i (Pub. L. 103-150 (Nov. 23, 1993) 107 Stat. 1510); and President Clinton's apology for the so-called "syphilis study" at Tuskegee (National Archives, Remarks by the President In Apology for Study Done in Tuskegee (May 16, 1997), https://clintonwhitehouse4.archives.gov/textonly/New/Remarks/Fri/19970516-898.html).

relationships with tribal nations. This acknowledgment provides a necessary foundation for rebuilding trust and advancing meaningful reconciliation.

SUPPORT

Santa Ynez Band of Chumash Indians (sponsor)
Habematolel Pomo of Upper Lake
Morongo Band of Mission Indians
Society for California Archaeology
Yurok Tribe

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: ARJ 18 (Ramos, 2026) is similar to this bill but does not include the requirement to commemorate the apology with a permanent plaque. AJR 18 is pending before this Committee.

Prior legislation:

AB 3089 (Jones-Sawyer, Ch. 624, Stats. 2024) stated that the State of California recognizes and accepts responsibility for all of the harms committed by the state in connection with chattel slavery and its enduring legacy, issued an apology from the State of California for perpetuating the harms African Americans face through state and private action, and required a plaque memorializing the apology to be installed in the State Capitol. AB 3089 is discussed further in Comment 5 of this analysis.

AB 2022 (Ramos, Ch. 479, Stats. 2022) required, commencing January 1, 2025, the removal of the term "squaw" from all geographic features and place names in the state, and for place names including that term to be renamed.

AB 1936 (Ramos, Ch. 478, Stats. 2022) recognized S.C. Hastings' perpetration of genocidal acts against California Native Americans and redesignated the previously eponymous law school as the "College of Law, San Francisco."

PRIOR VOTES

Assembly Floor (Ayes 78, Noes 0)
Assembly Appropriations Committee (Ayes 15, Noes 0)
Assembly Judiciary Committee (Ayes 12, Noes 0)

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