

EXHIBIT 1

CFR et al v. Padilla et al.

Case No. 2:17-cv-00973-KJM-CMK

111TH CONGRESS
1ST SESSION

S. J. RES. 14

To acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2009

Mr. BROWNBACK (for himself, Mr. INOUE, Mr. BAUCUS, Mrs. BOXER, Mr. CRAPO, Ms. CANTWELL, Mr. COBURN, Mr. HARKIN, Mr. LIEBERMAN, and Mr. TESTER) introduced the following joint resolution; which was read twice and referred to the Committee on Indian Affairs

JOINT RESOLUTION

To acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

Whereas the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of people of European descent;

Whereas for millennia, Native Peoples have honored, protected, and stewarded this land we cherish;

Whereas Native Peoples are spiritual people with a deep and abiding belief in the Creator, and for millennia Native

Peoples have maintained a powerful spiritual connection to this land, as evidenced by their customs and legends;

Whereas the arrival of Europeans in North America opened a new chapter in the history of Native Peoples;

Whereas while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;

Whereas the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of Native Peoples in the vicinities of the settlements;

Whereas in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, “The utmost good faith shall always be observed toward the Indians”;

Whereas Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

Whereas Native Peoples and non-Native settlers engaged in numerous armed conflicts in which unfortunately, both took innocent lives, including those of women and children;

Whereas the Federal Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian tribes;

Whereas the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Act of May 28, 1830 (4 Stat. 411, chapter 148) (commonly known as the “Indian Removal Act”);

Whereas many Native Peoples suffered and perished—

(1) during the execution of the official Federal Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(2) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890; and

(3) on numerous Indian reservations;

Whereas the Federal Government condemned the traditions, beliefs, and customs of Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the Act of February 8, 1887 (25 U.S.C. 331; 24 Stat. 388, chapter 119) (commonly known as the “General Allotment Act”), and the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were degraded and forbidden;

Whereas officials of the Federal Government and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized tribal land and the theft of tribal resources and assets from recognized tribal land;

Whereas the policies of the Federal Government toward Indian tribes and the breaking of covenants with Indian tribes have contributed to the severe social ills and economic troubles in many Native communities today;

1 (1) recognizes the special legal and political re-
2 lationship Indian tribes have with the United States
3 and the solemn covenant with the land we share;

4 (2) commends and honors Native Peoples for
5 the thousands of years that they have stewarded and
6 protected this land;

7 (3) recognizes that there have been years of of-
8 ficial depredations, ill-conceived policies, and the
9 breaking of covenants by the Federal Government
10 regarding Indian tribes;

11 (4) apologizes on behalf of the people of the
12 United States to all Native Peoples for the many in-
13 stances of violence, maltreatment, and neglect in-
14 flicted on Native Peoples by citizens of the United
15 States;

16 (5) expresses its regret for the ramifications of
17 former wrongs and its commitment to build on the
18 positive relationships of the past and present to
19 move toward a brighter future where all the people
20 of this land live reconciled as brothers and sisters,
21 and harmoniously steward and protect this land to-
22 gether;

23 (6) urges the President to acknowledge the
24 wrongs of the United States against Indian tribes in

1 the history of the United States in order to bring
2 healing to this land; and

3 (7) commends the State governments that have
4 begun reconciliation efforts with recognized Indian
5 tribes located in their boundaries and encourages all
6 State governments similarly to work toward recon-
7 ciling relationships with Indian tribes within their
8 boundaries.

9 (b) DISCLAIMER.—Nothing in this Joint Resolu-
10 tion—

11 (1) authorizes or supports any claim against
12 the United States; or

13 (2) serves as a settlement of any claim against
14 the United States.

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NEWS

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

FOR IMMEDIATE RELEASE

CONTACT: Nedra Darling

September 8, 2000

202-208-3710

GOVER APOLOGIZES FOR BIA's MISDEEDS Agency's 175th Anniversary Occasion for Reflection

In a powerful and moving speech at a ceremony commemorating the Bureau of Indian Affairs' 175th anniversary, Assistant Secretary-Indian Affairs Kevin Gover today apologized for the ethnic cleansing and cultural annihilation the BIA had wrought against American Indian and Alaska Native people in years past. Speaking before an estimated audience of 300 people, most of whom were BIA employees, he observed that the event was not an occasion for celebration, but a time for reflection and contrition.

"We desperately wish that we could change this history," Gover said, "but of course we cannot. On behalf of the Bureau of Indian Affairs, I extend this formal apology to Indian people for the historical conduct of this agency."

Gover pointed out that the agency's lengthy cultural assault on American Indians and Alaska Natives for most of its history, particularly on the children sent to BIA boarding schools and their parents, has yielded a trauma of shame, fear, and anger that has passed from generation to generation fueling the alcohol and drug abuse and domestic violence that continues to plague Indian country. "These wrongs," he said, "must be acknowledged if the healing is to begin."

Gover noted a healing process is crucial to letting go of the past and laying the groundwork for the future. "The Bureau of Indian Affairs was born in 1824 in a time of war on Indian people," he said. "May it live in the year 2000 and beyond as an instrument of their prosperity."

Gover also presided at a ceremony dedicating the Assistant Secretary-Indian Affairs' corridor in the Department's headquarters as the "Hall of Tribal Nations" where tribal flags from across the country will be on permanent display.

Note to Editors: *The full text of Assistant Secretary [Gover's speech](#) is on the BIA's web site.*



Office of Governor
Edmund G. Brown Jr.

Governor Brown Celebrates Native American Day

Published: Sep 22, 2017

SACRAMENTO – As leaders of Native American tribes from across California gather to celebrate the 50th annual observance of Native American Day at the state Capitol today, Governor Edmund G. Brown Jr. released a proclamation that declares September 22, 2017, as Native American Day in the State of California. The theme of this year’s celebration at the Capitol is “Tribal Sovereignty: Sovereigns Working Together.”

The text of the proclamation is below:

PROCLAMATION

California has been home to human beings for more than 12,000 years, with the presence of European-Americans representing only a tiny fraction of this time. The first Europeans to arrive in California encountered hundreds of thousands of people organized into hundreds of distinct tribal groups. They flourished in the bountiful hills and valleys of what someday would be called California.

The contact between these first Californians and successive waves of newcomers over the three succeeding centuries was marked by the utter devastation of the native peoples, their families and entire way of life. The colonial regimes of Spain and Mexico through disease and enforced servitude cut the indigenous population by more than half. Then the Gold Rush came, and with it, a wave of new diseases and wanton violence which reduced the Native population again, this time by more than 80 percent. The newborn State of California actually paid for the killing of Native peoples and tolerated or encouraged policies of warfare, slavery and relocation that left no tribe intact. In his 1851 address to the Legislature, our first Governor, Peter Burnett, famously

stated, "That a war of extermination will continue to be waged between the two races until the Indian race becomes extinct, must be expected."

In spite of Burnett's prediction, California today is home to the largest population of Native Americans in the fifty states, including both the rebounding numbers of our native tribes and others drawn to the Golden State by its myriad opportunities. The success of tribal businesses and the presence today of tribal members in all walks of life stand as testament to the resilience and indomitable spirit of native peoples. If Governor Burnett could not envision a future California that included Native Americans, it is just as impossible for us today to envision one without them.

NOW THEREFORE I, EDMUND G. BROWN JR., Governor of the State of California, do hereby proclaim September 22, 2017, as "Native American Day" in the State of California.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 15th day of September 2017.

EDMUND G. BROWN JR.

Governor of California

ATTEST:

ALEX PADILLA

Secretary of State

Accessible at: <https://www.gov.ca.gov/2017/09/22/news19964/>

See also Indian Country Today, "[*7 Apologies Made to American Indians*](#)" (July 1, 2015).

Accessible at

<https://indiancountrymedianetwork.com/history/events/7-apologies-made-to-american-indians/>

Federal government apology to Native American Indians:

Alexander Nazaryan, [*CALIFORNIA SLAUGHTER: THE STATE-SANCTIONED GENOCIDE OF NATIVE AMERICANS*](#), Newsweek (8/17/2016) including a recorded apology to Native American Indians from the Bureau of American Affairs. (accessed at <http://www.newsweek.com/2016/08/26/california-native-americans-genocide-490824.html>)