

Date of Hearing: April 26, 2022

ASSEMBLY COMMITTEE ON HIGHER EDUCATION  
Jose Medina, Chair  
AB 1936 (Ramos and Ting) – As Amended April 20, 2022

**SUBJECT:** University of California: Hastings College of the Law.

**SUMMARY:** Requires the Hastings College of Law Board of Directors, Round Valley Tribal Council, and Yuki Indian Committee to determine the new name of Hastings College, as provided. Specifically, **this bill:**

- 1) States all of the following Legislative findings and declarations:
  - a) On March 26, 1878, the Legislature approved an act (the “Original Act”) to create Hastings’ College of the Law, in the University of the State of California;
  - b) The Original Act authorized Serranus Clinton Hastings (“S.C. Hastings”) to found and establish a law college known as Hastings College of the Law (the “College”);
  - c) The object of the Original Act was for the state to grant a perpetual annuity for the support and maintenance of the College;
  - d) The Original Act provided that S.C. Hastings would pay into the State Treasury the sum of \$100,000, and that amount is never to be refunded, except as provided in the Original Act;
  - e) S.C. Hastings completed the payment of \$100,000 specified in the Original Act on May 24, 1878;
  - f) The Original Act required the state to appropriate the sum of seven percent per annum upon \$100,000 to be paid in two semiannual payments to the Board of Directors of the College;
  - g) In each year since 1878, the state has appropriated and paid, in semiannual payments to the Board of Directors of the College, a sum equal to or greater than seven percent per annum upon \$100,000;
  - h) The College was established in 1878, and has continued to exist ever since without interruption;
  - i) The Original Act stated that the College was to be designated as Hastings’ College of the Law;
  - j) The Legislature previously amended the Original Act in 1907, in 1943, in 1959, in 1976, in 1980, and in 1992 (as amended, the “Act”), and the Act currently is codified in Article 1 (commencing with Section 92200) of Chapter 3 of Part 57 of Division 9 of Title 3 of the Education Code;

- k) In September 2020, the College completed a three-year project to examine founder S.C. Hastings' involvement in mass killings of Native Americans in California's Eden and Round Valleys before the College's founding;
  - l) The project determined that the founder of the College, S.C. Hastings, perpetrated genocidal acts against Native California Indigenous Peoples, most especially the Yuki Tribe, in the 1850s in the Eden Valley and Round Valley areas in the County of Mendocino;
  - m) For a period of four years preceding this act, the College collaborated with the Round Valley Indian Tribes' Tribal Council and Yuki Tribal members in pursuit of restorative justice. As one of several restorative justice actions, on November 2, 2021, the Board of Directors of the College unanimously authorized that the name of the College be changed;
  - n) In connection with the name change authorization, the Board of Directors of the College determined that changing the name of the College is in the best interests of the continuation of the College in perpetuity, and is an element of the College's ongoing work to address the needs of the current generation of Yuki Tribal members and the College's legal community;
  - o) An act of the Legislature is needed to change the name of the College;
  - p) S.C. Hastings, founder of the Hastings College of the Law, promoted and financed Native American hunting expeditions in the Eden and Round Valleys, funding bounties resulting in the massacre of hundreds of Yuki men, women, and children;
  - q) S.C. Hastings enriched himself through the seizure of large parts of these lands and financed the college of the law bearing his namesake with a \$100,000 donation;
  - r) S.C. Hastings and the state bear significant responsibility for the irreparable harm caused to the Yuki people and the Native American people of the state;
  - s) The state has formally apologized to the Native American people of the state for the genocide financed and perpetrated by the state; and,
  - t) S.C. Hastings name must be removed from the College to end this injustice and begin the healing process for the crimes of the past.
- 2) Expresses that the Legislature intends to ensure that the "College" (defined for this measure as Hastings College of the Law) achieves all of the following:
- a) Assists in the formation of a nonprofit organization, as described in subsection (c) of Section 501 of the Internal Revenue Code, in association with, and jointly governed by, Yuki descendants selected by the government of the Round Valley Indian Tribes to provide an organizational structure to raise capital, organize pro bono legal assistance and other support, and assist tribal leadership with federal, state, and county matters, water and property rights, economic development, and efforts to meet the social needs of the community. The College's responsibilities extend only to assisting in the formation of the

nonprofit organization, and will not otherwise involve its governance or the ongoing operations of the organization;

- b) Seeks to organize, through the College's Indigenous Law Center or other administrative offices, as appropriate, pro bono legal assistance and other support, and assist tribal leadership with federal, state, and county matters, water and property rights, economic development, tribal courts, and efforts to meet the social and security needs of the community;
- c) Works with interested public and private parties or entities to develop scholarship assistance for duly admitted law students at the college that are members of Round Valley Indian Tribes, a federally recognized tribal government. These funds may be used to offset tuition, housing costs, and other incidentals for Round Valley Indian Tribes tribal members admitted to the law school;
- d) Dedicates a permanent and public memorial, and other displays, as appropriate, to the Yuki people at an appropriate location on its campus, with display panels, historical explanations, and cultural presentations. This memorial should acknowledge and atone for the historical traumas suffered by the Yuki people;
- e) Provides a fully functional, interactive public internet website to allow dissemination of the College's approach, to seek public input, and to keep the public advised of historical, academic, and programmatic work to address the broader issues and the restorative justice agenda. A page on this internet website shall be dedicated to the College's work with Round Valley Indian Tribes and the Yuki people;
- f) Establishes clinical or experiential educational programs for its students, one that may serve as a model for other law schools, to address the specific needs of the residents of the Round Valley, including the possibility of a center for pro bono legal assistance in tribal legal matters and public law assistance that could be staffed with student interns, faculty leadership, and pro bono contributors;
- g) Collaborates with Governor Newsom's Tribal Advisor to engage with, and contribute to, that office and the newly formed Truth and Healing Council, which is working to clarify the historical record of mistreatment, violence, and neglect of Native Americans in California;
- h) Assists in the organization of pro bono attorneys with a connection to the College to assist in mutually agreed upon goals and objectives;
- i) Assists tribal leaders, where possible, with other community needs, such as making connections to the College's award-winning moot court program, preservation of the Yuki legacy with an emphasis on youth, preservation of tribal oral traditions and stories, and advancement in teaching and preserving native languages;
- j) Assists, as appropriate, with the legal aspects of establishing a museum or cultural center in the Round Valley, and a project for the protection of sacred sites and repatriation of artifacts and human remains;

- k) Highlights the injustices of the past by bringing attention to the public at large and the College's community with a lecture series, guest speakers, and tribal elders, dealing with "Righting the Wrongs";
- l) Supports collaboration by assisting tribal members to obtain grant opportunities from public and private sources, including identifying grants for economic development;
- m) Establishes an Indian Law Program and related academic and educational programs at the College, available to all students interested in studying Indian Law. The goal of these programs is the encouragement of scholarship, educational growth, opportunity and support for students, and recruitment of qualified individuals from the Round Valley Tribes or Yuki descendants for legal education and career opportunities in law;
- n) Assists, as appropriate to the work of a law school, with the revitalization and preservation of Yuki history and language efforts;
- o) Provides academic support, as needed, to Round Valley Indian Tribes students attending the College;
- p) Creates a working group consisting of members of the College's Restorative Justice Advisory Board and members of the Yuki Indian Committee to define the content to be placed in the commemorative space reserved for this purpose at the College;
- q) Assists tribal leadership with understanding the federal Native American Graves Protection and Repatriation Act (25 U.S.C. Sec. 3001 et seq.) and the California Native American Graves Protection and Repatriation Act of 2001 (Chapter 5 (commencing with Section 8010) of Part 2 of Division 7 of the Health and Safety Code) laws;
- r) Engages in ongoing relationship building between the Round Valley Indian Tribes and the Yuki people, submitting reports to the Legislature, and the Assembly Select Committee on Native American Affairs;
- s) An apology from the College, the S.C. Hastings family, and all of those associated with the genocide of the Yuki people;
- t) Grants a seat on the College's commemorative committee to a representative of the Yuki people. The College shall create a subcommittee of the commemorative committee with Yuki Indian representation; and,
- u) The College and the Board of Directors provides resources for restorative justice to the extent required by law, and, when not required by law, assists in restorative justice policies.

**EXISTING LAW:**

- 1) Establishes the University of California (UC) as a public trust to be administered by the Regents of the UC; and, grants the Regents full powers of organization and government, subject only to such legislative control as may be necessary to insure security of its funds, compliance with the terms of its endowments, statutory requirements around competitive

bidding and contracts, sales of property and the purchase of materials, goods and services (Article IX, Section (9)(a) of the California Constitution).

- 2) Establishes the Hastings College of the Law, under the governance of an 11-member Board of Directors of the Hastings College of the Law, within the UC. It provides that the college forever be known and designated as the Hastings College of the Law. Additionally, existing law requires that one of the directors include an heir or representative of Serranus Clinton (S.C.) Hastings (Education Code Sections 92200 - 92215).

**FISCAL EFFECT:** Unknown

**COMMENTS:** *Background.* In 2021, a *New York Times* article detailed the involvement of the founder of the Hastings College of Law, detailing the massacre of Indigenous Californians. Since that time, numerous articles from various periodicals have been published.

In fact, according to an article in *The Press Democrat* on April 8, 2022, The Yuki people were the first group of individuals to reside in the Round Valley before settler and militiamen hired by the State massacred, enslaved, and rounded up the Tribe and five other tribes into what now comprises the Round Valley Tribes.

S.C. Hastings, a wealthy landowner and former Superior Court Justice, founded the College in 1878 and invested \$100,000 for the College's creation. History has shown, however, that less than a decade prior, Hastings ordered a group of White settlers, known as the "Eel River Rangers" to exterminate the Yuki people. The Rangers slaughtered over 400 Yuki people and took approximately 600 Yuki prisoners; and the State of California was billed \$11,143 (according to a 19<sup>th</sup> Century San Francisco newspaper).

*Need for the measure.* According to the author, "AB 1936 will ensure Native Americans have a say in the renaming of a prominent law school named for the notorious land speculator and politician Serranus Clinton Hastings – who built his wealth and land holdings by committing genocide against them."

The author goes on to state that, "AB 1936 will guarantee a collaboration between the Tribes and the College in selecting a new name and also in undertaking initiatives to mitigate past atrocities."

This bill is not just about the name change of the College, but about making sure that the Round Valley and Yuki people feel listened to – that their history and sufferings are not dismissed. This is a critical step toward healing a traumatic history and rectifying wrongs.

*How many would benefit?* This measure, in part, seeks to establish the Indian Law Program and related academic and educational programs at the College, available to all students interested in studying Indian Law. The goal of these programs is the encouragement of scholarship, educational growth, opportunity and support for students, and recruitment of qualified individuals from the Round Valley Tribes or Yuki descendants for legal education and career opportunities in law. Further, this measure provides academic support, as needed, to Round Valley Indian Tribes students attending the College.

While it is presently unclear how many (if any) individuals from the Round Valley Tribes or Yuki descendants are presently enrolled in the College, according to the representatives of the

Yuki people, current tribal enrollment is approximately 5,500. Further, it is estimated that of the 5,500, approximately 1,064 fall within the ages of 14-24 (traditional high school through college ages).

*S.C. Hastings College of Law.* Hastings College of the Law, founded in 1878, is a public law school affiliated with the UC; it is one of five public law schools within the system. Hastings, however, has its own governing board (known as the Board of Directors). As of 2021-22, of the school's approximately 1,110 students, 97% are enrolled in Hastings' core Juris Doctor (JD) program. Additionally, the school offers two law-related master's programs and, in 2022-23, will launch a third master's program – a joint Health Policy and Law program with UC San Francisco.

Hastings receives its core funding primarily from student tuition revenue (about three-quarters of ongoing core funding) and state General Fund (about one-quarter of ongoing core funding). Hastings anticipates enrolling more students in 2022-23 and plans a tuition increase for the 2022-23 academic year.

In January 2022, Hastings' Board of Directors approved an initiative to change the school's name. The name change is in response to evidence indicating that the school's namesake was involved in the massacre and dispossession of the Yuki people. As noted in the "Existing Law" section of this analysis, the school's name is codified; an official name change requires legislation.

*Recent UC Office of the President Actions.* On April 22, 2022, Dr. Michael V. Drake, President of the UC, stated that, "The University of California is committed to recognizing and acknowledging historical wrongs endured by Native Americans." Further, the UC President formally announced the launch of the UC Native American Opportunity Plan – a new program that seeks to advance critical efforts to expand student diversity and make the UC more affordable and accessible for California's Indigenous undergraduate and graduate students.

According to the announcement, commencing in Fall 2022, the UC will ensure in-state systemwide Tuition and Student Services Fees are fully covered for all California residents who are members of federally recognized Native American, American Indian, and Alaska Native tribes. Additionally, tuition scholarships for California residents from California's non-federally recognized tribes may be available through external organizations.

While full details of UC's newly created program were not available at the time this analysis was published, it appears as though the plan aligns, in part, to the goals established in this measure.

*Arguments in Support.* According to the Round Valley Indian Tribes, sponsors of this measure, "the namesake of the College was responsible for the massacre and subsequent land theft of the Yuki Indian people. The wealth he created from those actions allowed him to help found the College. Therefore, we believe changing the name of the college and enacting true, effective restorative justice for the Yuki Indian people establishes the best path toward true healing of past wrongs."

Further, the sponsors state that, "Historically, Native American Tribes have always been excluded in decision-making about issues that involve our history and shared trauma. The shameful history of Serranus Hastings is not a unique episode for California's tribes. AB 1936, which allows for an open and transparent process to select a new name for the College and

ensures measures of restorative justice for the Round Valley and Yuki people, victims of the atrocities committed by Serranus Hastings.”

Additionally, according to the UC Hastings Alumni for Justice and Accountability, “All educational institutions, but especially our California universities which are supported with public dollars, should be beacons for diversity, equity, and inclusion. The sad fact is that our communities of origin are still woefully underrepresented in the legal profession as confirmed by the 2021 Profile of the Legal Profession published by the American Bar Association. Allowing the Hastings name to remain on one of our nation’s most respected law schools would erect yet another glaring barrier to students like us who are precisely the next generation of lawyers we need to attract and cultivate today.”

*Related legislation.* SB 1288 (Umberg, et al.), which is currently awaiting a hearing in the Senate Committee on Appropriations, modifies provisions that name Hastings College of the Law by striking references to its founder S.C. Hastings, and re-designates the law college as College of the Law.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Round Valley Indian Tribes (Sponsor)  
Barona Band of Mission Indians  
Cahto Tribe  
California Nations Indian Gaming Association  
Habematolel Pomo of Upper Lake  
San Manuel Band of Mission Indians  
Santa Ynez Band of Chumash Indians  
Sherwood Valley Band of Pomo Indians  
Tule River Tribe  
UC Hastings Alumni for Justice and Accountability  
Yurok Tribe  
Seven Individuals

### **Opposition**

One Individual

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