

# BRINGING TO LIGHT: REFLECTIONS ON PROFESSOR YAMAMOTO’S “SOCIAL HEALING THROUGH JUSTICE” AND THE POTENTIAL OF THE CALIFORNIA TRUTH & HEALING COUNCIL

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

– Peter Burnett<sup>1</sup>

*The Indian is placed between the upper and nether millstones and he must be crushed! The fate of the Indian is irrevocably sealed . . . In the providence of God they must soon disappear before the onward march of our countrymen. Humanity may forbid but the interest of the white man demands their extinction.*

– John B. Weller<sup>2</sup>

*It’s called a genocide. That’s what it was, a genocide.*

– Gavin Newsom<sup>3</sup>

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1. Peter Burnett, First Elected Governor of California: State of the State Address, THE GOVERNORS’ GALLERY (Jan. 6, 1851), [https://governors.library.ca.gov/addresses/s\\_01-Burnett2.html](https://governors.library.ca.gov/addresses/s_01-Burnett2.html) [<https://perma.cc/83Q2-PPP8>].

2. John Weller, U.S. Senator and Governor of California, THE GOVERNORS’ GALLERY, <https://governors.library.ca.gov/05-Weller.html> [<https://perma.cc/HK5V-BZTG>]; MOHAMED ADHIKARI, DESTROYING TO REPLACE: SETTLER GENOCIDES OF INDIGENOUS PEOPLES 98 (Alfred J. Andrea ed., 2022) (quoting Cong. Globe: The Debates, Proceedings and Laws of the First Session of the Thirty-Second Congress, 32nd Cong., 1st Sess. 2175 (1852)).

3. Gavin Newsom, 40th Governor of California, THE GOVERNORS’ GALLERY, <https://governors.library.ca.gov/40-Newsom.html> [<https://perma.cc/U7HS-8P24>]; Jill Cowan, *It’s Called Genocide’: Newsom Apologizes to the State’s Native Americans*, N.Y. TIMES (June 19, 2019), <https://www.nytimes.com/2019/06/19/us/newsom-native-american-apology.html>

I. FACING CALIFORNIA’S TRUE ORIGIN STORY: EXTERMINATION, EXTINCTION, GENOCIDE

In *Healing the Persisting Wounds of Historic Injustice: United States, South Korea and the Jeju 4.3*,<sup>4</sup> Professor Eric K. Yamamoto examines in salient depth the long-ignored role of the U.S. in the Jeju 4.3 massacre. Drawing upon his previous and other scholars’ work about historic injustices and the lasting group harms that result, he provides a lens for understanding *what* these harms are and *why* they must be rectified to achieve a just world. Professor Yamamoto’s body of work brings insights and concrete examples to broad transitional justice concepts such as truth, reconciliation, repair, and healing through what he terms as the “4Rs” framework: *Recognition, Responsibility, Reconstruction, and Reparation*.<sup>5</sup> In this essay, I apply Professor Yamamoto’s 4Rs analytic framework for “social healing through justice” to recent efforts in California to face the state’s true “origin story,” focused on extermination, extinction, and genocide.<sup>6</sup>

Like many transplanted California residents, I first gleaned a cursory knowledge of the state’s history through old television reruns and ubiquitous tourism: some mélange of details from *The Fresh Prince of Bel-Air*,<sup>7</sup> *The Beverly Hillbillies*,<sup>8</sup> and the famed huge letters of the Hollywood Sign in the mountains near Los Angeles.<sup>9</sup> Moving to the Bay Area as a young adult, I

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[<https://perma.cc/8VQA-M3ZV>]; California Governor, *California Tribal Apology*, FACEBOOK (Sept. 27, 2019), <https://www.facebook.com/CAGovernor/videos/california-tribal-apology/1389639714551213/> [hereinafter Governor’s Apology]; Rebecca Morin, ‘Genocide’: California Governor Apologizes to Native Americans for Past Violence, USA TODAY (June 19, 2019, 8:17 PM), <https://www.usatoday.com/story/news/politics/2019/06/19/calif-governor-apologizes-native-americans-past-violence/1505636001/> [<https://perma.cc/M5GU-GFEW>].

4. See generally ERIC K. YAMAMOTO, *HEALING THE PERSISTING WOUNDS OF HISTORIC INJUSTICE: UNITED STATES, SOUTH KOREA AND THE JEJU 4.3 TRAGEDY* (2021). This is the fourth book in the Peace Island Book Series of the World Association for Island Studies, Jeju National University.

5. *Id.* at 72-91; ERIC K. YAMAMOTO, *INTERRACIAL JUSTICE: CONFLICT AND RECONCILIATION IN POST-CIVIL RIGHTS AMERICA* 10-11 (1999).

6. The words “extermination” and “extinction” used by early California Governors indisputably show their present and future intentions. The use of the term “genocide” by current Governor Gavin Newsom is purposeful in seeking to right the record of California’s birth and development. See Alex Dobuzinskis, *California Governor Apologizes to Native Americans, Cites ‘Genocide,’* REUTERS (June 18, 2019, 6:29 PM), <https://www.reuters.com/article/us-california-native-americans/california-governor-apologizes-to-native-americans-cites-genocide-idUSKCN1TK03P> [<https://perma.cc/Y7NM-4LDP>]. For a further discussion on why “genocide” is increasingly applied to describe California’s origins, see *infra* notes 16-23 and accompanying text.

7. *The Fresh Prince of Bel-Air* (NBC television broadcast Sept. 10, 1990).

8. *The Beverly Hillbillies* (CBS television broadcast Sept. 26, 1962).

9. THE HOLLYWOOD SIGN, <https://www.hollywoodsign.org/#Home> [<https://perma.cc/Q3FL-Y6HQ>].

took delight in learning the state's historical details and popular arcana: California became the thirty-first state in 1850, after the Mexican-American War (1848-1850) and the beginning of the Gold Rush in 1848.<sup>10</sup> It was admitted to “the Union as a free, nonslavery state.”<sup>11</sup> It has a state flower (poppy), state bird (quail), state tree (redwood), state flag (bear), and state animal (also bear).<sup>12</sup> The colorful official Great Seal shows the motto “Eureka” (I found it) above the Greek goddess Athena, a gold miner at work, a bear, and various other symbols of the state's prosperity.<sup>13</sup>

A decade after relocating to California, I learned as a parent that the state's public school fourth grade curriculum introduced students to the famous twenty-one Missions, founded by Catholic priests of the Franciscan order between 1769 and 1833, all but one then under the Spanish rule.<sup>14</sup> Thanks to the magic of market branding, California's nickname “The Golden State” grew to evoke not only the Gold Rush of 1848-1855<sup>15</sup> and the “golden” poppy, but also other images of the California dream: the Golden Gate Bridge, Hollywood, surfer dudes, sports cars—a land of seemingly limitless possibilities. For some.

This well-worn, disturbingly still widely-used introduction to California history is not only flawed by its omissions; it is starkly at odds with reality. From the beginning, the California government advocated for the *elimination* and *extinction* of Indians; systematic removal to the point of near-extinction is exactly what occurred.<sup>16</sup> Historian Benjamin Madley notes that “[b]etween 1846 and 1870, California's Indian population plunged from perhaps 150,000 to 30,000. Diseases, dislocation, and starvation caused many of

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10. *California Admission Day September 9, 1850*, CAL. DEP'T OF PARKS & RECREATION, [https://www.parks.ca.gov/?page\\_id=23856](https://www.parks.ca.gov/?page_id=23856) [<https://perma.cc/HZ8S-5Y23>] [hereinafter CAL. DEP'T OF PARKS & RECREATION].

11. *Id.*

12. *California*, HISTORY (last updated Dec. 13, 2022), <https://www.history.com/topics/us-states/california> [<https://perma.cc/2SAW-CEG2>].

13. CAL. DEP'T OF PARKS AND RECREATION, *supra* note 10.

14. *See California Missions*, HISTORY (Dec. 21, 2017), <https://www.history.com/topics/religion/california-missions> [<https://perma.cc/EH98-JG3G>]; *see also* Carolyn Jones, *Native Americans Push Schools to Include Their Story in California History Classes*, MERCURY NEWS (July 29, 2018, 7:00 AM), <https://www.mercurynews.com/2018/07/29/native-americans-push-schools-to-include-their-story-in-california-history-classes/> [<https://perma.cc/8QCS-HAAK>].

15. *See State Nickname: Golden State*, CAL. CAPITOL MUSEUM, <https://capitolmuseum.ca.gov/state-symbols/nickname-golden-state/> [<https://perma.cc/H697-KAC2>]; *see also California Gold Rush*, BRITANNICA, <https://www.britannica.com/topic/California-Gold-Rush> [<https://perma.cc/N6ZH-5TET>].

16. *See The American Genocide of the Indians—Historical Facts and Real Evidence*, MINISTRY OF FOREIGN AFFS. OF THE PEOPLE'S REPUBLIC OF CHINA (Mar. 2, 2022), [https://www.fmprc.gov.cn/mfa\\_eng/wjdt\\_665385/2649\\_665393/202203/t20220302\\_10647120.html](https://www.fmprc.gov.cn/mfa_eng/wjdt_665385/2649_665393/202203/t20220302_10647120.html) [<https://perma.cc/TJ4W-YELH>].

these deaths, but the near-annihilation of the California Indians was not the unavoidable result of two civilizations coming into contact for the first time. It was genocide, sanctioned and facilitated by California officials.”<sup>17</sup> Madley refers to this as “a state-sponsored killing machine,” adding that in the 1850s, state legislators raised \$1.51 million to fund both state military expeditions and individual vigilantes to capture and kill California Indians.<sup>18</sup> Another researcher, John Briscoe, concludes with grim succinctness that “[s]ome states are conceived in slavery” and “California is birthed in genocide.”<sup>19</sup>

“Genocide” is a term of historical and legal specificity. The use of the word by historians—and in recent years, government officials—to describe the atrocities committed by the United States against Native Americans is intended to bring to light what has long been hidden or ignored. The word was first coined in the early 1940s by Rafael Lemkin, a Polish-Jewish lawyer and scholar whose horror at mass atrocities against Armenians, Jews, and other groups led him to conceptualize genocide as a war crime that should be forbidden and punished under international law.<sup>20</sup> He and others drafted the Genocide Convention, which defined genocide as any of five acts “committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”<sup>21</sup> These acts include: “(a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children

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17. Benjamin Madley, Opinion, *It's Time to Acknowledge the Genocide of California's Indians*, L.A. TIMES (May 22, 2016, 5:00 AM), <https://www.latimes.com/opinion/op-ed/la-oe-madley-california-genocide-20160522-snap-story.html> [https://perma.cc/X57X-DZ9H] [hereinafter Madley Op-ed]; BENJAMIN MADLEY, *AN AMERICAN GENOCIDE: THE UNITED STATES AND THE CALIFORNIA INDIAN CATASTROPHE, 1846-1873* (2016) [hereinafter MADLEY, *AN AMERICAN GENOCIDE*] (uncovering the full extent of the slaughter of the California's Indian population, the role of the state and federal officials in the “genocide,” and the use of taxpayer dollars to support violence).

18. Madley Op-ed, *supra* note 17.

19. John Briscoe, *California's Long "War of Extermination,"* CAL@170, <https://cal170.library.ca.gov/californias-long-war-of-extermination> [https://perma.cc/9ETR-NARM]; *see also* John Briscoe, Opinion, *How California Became a Slave State and Stayed One for Decades After the Civil War*, S.F. CHRON. (Nov. 27, 2021, 7:01 AM), <https://www.sfchronicle.com/opinion/openforum/article/How-California-became-a-slave-state-and-stayed-16649499.php> [https://perma.cc/P8A5-Q75Y] (further supporting the assertion that California was conceived in genocide and slavery).

20. *See* Omer Bartov, *Introduction* to DAN ESHET, *TOTALLY UNOFFICIAL: RAPHAEL LEMKIN AND THE GENOCIDE CONVENTION*, at xi (Adam Strom & Facing History and Ourselves Nat'l Found. eds., 2007).

21. DAN ESHET, *TOTALLY UNOFFICIAL: RAPHAEL LEMKIN AND THE GENOCIDE CONVENTION* 36 (Adam Strom & Facing History and Ourselves Nat'l Found. eds., 2007).

of the group to another group.”<sup>22</sup> Mass atrocities against Native Americans have not yet been “officially” recognized by governments as genocide; yet, the work of historians such as Madley and Dunbar-Ortiz has cogently and persuasively argued that the term is apt and accurate.<sup>23</sup>

## II. RECOGNITION

Professor Yamamoto’s first “R,” which stands for *Recognition*, “acknowledges the particulars and context of the injustice.”<sup>24</sup> He reminds us that *recognition* “looks at people and social structures, at historical causes and present-day consequences, at the roles of culture, economics and politics and at past and persisting human suffering.”<sup>25</sup> In speaking the truth about California history, *recognition* requires deep empathy with those harmed, non-defensive acknowledgement of who has perpetrated the harm, and an unflinching determination to speak the truth and correct the historic record. Perhaps, in the early twenty-first century, we can finally acknowledge the mass obliteration of Indians as a necessary condition for “pioneers” to “discover” California. Righting the record requires significantly more than a few statements from a few public officials on a few ceremonial occasions. Social healing through justice means that *recognition* of California’s historic erasure of Native Americans must be an ongoing community and institutional process. Native American history should be taught in the same way as American history. There should be a critical deconstruction of romantic myths about the heroes of the “Wild West” and the “Gold Rush,” falsehoods that Professor Yamamoto refers to as “[s]tock stories” described as “narratives shaped and told by groups (especially governments) to justify abuse of others (‘they deserved what they got’) . . . .”<sup>26</sup>

Consider the significance of the California Governor’s June 2019 public event held with Native American tribal leaders at the future site of the California Indian Heritage Center.<sup>27</sup> Governor Newsom took a historic step toward recognition by speaking aloud both a personal apology and an official state apology. While recognizing the past violence directed towards Native Americans, he began by saying: “It’s humbling for me, having believed I was educated, to have been so ignorant of our past, to have been unaware of how

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22. *Id.* at 38-39.

23. See generally MADLEY, AN AMERICAN GENOCIDE, *supra* note 17; ROXANNE DUNBAR-ORTIZ, AN INDIGENOUS PEOPLES’ HISTORY OF THE UNITED STATES (2014) (discussing the colonialist policy of the United States against the Indigenous peoples).

24. YAMAMOTO, *supra* note 4, at 73.

25. *Id.*

26. *Id.* at 76.

27. See Governor’s Apology, *supra* note 3.

ashamed I should be as a Californian, 5th generation, about how so many of your ancestors were treated. Coordination. Collaboration. Vigilantes. Militiamen. Federal soldiers working in concert. It's called a genocide. That's what it was, a genocide."<sup>28</sup> An official apology on behalf of the state followed: "And so I am here to say the following: I'm sorry on behalf of the State of California."<sup>29</sup> The Governor then read from Executive Order N-15-19, which he had signed that day.<sup>30</sup>

Executive Order N-15-19 is a landmark document in the history of California's recognition of its horrific actions against Native Americans. At two pages and about 700 words, the Order sets forth more than can be described fully here. However, several aspects of the order are directly germane to the importance of *Recognition* as part of the framework of healing. The Order begins by stating California's role in the "violence, exploitation, dispossession and the attempted destruction of tribal communities."<sup>31</sup> It apologizes "on behalf of the citizens of California to all California Native Americans for the many instances of violence, maltreatment and neglect California inflicted on tribes."<sup>32</sup> Finally, it commands the establishment of a Truth & 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."<sup>33</sup>

### III. RESPONSIBILITY

Professor Yamamoto describes *Responsibility* as asking "participants in the social healing endeavor to carefully assess the dynamics of group power. Some with a degree of power may have imposed disabling constraints upon others, resulting in deep persisting wounds. The *responsibility* inquiry encompasses both an acknowledgement of the harms generated by the misuse

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28. *Id.*

29. *Id.*

30. Cal. Exec. Order N-15-19 (June 18, 2019), <https://courts.ca.gov/documents/BTB25-PreConTrauma-02.pdf>.

31. *Id.*

32. *Id.*

33. *Id.* The word "genocide" is not used in Executive Order N-15-19 or any other official document of the State of California with respect to California Native Americans. However, both Governor Newsom and the immediately previous Governor, Edmund G. (Jerry) Brown, Jr. have used the term in the context of California history. *See id.*; *see also* Jessica Wolf, *Revealing the History of Genocide Against California's Native Americans*, UCLA NEWSROOM (Aug. 15, 2017), <https://newsroom.ucla.edu/stories/revealing-the-history-of-genocide-against-californias-native-americans> [<https://perma.cc/D4TS-NNFJ>].

of ‘power over others’ and an acceptance of responsibility for repairing the damage inflicted.”<sup>34</sup> In the context of the relationship between Native American tribes and the State of California, the two Executive Orders (B-10-11 and N-15-19)<sup>35</sup> attempt to open channels of communication, center Native American voices and experiences, and invite collaboration on ways to be more responsive *and* responsible for the harms inflicted in the past.

Executive Order N-15-19, issued in 2019, expands on an earlier Executive Order B-10-11,<sup>36</sup> issued in 2011 by Governor Gavin Newsom’s predecessor, Edmund G. (Jerry) Brown, Jr. Executive Order B-10-11 was considered groundbreaking because it established the position of Governor’s Tribal Advisor, a direct liaison between the Governor and California Indian Tribes.<sup>37</sup> The Order also mandated every state agency and department under the Governor’s executive authority to engage in consultation and communication with the Indian Tribes.<sup>38</sup> Now referred to as the Governor’s Office of Tribal Affairs and led by the Governor’s Tribal Affairs Secretary, this division and position are of cabinet-level authority in advising the Governor.<sup>39</sup> The infrastructure of the Office of Tribal Affairs and the responsibilities of the Tribal Affairs Secretary have grown to include responsibilities such as overseeing the Tribal Nation Grant Fund Program; leading the California Indian Heritage Center Task Force; developing and implementing legislation, policies, regulations affecting California Native American tribes; and facilitating government-to-government communications and relations between the State of California and Native American tribes.<sup>40</sup> The newest responsibility, as outlined in Executive Order N-15-19, is to lead and convene the California Native American Truth & Healing Council.<sup>41</sup> Since February 2019, the Tribal Affairs Secretary has been Christina Snider, an attorney, expert in tribal law and policy, and enrolled member of the Dry Creek Rancheria Band of Pomo Indians.<sup>42</sup>

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34. YAMAMOTO, *supra* note 4, at 79.

35. Cal. Exec. Order B-10-11, (Sept. 19, 2011), <https://ca.gov/archive/gov39/2011/09/19/news17223/index.html>; Cal. Exec. Order N-15-19 (June 18, 2019), <https://courts.ca.gov/documents/BTB25-PreConTrauma-02.pdf>.

36. *See* Cal. Exec. Order B-10-11.

37. *Id.*

38. *Id.*

39. *Tribal Affairs Secretary*, GOVERNOR’S OFF. OF TRIBAL AFFS., <https://tribalaffairs.ca.gov/tribal-affairs-secretary/> [<https://perma.cc/EG4L-7Q7N>].

40. *Id.*

41. Cal. Exec. Order N-15-19 (June 18, 2019), <https://courts.ca.gov/documents/BTB25-PreConTrauma-02.pdf>.

42. *Tribal Affairs Secretary*, *supra* note 39.

#### IV. RECONSTRUCTION & REPARATION: THE POTENTIAL OF THE CALIFORNIA TRUTH & HEALING COUNCIL

As Professor Yamamoto notes, the concepts of *Reconstruction* and *Reparation* flow naturally from commitment to the first two steps of *recognition* and *responsibility* since “*Reconstruction* means acting on the words of *recognition* and *responsibility*. It means interactively reaching out in concrete ways that promote individual and community healing by rebuilding relationships and remaking institutions.”<sup>43</sup> From his experience with the Jeju 4.3 tragedy, he knows that progress can be fast *and* slow, successful *and* stalled. The endpoint envisioned in social healing through justice may be quite different from what was expected at the beginning of the process. Patience, compassion, and determination are the hallmarks of a successful and truly transformative effort.

As a California professor engaged with restorative justice principles and processes, I have been extremely interested in listening and learning from the Truth and Healing Council. As mentioned in Executive Order N-15-19, the Council’s primary purpose at the outset of its work was to center and document the narratives and experiences of California Native Americans.<sup>44</sup> The Tribal Affairs Secretary is charged with convening the Council meetings, with emphasis placed on the Governing Council’s diversity of voices and perspectives from Native American tribe leaders and representatives from across the state.<sup>45</sup> The Council also seeks views from non-voting representatives from “California Native American tribes, relevant state and local agencies, and other non-governmental stakeholders.”<sup>46</sup> The calendar of meetings, published on the Office of Tribal Affairs’ website, consists of quarterly two-day convenings in March, June, September, and December.<sup>47</sup> In the months between the quarterly meetings, the Council has held one-day “listening sessions.”<sup>48</sup> These opportunities are made extremely accessible through livestreaming with phone and online participation options. The meetings are public, and records of proceedings are available

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43. YAMAMOTO, *supra* note 4, at 82.

44. Cal. Exec. Order N-15-19, (June 18, 2019), <https://courts.ca.gov/documents/BTB25-PreConTrauma-02.pdf>.

45. *About the Cal. Truth & Healing Council*, GOVERNOR’S OFF. OF TRIBAL AFFS., <https://tribalaffairs.ca.gov/cthc/about/> [<https://perma.cc/6KR8-CZXA>].

46. *Id.*

47. *Cal. Truth & Healing Council FAQs*, GOVERNOR’S OFF. OF TRIBAL AFFS., <https://tribalaffairs.ca.gov/cthc/faq/> [<https://tribalaffairs.ca.gov/cthc/faq/>].

48. *Cal. Truth & Healing Council Meetings*, GOVERNOR’S OFF. OF TRIBAL AFFS., <https://tribalaffairs.ca.gov/cthc/meetings/> [<https://perma.cc/U6WY-5EEN>].



on the website.<sup>49</sup> Meetings have been held online for the past two years due to COVID-19 constraints. When possible, the Council will rotate its quarterly meetings at different locations around the state to provide a diversity of in-person opportunities to attend and participate.

In a spirit of *reconstruction*, the California Truth & Healing Council has already created opportunities for partnerships with academia (e.g., submission of research, documentation, and testimonials); non-governmental organizations (e.g., links to tribal communities); the arts (e.g., documentary filmmaking); and media/communications. The California Truth & Healing Council is the first entity in the United States with such broad-based goals and processes.

The Council is expected to submit a final written report of findings to the Governor's Office by 2025, with annual updates until then.<sup>50</sup> The final report is expected to provide a comprehensive understanding and illumination of the relationship between California Native Americans and the state. Most importantly, in terms of long-term goals focused on *reconstruction* and *reparation*, the report can make "recommendations aimed at reparation and restoration and consider how to prevent similar deprecations and/or policies in the future."<sup>51</sup>

## V. CONCLUSIONS ON THE PERSISTING WOUNDS OF HISTORIC INJUSTICE

The prologue to Professor Yamamoto's *Healing the Wounds of Historic Injustice* book contains a moving account of the generational trauma caused by the Jeju 4.3 atrocities.<sup>52</sup> The *Han* is the wound that will not heal because "*Han* cannot be explained with mere words of sadness, grudge, resentment, or hatred. It is a collective indescribable feeling. The more you try to bury the painful memories, the more *han* grows deep in your soul."<sup>53</sup>

The "persisting wounds of historic injustice" is a strong theme in the work of contemporary Native American writers such as Joy Harjo,<sup>54</sup> Terese

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49. *Cal. Truth & Healing Council FAQs*, *supra* note 47.

50. *See Welcome to the Cal. Truth & Healing Council*, GOVERNOR'S OFF. OF TRIBAL AFFS., <https://tribalaffairs.ca.gov/cthc/> [<https://perma.cc/X7VC-KPN5>].

51. *Id.*

52. YAMAMOTO, *supra* note 4, at 2-6.

53. *Id.* at 3.

54. *See generally* JOY HARJO, POET WARRIOR: A MEMOIR (2021) (offering a vivid, lyrical, and inspiring call for love and justice).

Marie Mailhot,<sup>55</sup> Louise Erdrich,<sup>56</sup> Tommy Orange,<sup>57</sup> and others. In *There There*, the narrator shares what happens when a wound does not heal:

The wound that was made when white people came and took all that they took has never healed. An unattended wound gets infected. Becomes a new kind of wound like the history of what actually happened became a new kind of history. All these stories that we haven't been telling all this time, that we haven't been listening to, are just part of what we need to heal. Not that we're broken. And don't make the mistake of calling us resilient. To not have been destroyed, to not have given up, to have survived, is no badge of honor. Would you call an attempted murder victim resilient?<sup>58</sup>

By elevating Native American voices and experiences, the work of the California Truth & Healing Council has the potential to bring to light the persisting wounds of historic injustice. Only by attending to those wounds can we begin to move forward.

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55. *See generally* TERESE MARIE MAILHOT, *HEART BERRIES: A MEMOIR* (2018) (providing a powerful memoir of an Indigenous woman and her way out of trauma).

56. *See generally* LOUISE ERDRICH'S *JUSTICE TRILOGY: CULTURAL AND CRITICAL CONTEXTS* (Connie A. Jacobs & Nancy J. Peterson eds., 2021) (illuminating Erdrich's storytelling abilities, the complex relations among crime, conflict, and community).

57. *See generally* TOMMY ORANGE, *THERE THERE* (First Vintage Books ed., 2018) (a groundbreaking novel elaborating the story of twelve characters, Urban Indians living in Oakland, California, who converge and collide on one fateful day).

58. *Id.* at 137.