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Los Angeles

**“American Indian Freedom Controversy:”**

**Political and Social Activism by Southern California Mission Indians, 1934-1958**

**A dissertation submitted in partial satisfaction of the  
requirements for the degree Doctor of Philosophy  
in History**

**by**

**Heather Marie Daly**

**2013**

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## **ABSTRACT OF THE DISSERTATION**

“American Indian Freedom Controversy:” Political and Social Activism by

Southern California Mission Indians, 1934-1958

by

Heather Marie Daly

Doctor of Philosophy in History

University of California, Los Angeles, 2013

Professor Janice Reiff, Chair

At the turn of the twentieth century, anthropologists and politicians alike predicted the extinction of American Indians. Yet, Native Americans survived, persevered, and instituted political activism concerning the United States federal Indian policies in that century. Drawing upon Bureau of Indian Affairs and State of California archival materials, oral histories, and tribal records, this dissertation addresses American Indian political movements in Southern California Mission Indian country in the years 1934-1958. This study focuses on the different factions on and off the Southern California Indian reservations and the federal Indian policies that inspired resistance within these communities.

I argue that the implied passivity that the Bureau of Indian Affairs and reformers labeled California Indians was a myth. The political movements established during the first half of the twentieth century demonstrates that the Mission Indians had the required tools to maintain their

tribal land and sovereignty. This dissertation starts with the impending implementation of the 1934 Indian Reorganization Act and covers the administration of John Collier as Commissioner of Indian Affairs and the reactions to the Indian New Deal by the Mission Indians in Southern California. The Indian Reorganization Act stimulated grassroots movements on and off Indian reservations throughout the United States. I follow the groups that flourished in California during the years between the IRA and the passage of House Concurrent Resolution 108, which allowed for the termination of federal trust protections of Indian reservations that included California's Indian reservations. I evaluate how the shifting, yet static federal Indian policies contributed to political lobbying against the Bureau of Indian Affairs and the effective uses of media rhetoric on both sides of the issue. Finally, my study demonstrates how the actions of a few individuals in California Indian country successfully combated the Bureau of Indian Affairs' termination legislation, tribal factionalism, and the State of California. This accomplishment eventually allowed for the establishment of lucrative Indian gaming operations in the twenty-first century in Indian country.

The dissertation of Heather Marie Daly is approved,

Duane Champagne

Stephen Aron

Janice Reiff, Committee Chair

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2013

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## PUBLICATIONS

Daly, Heather Ponchetti. "El Capitan Adaptation and Agency on a Southern California Indian Reservation, 1850 to 1937" Photo Essays. Malki-Bellena Press, Banning. (2012)

\_\_\_\_\_. Book Review. "American Indian Nations from Termination to Restoration, 1953-2006" by Roberta Ulrich. *Western Historical Quarterly*. Volume XLII-Number 4. (Winter, 2011)

\_\_\_\_\_. "Fractured Relations at Home: The 1953 Termination Act's Effect on Tribal Relations throughout Southern California Indian Country" *American Indian Quarterly*, Vol. 33, No. 4. Edited by Amanda Cobb (Fall 2009)

## INTRODUCTION

*No middle ground is tenable.*

American Indian freedom controversy is the description the general press gave to the Mission Indian's battle against the termination of federal trust protection of tribal lands in the 1950s. What was the controversy? An 1874 report articulated it clearly:

Whenever Congress shall take up in earnest this question of the disposition to be made of the Indian tribes, its choice will clearly be between two antagonistic schemes,—seclusion and citizenship. Reservations which shall be located with the view of avoiding as much as possible the contact of the races, and working as little hindrance as may be to the otherwise free development of the population; and around these put up the barriers of forty years ago, re-enforced as the changed circumstances require; or the government must prepare to receive the Indians into the body of the people, freely accepting, for them and for the general community, all the dangers and inconveniences of personal contact and legal equality. No middle ground is tenable.<sup>1</sup>

The assimilation of Indians into the so-called civilized dominant society has been a problem since the conquest of the natives in the Americas. Especially during the late nineteenth and early twentieth centuries, government officials and reform organizations supported the complete assimilation and acculturation of Native Americans. Carlisle Indian School founder and Superintendent Richard Henry Pratt's motto, "Kill the Indian, save the man," became the standard mantra of federal Indian policy. These assimilationist policies led to the Dawes Allotment Act, the Curtis Act for the Five Civilized Tribes, and the 1924 Indian Citizenship Act. Although the latter act made American Indians citizens of the United States, reservation Indians

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<sup>1</sup> Francis A. Walker, *The Indian Question: Seclusion or Citizenship: An Inescapable Choice* (Boston: National Archives, Washington D.C., RG-75, Central Classified Files, 1874). p. 118.



still had to defer to the Office of Indian Affairs, later renamed the Bureau of Indian Affairs (BIA), in matters of culture, education, land, and politics. John Collier, Commissioner of Indian Affairs, offered the Indian Reorganization Act (IRA) ten years later, with the intent of remedying past injustices and demonstrating the benevolence of the federal government.

The terms and stipulations of the IRA, however, did not meet the needs of a diverse Indian population; and these oversights galvanized organizations throughout Indian country. This was painfully obvious in the reactions to the IRA in Southern California. The federal authorities, including Commissioner Collier, barely noticed the Mission Indians in the grand plan. However, Mission Indians quickly became a source of irritation and embarrassment to Collier and the BIA as individuals and groups mobilized to protest the intervention by the United States government in tribal affairs. These political movements in California and in the rest of Indian country instigated a backlash against both the IRA and the people it was supposed to help. Thus, the campaign for tribal self-determination became a driving force leading to the termination policy of the United States government.

Anthropologists of the early twentieth century were positive that they were studying a dying race because California Indians were heading towards extinction. However, the phrase “we are still here” reverberated during the termination crisis. Obviously, the Mission Indians were recognizable groups in a historical sense because these Indians lived in the territories that the Spanish conquered and then put under the jurisdiction of the Spanish Mission system. After the Mexican War of Independence, California came under the jurisdiction of Mexico. Mexican laws classified Christianized Indians as Mexican citizens and allowed one third of the lands occupied by the missions. The Mission records, as interpreted and published by Zephyrin Engelhardt,<sup>2</sup>

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<sup>2</sup> Fr. Zephyrin Engelhardt, OFM wrote extensively about the Mission Indians in the early twentieth century. His writings include *The Missions and Missionaries of California* (1908), *San Diego Mission* (1920), *San Juan*

indicated that the names of these tribes came from Missions San Diego, San Luis Rey, San Juan Capistrano, and San Gabriel. The federally recognized bands were all of Diegueño, Luiseño, Cupeno, and Cahuilla descent. The Juaneño and Gabrieleño Mission Indian bands located in the Orange and Los Angeles regions have remained unrecognized by the United States government. These groups dispersed from their traditional lands without maintaining any of the land holdings during the mid-nineteenth century and lost continuity, in the government's opinion, as traditional tribal entities.

After the American occupation of California, the state government started a campaign of persecution. California's Indians were hunted, enslaved, and literally pushed into the rocks. According to the federal government, Southern California Indians were "left on their own resources and found themselves socially and economically unable to compete with aggressive white settlers."<sup>3</sup> Non-Indians credited Helen Hunt Jackson for calling public attention to the "plight" of Southern California Mission Indians through her writings. Jackson's campaign to relieve the suffering of the California Indians culminated in the patenting of reservation lands throughout San Diego and Riverside counties by congressional action.

Southern California Indian reservations consist of mountainous and desert lands, areas that were historically tribal lands. White settlers had driven some tribal entities from other, more fertile land bases. Executive orders and trust patents held by the United States government set aside these trust-protected lands for Southern California Indians. These trusts were approved

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*Capistrano Mission (1922) and The Franciscans in California (1897). Zephyrin Engelhardt, San Diego Mission (San Francisco: James H. Barry Co., 1920). Zephyrin Engelhardt, The Missions and Missionaries of California (Santa Barbara: Mission Santa Barbara, 1929).*

<sup>3</sup> San Diego County Welfare Commission and the State Department of Social Welfare, "Fact-Finding Study of Social and Economic Conditions of Indians of San Diego County, California and Reports from Specialist in Allied Fields," ed. Department of the Interior Bureau of Indian Affairs (Washington D.C.). Record Group 75, Central Classified Files, Riverside Area Office. National Archives Building. Washington DC.

through a special act of Congress and issued to the Indians on January 12, 1891. For that reason, the Indians felt that the federal government had finally guaranteed a degree of land security.

Historians of the West and of Native Americans have argued that federal Indian policies were a series of pendulum swings. These swings occurred from the Indian Wars of extermination, the Dawes Act, or the General Allotment Act of 1887. The 1924 Indian Citizenship Act set up the machinations of the Wheeler-Howard Act. The IRA (1934) rammed through Southern California Indian country by John Collier facilitated the reinstitution of cultural traditions and shifted government monies to reservation infrastructure, housing, and education. Some historians argued that the IRA marked a major and drastic departure from previous federal Indian policies that included a bold experiment to revive traditional tribal institutions and integrate them with a program for the economic rehabilitation of the Indians. The adjectives used to describe the shift in federal Indian policy because of the IRA ranged from radical and groundbreaking to extreme and far-reaching. This generated the questions of how federal Indian policy was altered and whether the attitudes of individuals within the United States government, the Department of Interior, and the Office of Indian Affairs changed or were just masked in an aura of supposed benevolence and understanding of America's first people. Congressional representatives and lobbyists discussed termination almost as soon as the IRA passed. Some government officials considered the Bureau of Indian Affairs and Indians a waste of money, both before and after World War II, especially considering that the lands that contained natural resources could be put to better use by the government than for housing American Indians. Proponents of termination used cold war rhetoric to validate the elimination of federal trust protection of reservation lands. The rhetoric of freedom and liberation for the Indians in the United States ultimately led to the desire to liberate Indians from their lands and resources.

From a non-Indian viewpoint, the federal Indian policy pendulum appeared to swing wildly back and forth every decade in the twentieth century. However, to Indians and specifically, for the sake of this study, California Indians, the pendulum never moved far from center or the ways in which the government always dealt with American Indians. Through its Indian policy, United States government maintained its paternalistic control over the country's first citizens. Thus, for California Indians, these were the same old policies, just with different names.

This dissertation examines the tribal bands of Mission Indians in Southern California targeted by House Concurrent Resolution 108. This study encompasses the thirty-two tribal communities in four Southern California counties: Riverside County Agua Caliente, Augustine, Cabazon, Cahuilla, Mission Creek, Morongo, Pechanga, Ramona, Santa Rosa, Soboba, and Torres-Martinez. San Diego County contains the largest number of Indian reservations: Barona, Campo, Capitan Grande (uninhabited), Cosmit, Cuyapaipe, Inaja, Laguna, La Jolla, La Posta, Los Coyotes, Manzanita, Mesa Grande, Pala, Pauma, Rincon, San Pasqual, Santa Ysabel, Sycuan, and Viejas. Santa Barbara and San Bernardino Counties contain only one Indian reservation each, San Manuel and Santa Ynez, respectively. This study mainly concentrates on the tribal bands of individuals who participated in the political resistance movements that emerged during the implementation of the IRA and came to fruition during the termination crisis.

The federal Indian policies of the IRA and termination are fertile ground for historians and scholars. Numerous studies have broadly surveyed how the IRA and termination affected Indian country, including California. However, an in-depth examination of the Indian people on the tribal level in California is non-existent. Graham D. Taylor, in *The New Deal and American Indian Tribalism The Administration of the Indian Reorganization Act 1934-1935*, argued that

the IRA was an innovative piece of legislation and a radical change in federal Indian policy; but he conceded that the Indian New Deal was not that much different from subsequent policies. The IRA still emphasized the discretionary power of the Secretary of the Department of Interior. Most of the provisions in the original and ratified IRA legislation vested ultimate power with the Secretary and the Commissioner of Indian affairs, John Collier. To purchase lands for tribal use, initiate land classifications, and transfer allotments to tribal lands; the government had to approve all transactions. Similarly, any leasing of community resources, such as mineral or subsurface or timber source rights must also be approved. The Secretary of Interior also had discretionary power over conditions relating to the assignment of tribal lands to an individual (in Southern California this is called family land), a power traditionally belonging to tribal governments. Although the tribal councils could review appropriations, input from the tribe regarding was not desired.<sup>4</sup> American Indians did not have the right to legal representation of their choice. Tribes could not hire attorneys without the express permission of the BIA. This posed a very real conflict of interest because most probable litigation was against the United States government. Even though the IRA was aimed toward Indian self-determination, the actuality was that the Office of Indian Affairs and its commissioner continued to maintain paternalistic control over Indian social, cultural, and economic affairs.

A number of examples of more specialized studies of termination on the tribal level exist because awareness of this topic increased in the late twentieth and early twenty-first centuries resulting in doctoral dissertations,<sup>5</sup> articles,<sup>6</sup> and books on the subject.<sup>7</sup> The most influential for

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<sup>4</sup> Graham D. Taylor, *The New Deal and American Indian Tribalism The Administration of the Indian Reorganization Act, 1934-1935* (Lincoln and London: University of Nebraska Press, 1980).

<sup>5</sup> Dissertations: Laurie Arnold, "The Paradox of a House Divided The Colville Tribes and Termination" (Arizona State University, 2005); Eric Bernard, "Fighting the conspiracy: The Mission Indian Federations's justifiable use of violence, 1905--1934" (1434623, California State University, Long Beach, 2006); Renee Faecke, "A study of the

impact of federal assimilation policy on the Kumeyaay Indians of the Sycuan reservation, the Mission Creek Band of the Mission Creek reservation, and Cupeno and Luiseno Indians of the Pala reservation" (1433847, California State University, Fullerton, 2006); Larry J. Haase, "Termination and Assimilation: Federal Indian Policy 1943-1961" (Washington State University, 1974); Richard A. Hanks, "This War is for a Whole Life: The Culture of Resistance Among Southern California Indians, 1850-1966" (University of California, Riverside, 2006); Patrick Mann Haynal, "From Termination Through Restoration and Beyond: Modern Klamath Cultural Identity" (Doctor of Philosophy, University of Oregon, 1994); Lynda L. Kalinoski, "The Termination Crisis: The Menominee Indians versus the Federal Government, 1943-1961" (Doctor of Philosophy, The University of Toledo, 1982); Jaakko Puisto, "This Is My Reservation, I Belong Here: The Salish Kootenai Struggle Against Termination" (Arizona State University, 2000); Stanley James Underdal, "On the Road Toward Termination: The Pyramid Lake Paiutes and the Indian Attorney Controversy of the 1950s" (Doctor of Philosophy, Columbia University, 1977); Robert Donn Webb, "The Depression, The New Deal and the Southern California Indian" (Master of Arts, California State University, Fullerton, 1977).

<sup>6</sup> Articles: Raymond V. Butler, "The Bureau of Indian Affairs Since 1945," *Annals of the American Academy of Political and Social Science* 436, no. American Indians Today (1978); Russell L. Caldwell, "Is There an American Indian Policy?," *Ethnohistory* 2, no. 2 (1956); Felix S. Cohen, "The Erosion of Indian Rights, 1950-1953: A Case Study of Bureaucracy," *The Yale Law Journal* 62, no. 3 (1953); Thomas W. Cowger, "'The Crossroads of Destiny': The NCAI's Landmark Struggle to Thwart Coercive Termination," *American Indian Culture and Research Journal* 20, no. 4 (1996); Kathleen A. Dahl, "The Battle over Termination on the Colville Indian Reservation," *American Indian Culture and Research Journal* 18, no. 1 (1994); Ada E. Deer, "Menominee Restoration: How the Good Guys Won," *The Journal of Intergroup Relations* III, no. 3 (1974); Ada E. Deer, "Statement of Ada E. Deer before the Senate Committee of Indian Affairs July 15, 1993," *Wicazo Sa Review* 9, no. 2 (1993); John R Finger, "Termination and the Eastern Band of Cherokees," *American Indian Quarterly* 15, no. 2 (1991); William T. Hagan, "Termination and the Eastern Band of Cherokee," *American Indian Quarterly* 15, no. 2 (1991); Laurence M. Hauptman, "The American Indian Federation and the Indian New Deal: A Reinterpretation," *The Pacific Historical Review* 52, no. No. 4 (1983); Patrick Mann Haynal, "Termination and Tribal Survival The Klamath Tribes of Oregon," *Oregon Historical Quarterly* 101, no. 3 (2000); Stephen J. Herzberg, "The Menominee Indians: From Treaty to Termination," *The Wisconsin Magazine of History* 60, no. 4 (1977); Stephen J. Herzberg, "The Menominee Indians: Termination to Restoration," *American Indian Law Review* 6, no. 1 (1978); Susan Hood, "Termination of the Klamath Indian Tribe of Oregon," *Ethnohistory* 19, no. 4 (1972); Harold L. Ickes, "'Justice' In a Deep Freeze," *New Republic* 124, no. 1903 (1951); Albert James, "Report on Termination of California Indians," *The Tribal Spokesman* (1973); Liliias Jones Jarding, "Native American and Non-Indian Newspaper Coverage of Land and Resource Issues in the Self-Determination Era," *Social Science Journal* 41(2004); Clayton R. Koppes, "From New Deal to Termination: Liberation and Indian Policy, 1933-1953," *The Pacific Historical Review* 46, no. 4 (1977); R. Warren Metcalf, "Lambs of Sacrifice: Termination, The Mixed-Blood Utes, and the Problem of Indian Identity," *Utah Historical Quarterly* 64, no. 4 (1996); Donald L. Parman, "Probing an Intellectual Quagmire," *American Indian Quarterly* 15, no. 1 (1991); Kenneth R. Philp, "Termination: A Legacy of the Indian New Deal," *The Western Historical Quarterly* 14, no. 2 (1983); Kenneth R. Philp, "Dillon S. Myer and the Advent of Termination: 1950-1953," *The Western Historical Quarterly* 19, no. 1 (1988); Jaakko Puisto, "'We Didn't Care for It' the Salish and Kootenai Battle Against Termination Policy, 1946-1954," *Montana: The Magazine of Western History* 52, no. 4 (2002); Paul C. Rosier, "'They Are Ancestral Homelands': Race, Place, and Politics in Cold War Native America, 1945-1961," *The Journal of American History* 92, no. 4 (2006); Allogan Slagle, "Unfinished Justice: Completing the Restoration and Acknowledgement of California Indian Tribes," *American Indian Quarterly* 13, no. 4 (1989); Allogan Slagle, "A Guide to Recognition/Termination Debates from Mashantucket to Muwekma," *News from Native California* 14, no. 1 (2000); Frederick Stefon, "The Irony of Termination," *The Indian Historian* 11, no. 3 (1978); Valerie Taliman, "TERMINATION BY BUREAUCRACY," *Native Americas* XIX, no. 1 (2002).

my study include Kenneth R. Philp's two pivotal books on the IRA and termination. In *John Collier's Crusade for Indian Reform, 1920-1954*, Philp covers the life and career of John Collier, Commissioner of Indian Affairs (1933–1945), who he considered the person most responsible for shifting federal Indian policy. Philp examines the Indian New Deal and Collier's hope that this legislation would change Indian country into a "Red Atlantis." He deals with the massive administrative and legislative problems associated with the IRA. Philp briefly covers Indian communities that resisted the legislation and touches on Collier's paternalistic and condescending attitude toward these individuals. In effect, Collier's cultural pluralism did not extend to criticism of his policies. In *Termination Revisited American Indians on the Trail to Self-Determination 1933–1953*, Philp broadly reviews termination throughout Indian country and argues that the Indian New Deal created an atmosphere within the Roosevelt, Truman, and Eisenhower administrations that regarded continued federal guardianship for Indian populations with skepticism. Congress considered tribal reorganization, land acquisition, and federal credit

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<sup>7</sup> Books/Manuscripts: David R.M. Beck, *Seeking Recognition: The Termination and Restoration of the Coos, Lower Umpqua, and Siuslaw Indians, 1855-1984* (University of Nebraska Press, 2009); Christine Bolt, *American Indian Policy and American Reform Case Studies of the Campaign to Assimilate the American Indians* (London, Boston, Sydney & Wellington: Unwin Hyman, 1987); Larry Burt, *Tribalism in Crisis Federal Indian Policy 1953-1961* (Albuquerque: University of New Mexico Press, 1982); Donald L. Fixico, *Termination and Relocation Federal Indian Policy 1945-1960* (Albuquerque: University of New Mexico Press, 1986); Carole Goldberg, *A Second Century of Dishonor: Federal Inequities and California Tribes* (1996); Carole Goldberg, *Planting Tail Feathers Tribal Survival and Public Law 280*, ed. Regents of the University of California, Contemporary American Indian Issues Series No. 6 (Berkeley, Los Angeles, London: University of California Press, 1997); Laurence M. Hauptman, *The Iroquois and the New Deal* (Syracuse: Syracuse University Press, 1984); Lawrence Kelly, *The Assault on Assimilation: John Collier and the Origins of Indian Policy Reform* (Albuquerque: University of New Mexico Press, 1983); R. Warren Metcalf, *Termination's Legacy The Discarded Indians of Utah* (Lincoln & London: University of Nebraska Press, 2002); James S. and Wilson Olson, Raymond, *Native Americans In the Twentieth Century* (Urbana and Chicago: University of Illinois Press, 1986); Patricia K. Ourada, *The Menominee Indians A History*, The Civilization of the American Indian Series (Norman: University of Oklahoma Press, 1979); Donald L. Parman, *The Navajo Indians and the New Deal* (New Haven: Yale University Press, 1976); Taylor, *The New Deal and American Indian Tribalism The Administration of the Indian Reorganization Act, 1934-1935*; Roberta Ulrich, *American Indian Nations from Termination to Restoration 1953-2006* (University of Nebraska Press, 2010); Edward Charles Valandra, *Not Without Our Consent Lakota Resistance to Termination, 1950-1959* (Urbana & Chicago: University of Illinois Press, 2006); Charles Wilkinson, *Blood Struggle The Rise of Modern Indian Nations* (New York and London: W.W. Norton & Company, 2005).

programs under the IRA unsuccessful and jettisoned the Indian New Deal in favor of termination. Philp repeatedly demonstrates that the termination legislation was not set in the confines of congressional halls of government. He noted that the concepts of termination and self-determination were intertwined for the pro-terminationists, these being both Native Americans and pan-Indian groups. Philp's analysis of the government's termination policy in different parts of Indian country is also the most comprehensive book on federal Indian policy of termination. However, it lacks the accounts of many of the pan-Indian groups that were in favor of termination; and he especially excludes the ones that were against termination.

Donald Fixico, in *Termination and Relocation Federal Indian Policy, 1945–1960*, argues that the Republican leadership after World War II initiated the termination legislation. Although this is accurate, it does not fully explain the roots of termination and its progression. The second half of this book deals with relocation, another ramification of termination. He studies how this policy forced relocation of Indians from the reservations to the cities. However, for a more comprehensive analysis of relocation and Indians in cities, one should read Nicholas G. Rosenthal's dissertation, *Reimagining Indian Country: American Indians and the Los Angeles Metropolitan Area*.<sup>8</sup> Rosenthal's dissertation covers the migration, voluntary and forced, into the Los Angeles area. This viewpoint is distinctive because it focuses on American Indians' experiences with work, housing, and leisure; the formation and development of urban Indian communities; and the changing relationships between Los Angeles and the Indian reservations throughout Southern California. One omission to this California study is the lack of California Indians living in the city of Los Angeles.

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<sup>8</sup> Nicolas Rosenthal, *Reimagining Indian Country: Native American Migration and Identity in Twentieth-Century Los Angeles*, First Peoples New Directions in Indigenous Studies (Chapel Hill: The University of North Carolina Press, 2012).



Nicholas Peroff's *Menominee Drums: Tribal Termination and Restoration* is one of the more famous examples of termination. Peroff examined the initial termination process of the Menominee in the 1950s; however, the book is more attentive to describing the performance and impact of Menominee County and DRUMS (Determination of Rights and Unity for Menominee Shareholders) in the struggle for the restoration of the Menominee Reservation. Peroff studies Menominee resistance only after the implementation of termination devastated the tribe.<sup>9</sup>

R. Warren Metcalf followed his dissertation with the outstanding *Termination's Legacy: The Discarded Indians of Utah*. This study focused on the termination of the Mixed-Blood Utes. He creates a roadmap of relationships between the Utes, the Mormon Church, the BIA, and the United States Congress, specifically Senator Arthur Watkins. Metcalf argues that religious Mormon ideology combined with conservative Republicanism and confusion of racial identity among the Utes to result in the disastrous, irrational termination of the Mixed-Blood Utes.

Although these studies provide useful parallels and divergences to the Mission Indians of Southern California, they lack studies of the IRA and termination. In addition, the literature on California Indians in the twentieth century is scarce. The most notable contribution to California Indian studies is from Carole E. Goldberg's *Planting Tail Feathers: Tribal Survival and Public Law 280*, which is a legal analysis of state criminal and civil jurisdiction and its effects on law on Indian reservations.

This dissertation attempts to place Southern California Mission Indians within the larger context of American Indian history and American history in general. The decades between the Indian New Deal and termination consisted of a continuous parade of federal Indian legislation in the context of the New Deal, World War II, and the Cold War.

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<sup>9</sup> Nicholas C. Peroff, *Menominee Drums Tribal Termination and Restoration, 1954-1974* (Norman: University of Oklahoma Press, 1982).

The primary goal of this study is to demonstrate that the Mission Indians of Southern California proactively dealt with the federal government and its arbitrary decisions on American Indian Affairs. The goal is to demonstrate that the Mission Indians were not passive participants but active protagonists who fought for their self-determination and their right to live with their culture and heritage intact. Opponents of the Bureau of Indian affairs and the federal responsibilities that supposedly protected American Indians and their lands attacked the federal trust, claiming that holding these lands for Indians was communistic and socialistic in origin. For Southern California Mission Indians, maintaining their cultural identities meant fighting for their reservation lands under federal trust protection, no matter the cost. This meant both an alliance with the BIA and estrangement from it and discord within tribal communities that exists to the present day.

Chapter 1, “New Forms of Activism: Responding to the Indian Reorganization Act,” focuses on the introduction and implementation of the IRA on Indian reservations in Southern California. Why begin this study with the IRA given that its primary focus is on the politics of termination in the 1950s? The answer is simple: without understanding the impact of the IRA on the Mission Indians and their immediate and long-term responses to it, it is impossible to appreciate the tribal politics and attitudes surrounding the termination debates two decades later. This chapter presents the tribal bands and members that constituted Southern California Indian country. The manipulation by the office of Indian affairs created an atmosphere of distrust against the government agency. This chapter shows that even though the benefits of the IRA were substantial and produced valuable infrastructure and that many reservations gained access to their natural resources, the intrusion by the Indian Bureau offended many individuals both on and off the reservations. In the larger context of national politics, the fears of authorizing

communism and socialism in Indian country spawned criticisms against the IRA, Commissioner Collier, and American Indians. Stimulated by proponents against the office of Indian affairs and using the fears of communist entities within American borders, legislators began the process of eliminating the Indian Bureau and the federal trust that protected American Indian reservations.

During the latter part of the 1930s and the early 1940s, America's attention was focused on the end of the Depression and entrance into World War II, which relegated the Indian problem to the periphery. Chapter 2, "Termination: A Viable Option," covers the period between the IRA and passage of House Concurrent Resolution 108. In the interim, World War II added to the pressure for politicians to eliminate the Indian Bureau. To make room for wartime operations, the United States government moved the office of Indian affairs to Chicago, Illinois. This reduced the importance of the welfare of American Indians to the periphery of government priorities. Throughout the United States, Indians dealt with many discriminatory practices facilitated by local, state, and the federal governments. This chapter demonstrates the steps taken by pro-terminationists within the federal government to eliminate federal trust protection and disband the BIA. It also shows that even though the Mission Indians in Southern California expected these actions by the federal government, they waited passively as yet another change in the political climate regarding trust status occurred.

The march towards termination intensifies in Chapter 3, "Policy Includes People or Does It? Mission Indian Activism Meets Resistance at Home and in the Halls of Congress." As divisions within Mission Indian communities intensified, the factions previously established solidified during the talks of termination. This chapter explores the distinct grassroots activism of the Mission Indian Federation, a pro-termination group, and of the Spokesmen and Committee, an anti-termination group created to combat termination and the prospect of losing their tribal

lands. I address other issues that affected the Mission Indians in this chapter as well. The rhetoric of freedom and emancipation used by the pro-termination BIA Commissioner Dillon S. Myer and congressional representatives is contrasted with the hypocrisy of prohibiting Indians from hiring their own legal representation against termination. The Mission Indians used various tools to enlighten their plight to the non-Indian public to garner support for their cause. The Spokesmen and Committee were not averse to using the victimization narrative to further their arguments to combat termination in the public eye. Ultimately, in August 1953, Congress passed House Concurrent Resolution 108, which scheduled California Indian reservations for termination.

The original legislation of House Concurrent Resolution 108 targeted all California Indian reservations for termination. Immediately following the passage of the 1953 Termination Act, Congress passed Public Law 280, which eliminated Indian law enforcement and transferred it to the State of California. Chapter 4, “1953: House Concurrent Resolution 108 and Public Law 280 Seeks to Eliminate Indian Reservations in Southern California,” documents the Spokesmen and Committee group’s efforts to reverse the legislation and stop termination from taking effect in California. This chapter demonstrates how the Spokesmen and Committee Group actively disparaged termination while the Mission Indian Federation praised its attributes, which abolished the preconceived notions of the passivity of California Indians. The Spokesmen and Committee, instead of succumbing to the congressional edict of termination, continued to use all forms of communication to argue that termination would destroy American Indian communities in Southern California.

In Chapter 5, “What Do We Do Now? The Fight Continues: Southern California Indians Combat Termination and its Allies,” the State of California finally comes into play. This chapter

addresses the dynamics of fiscal responsibility for the Indians of the state and shows how the State of California balked at this obligation forced upon it by the federal government. With the passage of House Concurrent Resolution 108, the “Indian problem” now belonged to the State of California. The real question for the State, “What do you mean we have to pay for them?” became a valid reason for the government of California to reevaluate its position on termination. In 1954, the State’s ambivalence to termination resulted in special hearings conducted by the California legislature with both Northern and Southern California Indians to discuss the ramifications of the loss of federal trust protections and federal money to assist reservation Indians. The hearings and subsequent passage of Resolution No. 4 by the California Senate effectively curtailed the termination march in Southern California Indian country. The State’s hesitation and doubt revealed to the federal government that they were skeptical about the fundamentals of termination and doubted that it would work in the state. The Spokesmen and Committee and other anti-termination individuals used the State’s hesitation and doubt to continue to resist the implementation of House Concurrent Resolution 108. The tenacity of the Mission Indians that opposed termination slowed the government’s plan to end federal trust protection to a standstill and eventually stopped it all together.

Yet, as this dissertation demonstrates, the power of the people worked both ways. In Northern California, forces that advocated termination achieved its goal. The Rancheria Act passed in 1958 scheduled specific rancherias located near populace areas for termination. The tribal members who lived on these rancherias lost their federal trust protection and, in many cases, they lost their tribal lands. In Southern California, the Mission Indians continued to contest the BIA’s insistence to terminate and continued living their lives as the threat of termination slowly dwindled away.

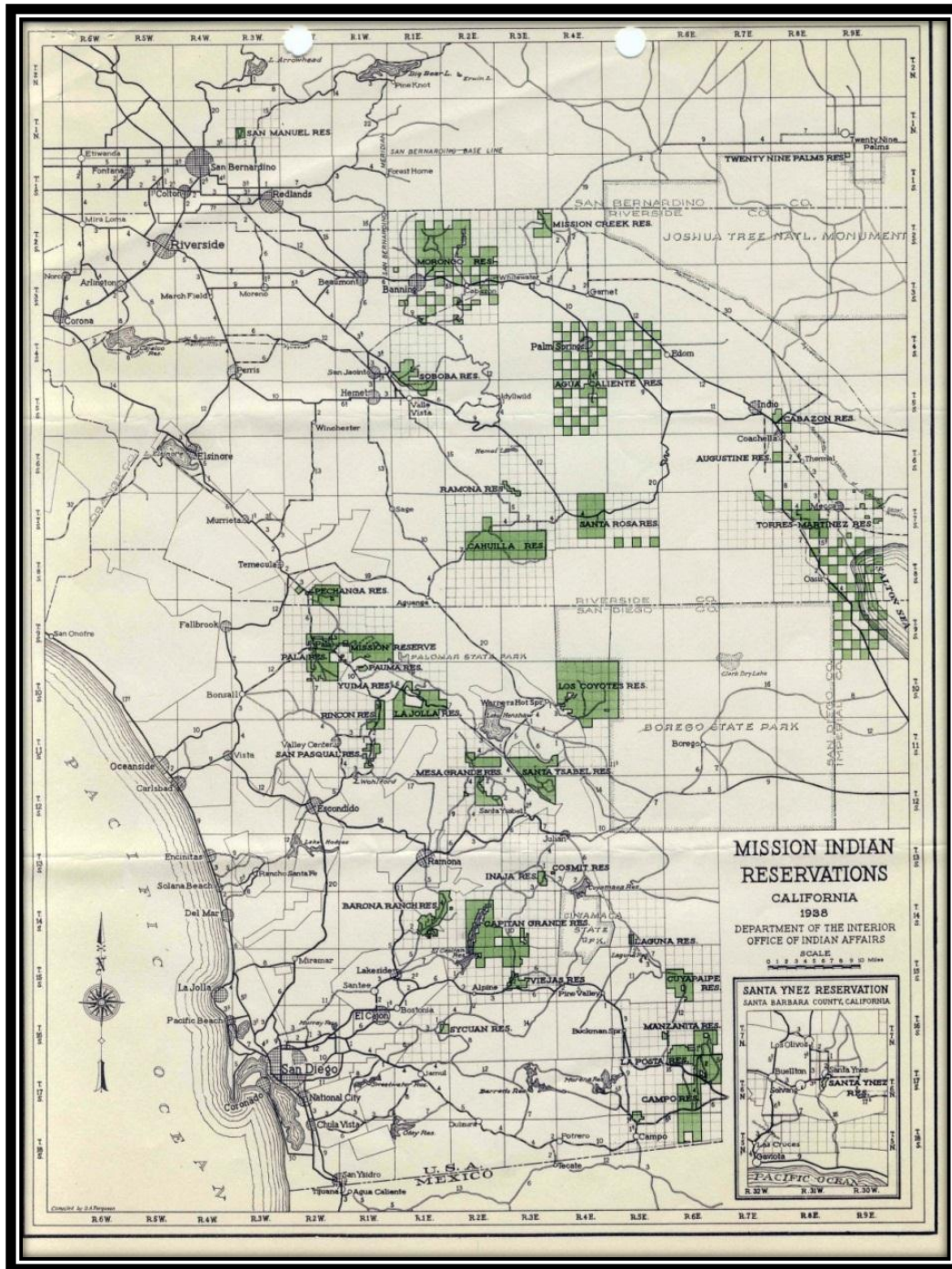
Termination ended, as my conclusion decrees, “With a Whimper, Not a Bang . . . Victory Against Termination and with *Cabazon v. the State of California*.” Even though House Concurrent Resolution 108 and its subsequent codicils were considered good law, the government’s enforcement of termination stalled in Southern California. Organizations founded or gained notoriety during the termination crisis slowly faded away, and the individuals within these groups focused their attentions on other tribal matters, locally and nationally. The conservation of the federal trust status of reservation lands had far-reaching consequences in the latter half of the twentieth century. The introduction of high-stakes bingo games on Southern California Indian reservations ushered in the era of Indian gaming, not just in California but also throughout the United States. The 1987 Supreme Court decision to allow gaming in the State of California v. *Cabazon Band of Mission Indians* changed Indian country forever. Federal trust protection made it possible for Indian gaming and the subsequent prosperous casinos on Indian lands. Thus, the individuals and organizations that fought the implementation of termination are responsible for the prosperity on many of Southern California’s Indian reservations.

In the end, this dissertation is primarily a work of American Indian activism in Southern California that occurred long before the well-known activism of the American Indian Movement. This dissertation seeks to dispel the ideas that the Mission Indians in Southern California were passive bystanders and acquiescent to the whims of the federal government. The author of one article labeled termination an American Indian freedom controversy, the controversy being what freedom meant to those involved with termination. The BIA, some congressional representatives, and Native proponents of termination bandied the rhetoric of freedom to eliminate the trust status. Anti-termination advocates used their freedom to maintain their tribal lands as guaranteed by the lands grants in the nineteenth century. This dissertation illuminates the Southern

California Mission Indians as not being passive participants in history. They contributed to their own history by fighting for their tribal lands and traditions. This fight ushered in the Indian casino age.

## CHAPTER ONE

### NEW FORMS OF ACTIVISM: RESPONDING TO THE INDIAN REORGANIZATION ACT



Map 1. Mission Indian Reservations in Southern California. From U.S. Department of the Interior, Office of Indian Affairs. Mission Indian Reservations California 1938 (Washington, D.C.: U.S. Government, 1938). Record Group 75, Central Classified Files Mission Indians. National Archives Building, Washington, D.C.



*We are of one blood. We used to own this whole country—now the white people have taken it.  
We cannot accomplish anything by being two or three groups . . . We must have one solid  
foundation if we are to accomplish anything.*

Ramon Ames, Diegueño—Barona<sup>10</sup>

John Collier imagined that the Indian Reorganization Act<sup>11</sup> would change federal Indian policy in a radical fashion. The Commissioner of Indian Affairs intended to implement mechanisms to activate self-determination; instead, the smothering paternalism of the United States government and its agents remained in almost all facets of American Indian life. Of particular interest is the effect of the California congress and tribal elections mandated by the IRA on the relationships between the tribes, the federal government, and antigovernment Indian organizations.

The U.S. government spread the Mission Indian reservations throughout the desert and mountain regions of Southern California. However, this did not mean that these different bands did not communicate with other tribal communities. Even though United States government mandates forbade Indian-run social gatherings, the Mission Indians participated in yearly fiestas and powwows on different reservations to visit and re-establish kinship relationships. These were also arenas of political discourse between individuals and tribes that laid the foundation of Mission Indian resistance movements throughout the mid-twentieth century.<sup>12</sup> Five years before Native American suffrage as American citizens, the Mission Indian Federation (MIF), an organization founded in 1919 and led by Jonathan Tibbet, a non-Indian who was an “aging,

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<sup>10</sup> NARA, Laguna Niguel. RG-75 Mission Indian Agency. Proceedings of Southern Californian Indian Congress Held at Riverside, California, March 17 and 18, 1934. p. 25

<sup>11</sup> The Indian Reorganization Act, the Indian New Deal, the Act, and the Wheeler-Howard Act are used interchangeably.

<sup>12</sup> Tanis C. Thorne, "On the Fault Line: Political Violence at Campo Fiesta and National Reform in Indian Policy," *Journal of California and Great Basin Anthropology* 21, no. 2 (1999). p. 193.

romantic philanthropist,” advocated for self-determination for Mission Indian tribes and declared that the Office of Indian Affairs to be the enemy. The MIF constitution stated that the objectives of the organization were: “[a] to protect against unjust laws, rules, and regulations; [b] to secure legislation of rights and benefits; and [c] to guard the interests of the membership against unjust and illegal acts.”<sup>13</sup> The rhetoric used by the MIF was instrumental in garnering support and enlisting followers among the Mission Indians. According to historian Tanis C. Thorne, three general explanations for the MIF’s popularity existed. First, Tibbet and the MIF were extremely critical of the Office of Indian Affairs. Tibbet called for the abolition of the agency and was soon placed on the government’s list of antigovernment activities. Second, Tibbet claimed that he was responsible for the discovery of the “lost” 1851–1852 unratified treaties.<sup>14</sup> Third, the MIF claimed that it was *almost* wholly an Indian organization<sup>15</sup> and represented itself “as a return to indigenous self-government.”<sup>16</sup> *Almost* was the key word in that claim. Tibbet led and counseled the MIF until his death in 1930.

Subsequently, Purl Willis, another non-Indian, took over as counselor. Willis networked, publicized, lobbied, and served as legal advisor and guide for the organization just as Tibbet had done before him. However, for the MIF to appear as an Indian-sponsored organization, the group needed an Indian for the position of president. Adam Castillo, a Cahuilla Indian from Soboba, was appointed president of the MIF and declared “the federation can care for the Indians without

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<sup>13</sup> Ibid.

<sup>14</sup> Tibbet did not rediscover the eighteen 1851-1852 California treaties. They were in the Senate's archives-a facility that did not have public access in 1905. However, Tibbets may have drawn attention of the California treaties to public's attention.

<sup>15</sup> The Mission Indian Federation was led and counseled by non-Indians.

<sup>16</sup> Thorne, "On the Fault Line: Political Violence at Campo Fiesta and National Reform in Indian Policy."

agents. We want hold the reservations for all time. We believe the Indians are a nation, or a people to themselves. We need to hold lands as a reservation under terms on which no white man can encroach and steal them.”<sup>17</sup> The MIF was the first organized quasi-Indian administered movement in Southern California. However, many Mission Indians doubted the MIF and did not join the organization. Instead, these individuals became involved in their tribal governments or maintained separate identities from the federation. This attitude of self-identity was pivotal during the termination crisis when the MIF ideas of self-determination clashed, sometimes violently, with the people who became the Spokesmen and Committee Group.

During his first year as Commissioner of Indian Affairs, John Collier devised a major reform package for managing American Indian affairs. In February 1934, he joined Senator Burton K. Wheeler (D-Montana) and Congressman Edgar Howard (D-Nebraska) to introduce his plan as their bill in the House of Representatives. The original Wheeler-Howard Act,<sup>18</sup> later called the Indian Reorganization Act, was the most comprehensive and far-reaching legislative vision of Indian affairs ever presented to Congress. Its purpose was to promote “local self-government and economic enterprise; to provide for the necessary training of Indians in administrative and economic affairs; to conserve and develop Indian lands; and to promote the more effective administration of justice to matters affecting Indian tribes and communities by establishing a Federal Court of Indian Affairs.”<sup>19</sup>

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<sup>17</sup> Ibid. Ironically, in the 1950s the Mission Indian Federation supported the termination of federal trust lands, which eliminated federal trust protection of reservation lands in risk of being lost.

<sup>18</sup> The terms Wheeler-Howard Act and Indian Reorganization Act will be interchangeably.

<sup>19</sup> H.R. 7902. 73<sup>rd</sup> Congress, 2<sup>nd</sup>. Session. Mission Indian Records, Record Group 75; National Archives Laguna Niguel (Pacific Region).

The original Wheeler-Howard bill outlined what Collier and the writers of the bill considered radical changes in the administration of Indian affairs. The original draft of the Indian New Deal had four parts. It promised self-determination and self-government and encouraged cultural pluralism.<sup>20</sup> A major component of the IRA was the promotion of tribal self-government. Tribal councils that adopted constitutions could employ legal counsel to prevent the leasing or sale of land without tribal consent, and negotiate with federal and/or state governments for public services. Yet, these powers were limited.

The Office of Indian Affairs presented the Wheeler-Howard Act to California's Mission Indians as a matter of changing laws for self-determination. In 1934, Commissioner Collier conceded that the laws of the United States government were wicked and stupid, intended to rob and crush the Indians.<sup>21</sup> Now the United States government wanted to make amends with the introduction of this legislation and stop disgracing itself and doing wrong to the Indians. However, the principle that Congress possessed a unilateral power to define the limits and scope of Indian sovereignty under United States law had been upheld in a variety of court decisions. At its core, the belief that tribes must conform to American sovereign power was the product of the Doctrine of Discovery and the legacy of European colonialism.<sup>22</sup>

Of course, congressional direction is arbitrary. The principle that Congress exercises a plenary power over Indian tribes explains many of the major limitations on tribal lawmaking

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<sup>20</sup> Cultural Pluralism is the condition in which many cultures coexist within a society and maintains their cultural differences. The uniqueness of these groups is considered a trait worth having in the dominant culture. Cultural pluralism seeks to overcome racism, sexism, and other forms of discrimination.

<sup>21</sup> Jr. Vine Deloria, ed. *The Indian Reorganization Act Congresses and Bills* (Norman: University of Oklahoma Press, 2002).

<sup>22</sup> Frederick Hoxie, ed. *Encyclopedia of North American Indians* (Boston and New York: Houghton Mifflin Company, 1996).

authority and self-determination under United States law. Thus, Congress has used its plenary power to expand or clarify the scope of tribal self-determination over reservation affairs, as in the Indian Reorganization Act of 1934.

California Indian reservations were numerous and existed throughout the state, but except for a select few, these reservations or rancherias were small in acreage and lacked population in contrast with the Sioux and Navajo nations,<sup>23</sup> the Indian communities that were more well-known and received the majority of attention from Collier and the Office of Indian Affairs. Reservations in Southern California were located in Riverside, San Diego, Santa Barbara and San Bernardino counties. They encompassed approximately 262,529 acres of land and had a combined population of roughly 3,000 per reservation. Southern Californian Indian reservations were remotely located in either the mountains or desert regions. Riverside County contained the Agua Caliente (Palm Springs), Augustine, Cabazon, Cahuilla, Mission Creek, Morongo, Pechanga, Ramona, Santa Rosa, Soboba, and Torres-Martinez reservations. San Diego County has the largest number of Indian reservations: Barona, Campo, Capitan Grande (uninhabited), Cosmit, Cuyapaipe, Inaja, Laguna, La Jolla, La Posta, Los Coyotes, Manzanita, Mesa Grande, Pala, Pauma, Rincon, San Pasqual, Santa Ysabel, Sycuan, and Viejas. Santa Barbara and San Bernardino Counties contained only one Indian reservation each, San Manuel and Santa Ynez, respectively.

Prior to the twentieth century, most California tribes elected Capitáns to represent the reservations. Eventually, individual tribal governments, called tribal councils, replaced the Capitáns. The tribal councils were elected by the general council (the voting population of the band/tribe, which in 1934 included any person 21 years old or older). The tribal chairpersons

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<sup>23</sup> The Navajo Indian reservation consists of over 27,000 square miles and covers the corners of three states: Arizona, New Mexico, and Utah. The Navaho (Diné) have the largest reservation in the United States. The Sioux reservations, which include Rosebud and Pine Ridge covers approximately 6,000 square miles.

were the elected leaders of the tribal and general councils. The elected positions were not gender specific; women represented their people in many arenas of tribal government, including their tribe at Office of Indian Affairs meetings. Many of California's Indians lived in urban areas because of lack of employment and education opportunities in the communities around their reservations. However, in most cases, these Indians maintained their tribal/reservation ties by returning for the monthly tribal meetings.

In March 1934, American Indian delegates from throughout Southern California and representatives from the Office of Indian Affairs (later called the Bureau of Indian Affairs) convened at the Sherman Institute (Sherman Indian School) in Riverside, California. Called by Commissioner of Indian Affairs John Collier, the meeting had only "one" purpose: to discuss the Wheeler-Howard bill. For the Indians of California, this meeting signaled yet another upcoming policy change. Collier chose not to attend the California congress. Instead the Commissioner's field representatives traveled to California to impress upon the state's Indian population the importance of this bill.

Although the approval of the Wheeler-Howard Act by California's Indians would have pleased Collier and his supporters, it was not critical or required for congressional approval. Government officials assumed tribal voters would endorse this new legislation without debate. That assumption was badly misguided. Mission Indians had dealt with the abuses perpetuated by the Office of Indian Affairs; had advocated for self-determination, not a utopian ideal, for decades; and were prepared to debate vigorously and to resist the act if necessary. This negative response by numerous tribes, American Indian organizations, and vocal individuals against the IRA, as I will show in subsequent chapters, helped the progression of the later termination movement.

In Southern California, the ghost of Helen Hunt Jackson's description of the Mission Indians continued to haunt these tribal communities. She had identified them as shiftless, pathetic, dirty, and childlike to direct subtle attention to the plight of landless Indians. Replete with such descriptions, Jackson and Abbot Kinney in his *1883 Report on the Needs of the Mission Indians of California to the Commissioner of Indian Affairs* did focus the United States government's attention briefly on California Indians. The recommendations from this report solidified the executive orders setting aside thousands of acres of land for over thirty reservations, twenty-nine of which were still in existence in 1934.

However, that attention came at a cost. Federal equivocation and a failure to define stable boundaries encouraged a legalized theft that reduced the lands and resources in the Mission Indian Agency. At the same, the Mission Indians were burdened with paternalistic, autocratic, callous, and indifferent federal administrators. Discontent pervaded Southern California Indian country. Contrary to Helen Hunt Jackson's characterization of Mission Indians as "passive," political action against the Indian Bureau erupted frequently.<sup>24</sup>

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<sup>24</sup> For more on the corruption involving Mission Indian Superintendents and Indian Agents see: Tanis C. Thorne, "Death of Superintendent Stanley and the Cahuilla Uprising, 1907-1912," *Journal of California and Great Basin Anthropology* 24, no. 2 (2004). and Thorne, "On the Fault Line: Political Violence at Campo Fiesta and National Reform in Indian Policy." Tanis C. Thorne, "The Mixed Legacy of Mission Indian Agent S.S. Lawson, 1878-1883," *Journal of California and Great Basin Anthropology* 2, no. 25 (2005); Tanis C. and Daly Thorne, Heather Ponchetti, "William Pablo: Man of Malki," *Journal of California and Great Basin Anthropology In Process*(2012). Bernard, "Fighting the conspiracy: The Mission Indian Federations's justifiable use of violence, 1905--1934."; Heather Ponchetti Daly, "Myths of the Indian Reform Legacy of Helen Hunt Jackson and the Reformers," (Irvine2003). Hanks, "This War is for a Whole Life: The Culture of Resistance Among Southern California Indians, 1850-1966." Richard Carrico, *Strangers in a Stolen Land*, Adventures in the Natural History and Cultural Heritage of California (Los Angeles: Sunbelt Publications, 2008). and Ryan Kray, "The Path to Paradise: Expropriation, Exodus, and Exclusion in the Making of Palm Springs," *Pacific Historical Review* 73, no. 1 (2004).

Such was the environment when President Franklin D. Roosevelt appointed John Collier, a reformer, Indian advocate, and founder of the American Indian Defense Association,<sup>25</sup> as Commissioner of Indian Affairs. Collier had long envisioned what he called a Red Atlantis<sup>26</sup> where American Indians could exist as citizens of the United States while maintaining their communal culture. The Wheeler-Howard Act was to be the legal mechanism by which he hoped to establish that vision.

Collier's vision was influenced by his reading of Friar Bartolomé de Las Casas. In the 16<sup>th</sup> century, Las Casas attacked colonialism in the New World and believed that the natives lived in a golden age untainted by the corruptions of civilization.<sup>27</sup> Evolutionary biologist Julian Huxley's *Africa View*, a study of African education that favored the concept of indirect rule in tribal societies, also deeply influenced Collier. Collier favored Huxley's concept as the way of

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<sup>25</sup> In a 1924 report to the Secretary of Interior, Special Inspector Samuel Blair classified the American Indian reform movements as "illogical and unreasonable." Blair defines the Indian Defense League organized by Stella Atwood and John Collier as "composed of a few wealthy persons, residing for the most part in the East, who know comparatively little about the indian (sic) affairs." Blair's main criticism of Atwood was that she preferred to voice the ideas and desires of Indians instead of impressing her own ideas on the Indian population. In 1924 the Mission Indian Federation was still relatively new and Blair considered its founder Jonathan Tibbets as a "dangerous agitater." The "Indian Federation is a purely an indian (sic) organization working under the direction of Mr. Tibbets and generated entirely in the interest of Mr. Tibbets." In this report Blair's main concern was not to alienate any one group because it was a presidential election year. Samuel Blair, "Concerning the Allotment of Lands to Individual Indians of the Mission Tribes in Southern California," (Los Angeles: United States Department of Interior, 1924).pp. 1-5.

<sup>26</sup> In John Collier's autobiography, he described his encounter with American Indians of the Taos Pueblo as a life-changing experience. After seeing the Taos Red Deer dance, he was inspired with a "new, even wildly new, hope for the Race of Man"; he found a people who were still the possessors and users of the fundamental secret of human life-the secret of building great personality through the instrumentality of social institutions. E.A. Schwartz, "Red Atlantis Revisited: Community and Culture in the Writings of John Collier," *American Indian Quarterly* 18, no. 4 (1994).p. 507.

<sup>27</sup> For English translation of de las Casas See: Herma Briffault, ed. *The Devastation of the Indies A Brief Account*, Fourth ed. (Baltimore and London: The Johns Hopkins University Press, 1993).



the future for American Indians.<sup>28</sup> It is ironic that Collier embraced these concepts to apply to the Wheeler-Howard Act because Huxley's arguments emphasized that "in dealing with primitive peoples, whether your business is to govern them or to educate them, to help them towards a higher economic and cultural level or to convert them, both anthropology and toleration are needed."<sup>29</sup> Collier hoped that the Wheeler-Howard Act would bring his utopian dream of a Red Atlantis to fruition by encouraging local pride and initiative while blocking white "predatory exploitation" through the technique of democratic communal organization.<sup>30</sup> Collier's Red Atlantis ideology stressed culture as the definitive binder of the Indian community. However, his antiquated ideas of Indian culture did not correspond with the way in which Indian people lived their daily lives and were not really obtained from the Indian people with whom he interacted during his travels in Indian country. In Collier's opinion, the Indian people needed the arbitrary use of government to administer his ideology.<sup>31</sup> These expectations generated ideas of Indian identity and helped facilitate the Indian New Deal legislation. Collier's inability to stem his condescension and the continued paternalism present from the earliest days of the Indian Bureau limited his best intentions.

The Los Angeles Auxiliary of Indians of California, Inc., an organization with close ties to the Federated Indians of California (Northern California) and the MIF (Southern California), repudiated the Wheeler-Howard bill from the beginning in California. This group circulated a

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<sup>28</sup> Kenneth R. Philp, *John Collier's Crusade for Indian Reform 1920-1954* (Tucson: The University of Arizona Press, 1977).

<sup>29</sup> Julian Huxley, *Africa View* (London: Chatto & Windus, 1931).

<sup>30</sup> Philp, *John Collier's Crusade for Indian Reform 1920-1954*.pp. 140-41. For more on John Collier's work, see *American Indian Life Journal* published by the American Indian Defense Association.

<sup>31</sup> Schwartz, "Red Atlantis Revisited: Community and Culture in the Writings of John Collier." p.514.

flyer to their “Fellow Indians of California” that stated the group’s belief that the Indians of California “are in reality slaves and their emancipation can be secured now by a desperate struggle.”<sup>32</sup> The circular concentrated on the differences between Northern and Southern California Indians and highlighted that Northern California Indians made “successful fights to gain schools and benefits,” which in this group’s opinion Southern California Indians had been negligent in doing. The letter pronounced that the “North and South now have a common interest in the Court of Claims Suit.”<sup>33</sup> The Los Angeles Auxiliary warned that any bill intended to turn our money over state agencies should be “killed.”<sup>34</sup> Commissioner Collier interpreted the circular as a direct attack on the Wheeler-Howard bill. In a memorandum, he erroneously informed the California superintendents that the “letter makes incorrect statements such as . . . the Indians are being urged to accept a bill intended to side track them from getting a just settlement from the Court of Claims bill.”<sup>35</sup> Collier’s memorandum reiterated that the Indian agents must advise the Indians of the inaccuracy of the circular letter and emphasize that the Wheeler-Howard bill provided advantages to the Indian distinct from and in addition to the

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<sup>32</sup> Circular letter to Fellow Indians of California from the Los Angeles Auxiliary of Indians. January 30, 1934. Records of the Bureau of Indian Affairs, Record Group 75. National Archives and Records Administration Washington DC.

<sup>33</sup> Ancient or historical tribal claims for money damages brought under special jurisdictional acts waiving the United States’ sovereign immunity and allowing a tribe to bring suit in the United States Court of Claims for: 1) Money damages for a Fifth Amendment taking of recognized (or reservation) title to particular lands; 2) for the cession of land to the Federal Government for supposedly inadequate compensation, Act of June 3, 1920, 41 Stat. 738. For more on the claims cases see: Jerome K. and United States Indian Claims Commission; et al. Kuykendall, *United States Indian Claims Commission, August 13, 1946-September 30, 1978: final report* (Washington D.C.: United States Indian Claims Commission, 1979).

<sup>34</sup> Ibid.

<sup>35</sup> Memorandum to All California Superintendents from John Collier, Commissioner of Indian Affairs. May 3, 1934. Records of the Bureau of Indian Affairs, Record Group 75. National Archives and Records Administration Washington DC.

prosecution of the claims cases. Especially, he wanted the circular pulled before the bill reached the floor of Congress.

Once Congress received the Wheeler-Howard bill, Collier announced that he would hold “congresses” in various locations near Indian reservations in the West to consult with the tribes on his legislative proposals. A new government strategy in Indian relations, the congresses purportedly symbolized a new relationship between the Indians and the Office of Indian Affairs. Collier sought to institute a partnership between government officials and Indians instead of the administrative absolutism that had accompanied all federal Indian policies. It was unfortunate that Collier’s ambitious agenda of cultural pluralism and harmony failed when faced with the economic realities of the federal government.

The first congress occurred in South Dakota in the early days of March 1934. Delineated by geography and tribal alliances, the Office of Indian Affairs titled the first congress the Plains Congress. Subsequent congresses were the Northwest Congress; two Navajo Congresses at Fort Defiance, Arizona: the All-Pueblo Council and the Southern Arizona Indian Congress; three Oklahoma Congresses at Anadarko, Miami, and Muskogee, Oklahoma; the Wisconsin/Minnesota/Michigan Congress; and the Southern California Indian Congress. Many Indian nations, tribes, and bands were represented, including the Sioux, Cheyenne, Choctaw, Blackfeet, Ponca, Shoshone, Chippewa, Crow, Quapaw, Osage, Navajo, Menominee, Klamath, and, of course, the Mission Indians of Southern California. As the month progressed, representatives from the Office of Indian Affairs moved to various western states, Oregon, New Mexico, Arizona, and California. As they moved west, Collier and the Indian bureau representatives found increasing Indian opposition during these “consultations,” much to their amazement.

Collier was aware of the MIF and strove to understand its appeal to the Mission Indian populace: "The Federation possesses for many or most of its members, a strong psychological, emotional, even, it might be said, a quasi-religious value."<sup>36</sup> However, it is clear he did not comprehend the intensity of the MIF hatred for the Office of Indian Affairs. In Southern California, opposition to the Office of Indian Affairs developed a fervent following due to the continued abuse and paternalism of the Office of Indian Affairs Mission Indian Agency<sup>37</sup> that failed to bring, according the MIF, "equal rights, justice, and home rule." As a result, the governing members of MIF opposed the Wheeler-Howard Act from its introduction to California Indian country. Thus, the MIF maintained its resistance and tried to recruit as many people as possible to thwart the Office of Indian Affairs and Commissioner John Collier and his plans.

Proponents of the Wheeler-Howard Act promised that Indians on reservations would have considerably more political and economic powers than had ever been conceded to them by the United States government.<sup>38</sup> Thus, although the MIF opposed the legislation, some Mission Indian tribes embraced the promise of this bill. The recently founded Barona Band of Mission Indians, a segment of the Capitan Grande Band of Mission Indians led by Ramon Ames, endorsed the IRA because of the reputation of John Collier. Other tribes remained suspicious and were more likely than not to resist the legislation. The Santa Ysabel Band of Mission Indians led by Winslow Couro and the leaders of the Pauma Band of Mission Indians remained skeptical of another "promise" by the federal government. Many off-reservation Indians were also

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<sup>36</sup> Thorne, "On the Fault Line: Political Violence at Campo Fiesta and National Reform in Indian Policy." Mission Indian Reservation, the Mission Indian Federation and the Allegations of Mr. Purl Willis and Mr. Adam Castillo. Statement of the Commissioner of Indian Affairs to the United States Congress, House Committee on Indian Affairs. Washington: Government Printing Office. 1934.

<sup>37</sup> California regional branch of Office of Indian Affairs.

<sup>38</sup> Vine Deloria, *The Indian Reorganization Act Congresses and Bills*.p. xi.

contemptuous towards Collier's ideas. Rupert Costo (Cahuilla) claimed that Collier "stood on the shoulders of the many who had gone before" and used that work to catapult himself to national importance.<sup>39</sup> The antipathy toward the Mission Indian agents and their commissioner drove the MIF's vehement opposition to the IRA.

Collier sharply attacked tribes, tribal members, and non-Indians who opposed the act. He accused dissenters of being people who resisted any change in the historical policy, which succeeded in diminishing Indian landholding, and of deploring giving Indians the right to control their own domestic relations, customs, and the like. He accused that these individuals that were against the IRA, also opposed giving authority to Indian tribes to assert their property rights through independent suits. Those critical of the IRA chose to confuse modern cooperative forms of enterprise with communism.<sup>40</sup> Collier heaped his greatest scorn on his non-Indian detractors, whom he blamed for Indian opposition. In doing so, he revealed, if not acknowledged, his own paternalism.

### **The California Congress**

*The Indian by nature is suspicious, and although easily gorrer [sic] when his confidence has been obtained, it becomes almost impossible to treat with him after his suspicions have been aroused. A wise reference to these facts and considerations has doubtless influenced the commissioners in their negotiations, and it is proper that they should be duly considered on the present occasion.*

Edward Beale, Indian Agent, 1852<sup>41</sup>

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<sup>39</sup> Kenneth R. Philp, ed. *Indian Self-Rule First Hand Accounts of Indian-White Relations from Roosevelt to Reagan* (Salt Lake City & Chicago: Howe Brothers, 1986).p. 50-51.

<sup>40</sup> Ibid.

<sup>41</sup> John Walton Caughey, ed. *The Indians of Southern California in 1852 The B.D. Wilson Report and a Selection of Contemporary Comment* (Lincoln and London: University of Nebraska Press, 1995). Edward Beale was the first Indian Agent in California 1852.

March 17–18, 1934, the Southern California Indian Congress was held at Sherman Indian School in Riverside, California.<sup>42</sup> Each of the twenty-nine federally recognized tribes in Southern California were represented at the congress by their tribal chairmen, chairwomen, or tribal council members. No representatives from California's unrecognized tribes were included, and the Northern California tribes were not well represented. Mission Indian representatives included Ramon Ames (Barona), Winslow Couro (Santa Ysabel), Tom Arviso (Rincon), Ventura Paipa (Capitan Grande a.k.a Viejas), Leon Palawash and Roscencio Ardilla (Pauma), Vivian Banks (Pala), Steven Kitchen (Mission Creek Reservation), Jack Meyers (Santa Rosa), Basquet Chihuahua (Torres-Martinez), Robert Chutnicut (Los Coyotes), Saturino Calac (Rincon and off-

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<sup>42</sup> In 1890, Mr. Horatio N. Rust was instructed by the Commissioner of Indian Affairs to find a suitable site in Southern California for an Indian school. In 1892 the first Indian school in Southern California was located in Perris, Ca. The student population was primarily from California Indian tribes, but there were eight Pima students in attendance. In 1897 Superintendent Harwood Hall realized the need for a better location, as the water supply at Perris was inadequate. Mr. Hall appealed to James Schoolcraft Sherman, Chairman of Indian Affairs in the U.S. House of Representatives and later U.S. Vice President, for funds to build a school in the area of Riverside, Ca. On May 31, 1900, Congress authorized \$75,000 for the construction of Sherman Institute on its present site. On July 18, 1901, the cornerstone of the old school building was laid. The school was named for Mr. Sherman who had been responsible for making this project a reality. Nine buildings were completed and officially accepted in May 1902. In the fall of 1902, eight grades were in operation. Agriculture and industrial arts programs were added later to the school's curriculum. By 1908, 550 students were enrolled, using 34 buildings. A junior high school program was in effect, and was comprised of academic subjects and industrial training such as carpentry, painting, cabinetmaking, black-smithing, wagon making, shoe and harness shops, tailoring, agriculture, home economics, and home nursing. The "outing system" was inaugurated at that time. The Sherman Farm of 110 acres, near the present community of Home Gardens on Magnolia Ave, was not only a training ground, but also a source of food for the school. The government no longer owns the property; however, a small area is set aside as a school cemetery and is owned by the U.S. Government. In 1909, 43 tribes were represented on the school roll, with Indians not only from California, but also from the Pacific Northwest, southwest, and the Plains. Education was limited to grades one to eight at that time. Later, in 1916, pupils were enrolled in grades one to ten. By 1926, the school offered a complete elementary and high school curriculum, as well as a course in cosmetology. The enrollment had reached 1,000 students. An enrollment of 1,256 was recorded in 1930, and in 1932 Sherman became an accredited high school. During the depression years, from 1930 to 1936, the enrollment decreased. California Indians became integrated into public schools. In 1946 the desperate need for education among the Navajos guaranteed the continuance of Sherman as an educational institution. October 1946 marked the opening of the Special Program to 350 Navajo young people, age 12 to 20, who had never experienced a formal education. By 1948 the regular elementary and high school programs were discontinued. The Special Program was in operation for more than 15 years. Each year the school made gradual changes to meet the needs of the students. During this time no California Indians were permitted at the school. Courtesy of Sherman Indian High School Museum.

reservation), Mr. Flores (Pechanga), Rupert Costo (Cahuilla and off-reservation),<sup>43</sup> and others not named in the meeting transcripts.

Delegates from the Mission Indian, Yuma Agency, the Navajo District, and the Sacramento Valley were seated in the meeting according to the Indian agency in which their the reservation, rancharia, or allotment was located to make it easier for government representatives to distinguish who would be allowed to speak. Representatives of the BIA attended the congress at Riverside: A.C. Monahan, special representative for John Collier, Commissioner of Indian Affairs; Walter Woehlke, field representative of the Commissioner of Indian Affairs; and Melvin Siegel, attorney for the Office of Indian Affairs.

Although Commissioner Collier attended all but four regional congresses, California was not on his itinerary. Rather than personally addressing the Indians gathered in Riverside, Collier asked his representative, A. C. Monahan, to read a statement that he had written while attending the All-Pueblo Congress in Albuquerque, New Mexico, to “all the Indians in California.”

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<sup>43</sup> The Southern California Indian Reservation delegates who attended the Wheeler-Howard conference at the Sherman Indian School: Cahuilla: Gabriel Costo (Spokesman) and Pat Casero (Committee Member), Campo: John Williams (Spokesman) and Angelo Nejo (Committee Member), Capitan Grande-Barona: Ramon Ames (Spokesman) and Lucas Quitac (Committee Member), Capitan Grande-Los Conejos: Ventura Paipa (Spokesman) and Lorenzo LaChappa (Committee Member), Inaja: Clayton Sloan (Representative), Laguna: Thomas Lucas (Spokesman), Los Coyotes: Bob Chutnicut (Spokesman) and Ramundo Chaparosa (Committee Member), Manzanita: Jinks Elliott (Spokesman) and Thomas Osway (Committee Member), Mesa Grande: Valentine LaChusa (Spokesman) and Gilbert Clelland (Committee Member), Mission Creek: Peter Grand (Representative), Morongo: John Morongo (Spokesman) and Henry Pablo (Committee Member), Pala: Remijio Robles (Spokesman) and Vivian Banks (Committee Member), Palm Springs: Marcus Pete and Willis Marcus (Representatives), Pauma: Roscencio Ardilla (Spokesman) and Leon Palawash (Committee Member), Pechanga: Louis Flores (Spokesman) and Reginald Attache (Committee Member), Rincon: Tomas Arviso (Spokesman) and Mrs. Solida Gilbert (Committee Member), San Manuel: Alfred Marcus (Spokesman) and Remijio Manuel (Committee Member), Santa Rosa: Jack Meyers (Spokesman) and Calistro Tortes (Committee Member), Santa Ysabel: Winslow Couro (Spokesman) and Martin Osuna (Committee Member), Soboba: Anthony Mojado (Spokesman) and Joe Estrada (Committee Member), Sycuan: John Helmiup (Spokesman) and Dan Ames (Committee Member), and Torres-Martinez: Basket Chihuahua (Representative). Report. "Reservation Delegates who Attended Conference", 1934. Office of Indian Affairs, Record Group 75-Mission Indian Agency-Pacific Region Laguna Niguel Records Pertaining to the IRA and Tribal Elections, 1934-1947

Included was a weak excuse for his failure to attend: “this country of ours is very large.” He wished them success in the deliberations and assured the Indians that their welfare was close to his heart, as he sent his “staff to counsel with you.”<sup>44</sup> Collier’s excuse message stressed the importance of the meeting and bestowed the power to “counsel” to his subordinates.

The congress, however, did not go as Collier had planned. By the discourse evident in the transcripts of the California Congress, the term *counsel* did not mean to give advice; it meant to dictate how the Indian New Deal should and would be received by the California Indians. From the onset, Monahan and the other government officials seemed perplexed by the direct questioning by tribal representatives concerning the issues of ward status, citizenship, the claims cases, and the controversy surrounding ideas of segregation and communism. Even though the Mission Indian Agency had previously reported the activities of the MIF, the representatives of the Office of Indian Affairs seemed perplexed and frustrated by the open hostility of many of the Indians.<sup>45</sup>

The Office of Indian Affairs representatives convened the congress with introductory statements regarding the benefits of the Wheeler-Howard Act. Monahan stressed that there was practically nothing compulsory about the bill. The bill would give opportunities to form tribal governments, which were already in place on many of the reservations in California, or organizations, if the Indians wished to do so. Of course, the government did not expect all the tribes to favor this “bountiful” legislation: “There will be many that will go on just as they have been in the past. Tribes that wish to take up the provisions of this opportunity may do so if it

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<sup>44</sup> Proceedings of Southern California Indian Congress Held at Riverside, California, March 17 and 18, 1934. p.1.

<sup>45</sup> Tribal issues are complicated. Debates about full U.S. citizenship and abolishing Indian wardship status were clearly a focus in the 1930s. However, debates regarding American Indian status continue into the twenty-first century.



passes Congress. The movement must start with you, not with us.”<sup>46</sup> Siegel, the BIA’s attorney, attempted to explain the IRA in a “few simple words what of course has been to most of you a muddle.” Woehlke added that he hoped the Indians in attendance realized that it was an “historic occasion” that occurred in the “year of grace” 1934, which would stimulate a reversal of the policy under which the Indians of the United States have been living for the past fifty years. Woehlke believed that this was the first time in history that the Commissioner of Indian affairs has consulted with the Indians to find out what their thoughts were about the proposed legislation. He also pointed out to those present that the Indians without the IRA had little or no control over their property, homes, and lives. He emphasized that Congress still held plenary power over Indian matters and “that basically Indians were still American prisoners of war.”<sup>47</sup>

Woelke did not bother to enlighten the meeting attendees that even with the passage of the IRA, Indians would still be bound by congressional plenary power. Whether Woelke realized it or not, he was speaking of how the Office of Indian Affairs conducted itself in Indian matters. It is also important to note the tone of self-importance and superiority apparent even in the transcripts of his statements.

A thought-provoking turn transpired during the California Congress when the U.S. government’s representatives attempted to direct the conversation or questions about the ongoing Indian claims<sup>48</sup> lawsuits over the lost 1851–52 treaties away from the congress proceedings. At

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<sup>46</sup> Department Of The Interior, "Proceedings of Southern California Indian Congress Held at Riverside, California, March 17 and 18, 1934," (1934). Mission Indian Records , Record Group 75; National Archives Laguna Niguel (Pacific Region).

<sup>47</sup> Ibid.

<sup>48</sup> The Indian Claims cases were a development as a result of political activism on the part of both tribes and pan-Indian organizations. Numerous California Indians self-help organizations and tribes pushed for a lawsuit over the failure of the United States to compensate the Indians of California for the loss of their aboriginal lands. Congress relented and passed the Jurisdictional Act of 1928. This legislation allowed the Indians to sue the federal government and use the state Attorney general's office to represent them. Edward D. Castillo, "Mission Indian

the conclusion of the introduction and messages, BIA attorney Siegel wanted “one more word” on the California Indian Court of Claims, a topic that most California Indians “have been interested in more than anything else.” Siegel’s opinion of the Court of Claims spoke volumes: “At the speed the Indian Court of Claims cases are being settled now, we won’t be done with all of them for a hundred years or more.” Siegel emphasized to those present that the Wheeler-Howard bill had nothing to do with the Indian Court of Claims and would not address the claims cases at this congress.

Woehlke reiterated at this point that the Wheeler-Howard bill is “aside from any treaty rights or from any claims which any of you, singly or collectively, may have against the Government.” Woehlke added, in what would become his usual deprecating method of explanation, that the Commissioner of Indian affairs was very anxious to see that justice is done to all tribes that have claims against the United States “so that the old ghost which is leading you into the swamp of helpless inertia, may be laid for good . . . and the Indian people may set their hands to the plow right now to pull themselves out of the hole.” He then repeated what Siegel had presented earlier to the congress: The Court of Claims “has nothing to do with the Wheeler-Howard Bill, which leaves them just where they are. This must be completely understood.”<sup>49</sup> He added the fear component, reiterating that unless the government approved the Wheeler-Howard Act, it would take over one hundred years for the settlement of the claims cases.

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Federation,” in *Native America in the Twentieth Century: An Encyclopedia*, ed. Mary B. Davis (New York: Garland, 1994).

For more on the Indian Claims Cases see: H.D. Rosenthal, *Their Day in Court A History of the Indian Claims Commission* (New York and London: Garland Publishing, Inc., 1990); Edward H. Spicer, *A Short History of the Indians of the United States* (Malabar: Robert E. Krieger Publishing Co., 1969).

<sup>49</sup> Ibid.

Presented with statements of conceit and fear, the California Indian delegates were apprehensive about the claims cases still pending in the federal courts. Throughout the two-day congress, when the Indian representatives raised questions about the Court of Claims, the representatives for the Office of Indian Affairs continued to deflect these questions and to squash discussion. These comments and the avoidance of the Indian claims subject added to the tensions already present in the congress from the outset of the meeting.

Tensions, which mounted as the meeting progressed, had begun with an exchange between Juanita Machado (Pala) and Monahan about Collier's absence. Machado was displeased that the commissioner was not present at the California congress: "It seems every time that a government official is to be here, an excuse is made for him not being here."<sup>50</sup> Monahan responded that "Mr. Collier himself never said that he would be here . . . It is impossible for him to go to every meeting in the country. This then is not a changed schedule."<sup>51</sup> Monahan's explanation contradicted Collier's introductory excuse statement, which insinuated that an urgent situation or circumstances beyond Collier's control in Washington D.C. had prevented him from attending the California congress. Thus, the beginning of the congress started with a blatant lie.

Also of great importance is the condescension portrayed in the statements and brusque replies of Monahan, Woelke, and Siegel, which illuminated the inflexibility of the Indian agents. Rupert Costo later labeled Collier and his representatives "autocratic and repressive."<sup>52</sup> Perhaps hoping that these "peaceful and accommodating" Mission Indians would just be content to listen,

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<sup>50</sup> Interior, "Proceedings of Southern California Indian Congress Held at Riverside, California, March 17 and 18, 1934." p. 15.

<sup>51</sup> Ibid.

<sup>52</sup> Philp, *Indian Self-Rule First Hand Accounts of Indian-White Relations from Roosevelt to Reagan*. p. 101.

the BIA representatives were not prepared for in-depth questioning of the revamped Indian policy. Monahan claimed that the IRA was not a compulsory legislation and that for it to be successful, the Indians must embrace it; yet as the agents were questioned and criticized, the tone of the congress turned confrontational.

Indian representative Robert Miguel questioned how the IRA could benefit the Indians when previous treaties between the United States and the California Indians had never been honored: “We were on this continent first and you took the wild fruits, the water and the lands we were living on. After American government got in this ward<sup>53</sup> business, they promised us this and that and have fulfilled nothing on these promises. They forgot rights our ancestors had, but now Indians got what is left and citizens got the best.” Miguel questioned the fact that Indians were not really considered American citizens to which Woehlke responded shrilly and disrespectfully:

You are not the only ones who got it in the neck. The California program was not the only Indian program we have outlined. Look at the history of the Five Civilized Tribes, how they have been persecuted-land taken away . . . they were hunted down, forced to settle in a place and have their new homes taken from them by same procedure 70 years later . . . If you were undergoing the same suffering as these people, you would not say:

“We want our claims settled before we will agree to let you help other distressed

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<sup>53</sup> During the proceedings an unnamed individual asked about the status of “state wards”. Mr. Siegel responded that with the exception of New York, no state established guardianship over Indians. This particular fact will prove to be a significant in California during the termination process two decades later.

Interior, "Proceedings of Southern California Indian Congress Held at Riverside, California, March 17 and 18, 1934." Mission Indian Records , Record Group 75; National Archives Laguna Niguel (Pacific Region). p. 16.

Indians.” . . . We want to help them as well as you. You should be ashamed of your selfishness.<sup>54</sup>

Miguel replied, “Just one word, answer in a nice way, do not get hot about. I am an Indian as long as I am on the reservation.” Woelke’s Five Civilized Tribes response emphasized a division of ideas and opinions between the Indian agents and California Indians. It indicated that this particular agent believed other tribes suffered a great deal more than the California tribes did. It also suggested that other tribal entities were considered more important than the small Indian reservations/rancherias in California, a message underscored by Commissioner Collier’s absence.

Rupert Costo, already suspicious of the bill, argued against the implementation of the Wheeler-Howard Act. He articulated that the bill sounded very good but was subtle in meaning in an insidious way. Costo interpreted the act as one more opportunity for the Office of Indian Affairs to insinuate itself into California Indian Affairs. Costo did not live on a reservation. His comments suggested that living on a reservation was a loss of personal rights, equivalent to segregation, and was a danger to the American citizenship guaranteed to American Indians under the 1924 Indian Citizenship Act.<sup>55</sup> Costo defiantly declared that he and his white friends had written their congressional representatives telling them to vote against the Wheeler-Howard Act. Costo declared that he was “glad I am able to do this as a citizen of the state of California.”<sup>56</sup>

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<sup>54</sup> Ibid. p. 37.

<sup>55</sup> Indian Citizenship Act June 2, 1924. An Act To authorize the Secretary of the Interior to issue certificates of citizenship to Indians. Be it enacted...That all non-citizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: Provided, That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property. [ U.S. Statutes at Large, 43:253.]

<sup>56</sup> Interior, "Proceedings of Southern California Indian Congress Held at Riverside, California, March 17 and 18, 1934."

These were not the only such exchanges between the Indian representatives and the Office of Indian Affairs. Costo, Jeannette Costo, Leon Palawash, Winslow Couro, and Vivian Banks (Pala) expressed their concerns about the bill, especially the possible connotations that the Wheeler-Howard legislation was socialistic or communistic in its origins. The officials from the Office of Indian Affairs were acutely aware of the fear of being labeled communist or socialist, fears held not just by the California Indians but also by Indian nations throughout the United States. At the first meeting, the Plains Congress in Rapid City, South Dakota, Indian representatives from the Sioux nations asked Collier to explain how the Wheeler-Howard Act was different from socialism and to explain communism. Collier's wordy and unsatisfactory explanation noted that because the American people would never adopt a communistic or socialistic policy, the Wheeler-Howard Act would never adopt the philosophy of communism and socialism. In fact, Collier accused past Indian Bureau personnel of using the communism and socialism card to cheat Indians out of their lands and rights.<sup>57</sup>

In California, these concerns were also not adequately addressed. California Indians feared the stigma of being classified communist or socialist. Jeannette Costo (Cherokee), wife of Rupert Costo, emphasized her position in the *Riverside Press*: "I am one hundred percent American. I tell you this bill preaches communism and socialism." Indian representatives specifically asked Siegel whether Indians would be considered communists and socialists if the IRA passed. They also wanted the definitions of communism and socialism clarified. Siegel, a Washington, D.C. attorney representing a branch of the United States government, responded, "We don't know what communists or socialists are."<sup>58</sup> Thus, Siegel's response was a clear

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<sup>57</sup> Vine Deloria, *The Indian Reorganization Act Congresses and Bills*. p. 89.

<sup>58</sup> Ibid.

rejection of valid questions raised during the meeting. Although the BIA representatives dismissed Indian concerns over being labeled communist or socialist, people already marginalized worried about being categorized in yet another deviant (according to American ideology) racial group.

Another Indian delegate, Joseph Weaver, expressed the reason it was important for him to be at this Congress and to speak his mind: “I was born and raised in California. I belong to a big body of Indians in California. I have been driven away from my home. I raised a family . . . I just had two boys serve in the Navy and one as a soldier. We were here a long, long time before the white men . . . but I have nothing . . . so take this to Washington . . . we have been tormented.”<sup>59</sup> Vivian Banks (Pala) was blunt in her assessment of the Wheeler-Howard Act: “My people are opposed to this bill. They do not think it is fair.”

Monahan, uncomfortable with the direction of the meeting, arbitrarily dictated that only one person could speak for the Mission Indians, Jack Meyers of Santa Rosa. This brought heated protests and a summation by Leon Palawash (Pauma) of what the Mission Indians thought of the new legislation:

I am speaking for the Indians of the State of California. Congress should endorse any legislation. Congress and the Senate have asked the Indians to endorse the legislation. Why does Congress ask the Indians to adopt the resolution and why does not Congress endorse that policy instead of the Indians? The bill does not give the Indians any independence. We will not endorse the Wheeler-Howard Bill. We have a committee at Washington who are now introducing all claims of Indians of the State of California.

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<sup>59</sup> Vine Jr. Deloria, ed. *The Indian Reorganization Act Congresses and Bills* (Norman: University of Oklahoma Press, 2002).

Therefore you gentlemen may return to Washington and expedite the just settlement to the Indians of the State of California.<sup>60</sup>

The two-day congress ended with Monahan making “himself perfectly clear” that the Indian representatives should take the “matter home,” study it, and generate opinions to send to the commissioner. He also warned that some people opposed the Wheeler-Howard bill for “selfish reasons” and that the Indians should make up their own minds without outside influences. Joseph Bruner, founder of the Indian Rights Association in Oklahoma, probably generated Monahan’s warning about “outside influences.” MIF leader Adam Castillo was a member of this organization. Still, this was an interesting comment by the representative of the Bureau because the U.S. government and the Office of Indian Affairs were and have continued to be outside influences in Indian Country.

Amazingly, after years of enforced assimilation and acculturation by the United States government and numerous “friends of the Indians” organizations, tribal traditions still remained strong in 1934. Although these Indians adapted to the changing world around them, they maintained tribal customs and traditions. In Southern California, many Indians (especially those who lived on reservations) did not believe that social relationships could be or should be controlled by rules and regulations instituted by the Secretary of the Interior or the Commissioner of Indian Affairs. The refusal of the Mission Indians to adopt the formal institutional life dictated by the BIA defined the relationship between the Bureau and reservation Indians. Repeatedly, Collier and his representatives questioned their failure to garner support from the Southern California Indians. The exchanges at the Riverside Congress mimicked Collier’s frustration and outrage at the lack of support by the Southern California Indian

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<sup>60</sup> Ibid. 253



population. However, no real danger ever existed that Congress would not pass this legislation, whether the Indians supported the bill or not.

On June 18, 1934, Congress passed the Indian Reorganization Act, a version quite different from the original Wheeler-Howard Act. The IRA was shorter than the original draft of the Wheeler-Howard Act draft. Even though it contained most of Collier's original ideas and plans for Indian reorientation, it contained drastically revised key elements of Collier's proposals. The four categories stressed as imperative in the original Wheeler-Howard bill were severely curtailed and compacted in the IRA to "conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system . . . certain rights of home rule; to provide for vocational education . . . and for other purposes."<sup>61</sup> The IRA negated the elements of a revised Indian court system and higher education included in the original act and instead adopted "home rule and vocational education."

Under the new IRA, Congress repealed the allotment laws, permitted the restoration of reservation lands to tribal ownership (this is pertinent to the problem of landless Indians because they were no longer considered, in the IRA, in land-based negotiations), and provided for voluntary exchanges of restricted trust lands for shares in tribal corporations. A \$10 million revolving credit fund was established to provide loans to chartered tribal corporations, with additional appropriations of \$250 thousand a year for use in organizing tribal governments and establishing loan funds for those seeking college or vocational education. The change in education monies was significant. In the original Wheeler-Howard Act draft, education money could only be used for vocational education, not for universities.

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<sup>61</sup> Vine Deloria, *The Indian Reorganization Act Congresses and Bills*.p. 20.

The United States government authorized an appropriation of \$2 million a year for the purchase of additional lands for tribal use. The general populace did not welcome Indian communities. In the mid-1930s, after their eviction from Capitan Grande, the U.S. purchased the Baron Long property (now Viejas) for the displaced Indians. However, the people of the nearby town of Alpine, California, protested the purchase of these lands. Their main argument was the devaluation of property because of an Indian reservation being too close to an established community.

After Congress voted and passed the IRA, referendums were called on Indian reservations included under the Act. Elections were supposed to be scheduled within one year (subsequently extended to two years) to determine whether or not the tribes accepted the act. The duly elected tribal chairpersons<sup>62</sup> of each tribe were notified that for the Mission Indians, these elections were scheduled for the end of 1934. Tribes that rejected the act would legally remain under direct Bureau control; each tribe that accepted the act would then prepare a constitution that must be ratified by a majority of Indians on the reservation. This caveat in the wording of the IRA is noteworthy. Only Indians residing on the reservation could vote on the implementation of the IRA. Not allowed to vote on how the act would affect the political and other structures of the tribe were tribal members living off the reservation. The irony of the election restriction was that after over a century of concerted efforts to assimilate Indians into American society, individuals who did not live on the reservation were forbidden to vote in their tribal elections.

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<sup>62</sup> See Table 1 for names of tribal chairpersons of their respective Mission Indian reservations.

Table 1. Mission Indian Tribal Leadership in 1934

Reservation	Tribal chairperson	County
Augustine	Julian Augustine	San Bernardino
Cabazon	?	Riverside
Barona	Ramon Ames	San Diego
Cahuilla	Senon Lubo	Riverside
Campo	Will Coleman	San Diego
Capitan Grande (aka Viejas)	Ventura Paipa	San Diego
Cuyapaipe	?	San Diego
Inaja	Vincent Paipa	San Diego
Laguna	Thomas Lucas	San Diego
La Jolla	Ben Amago	San Diego
La Posta	?	San Diego
Los Coyotes	Tom Siva	San Diego
Manzanita	Jinks Elliott	San Diego
Mesa Grande	Valentine Lachusa	San Diego
Mission Creek	?	San Bernardino
Morongo	Floriano Chino	Riverside
Pala	Viviana Banks	San Diego
Palm Springs	Willie Marcus	Riverside
Pauma Valley	Martin Ardilla	San Diego
Pechanga	Louis Chawa	Riverside
Rincon	Tomas Arviso	San Diego
San Manuel	Macario Marcus	Riverside
San Pasqual	Florence Stewart	San Diego
Santa Rosa	Samuel J. Rice	Riverside
Santa Ysabel	Winslow Couro	San Diego
Santa Ynez	William Miranda	Ventura
Soboba	Joe Estrada	Riverside
Sycuan	John Helmiup	San Diego
Torres-Martinez	Martin Lopez	Riverside

Source: National Archives and Records Administration, Washington D.C.

Under the IRA, the tribe would then elect a tribal council in which all the powers of the tribe would be vested. These powers included the rights to employ legal counsel, to prevent the sale or lease of tribal properties without its approval, to negotiate with other tribal and governmental agencies, and to review federal appropriation estimates relating to the tribe before their submission to the Office of Indian Affairs and/or Congress. Once ratified by a majority

vote, the charter would enable the tribe to manage its resources and purchase individual allotments or issue shares in the corporation in exchange for the transfer of allotments.<sup>63</sup>

## **The Elections**

The date of the election to approve the IRA was December 18, 1934. Before the election, tribal members of the Pauma Indian Reservation signed a petition and letter to John W. Dady, superintendent of the Mission Indian Agency, in reply to a form letter sent to all Southern California Indian Reservations. In the letter to the bureau's Mission Indian Agency, the Pauma Indians stated, "The Goverment [sic] has made many promises to us in the past . . . Nothing has ever been accomplished as to our need. Our treaties have never been ratified . . . [The] Present Wheeler-Howard Bill, is not giving us any self-Government white employees enforce the rules upon us . . . Therefore we as Indians cannot take any action in encouraging the Wheeler-Howard Bill."<sup>64</sup> Nevertheless, the Bureau of Indian Affairs Mission Indian Agency began pre-election preparations. The federal government provided no funding to stage this election; thus, John Dady, superintendent of the Mission Indian Agency, was pressed to ask local authorities for their help.<sup>65</sup> He requested the loan of ballot boxes and other necessary equipment from the City of Riverside to conduct the elections on the reservations under his jurisdiction.

On each reservation, only those individuals meeting prescribed eligibility requirements

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<sup>63</sup> Taylor, *The New Deal and American Indian Tribalism The Administration of the Indian Reorganization Act, 1934-1935*. p. 28.

<sup>64</sup> Letter to John W. Dady, Superintendent Mission Indian Agency from Tribal Members of Pauma Indian Reservation. November 1, 1934. Records of the Bureau of Indian Affairs, Record Group 75; National Archives Pacific Region (Laguna Niguel)

<sup>65</sup> Newspaper Riverside Press, re: County Supervisor's Meeting. November 19, 1934., Records of the Bureau of Indian Affairs, Records Pertaining to the IRA and Tribal Elections, 1934-1947, Record Group 75-Mission Indian Agency; National Archives Pacific Region (Laguna Niguel)

could vote in the IRA elections:

- All persons over 21 years of age whose names appeared on an approved roll.
- All persons of Indian descent who were members of a recognized tribe.
- All persons who were descendants of any such members of recognized tribes and who resided within an Indian reservation on June 1, 1934, regardless of degree of blood. The descendants, the children and grandchildren, of such members could vote in this election only if they were actually living on the reservation on June 1, 1934.
- The Indians must also belong on the reservation in addition to living thereon. Unaffiliated Indians could not vote in the election even though they resided on the reservation.<sup>66</sup>

Nonresident Indians were allowed to vote if they requested absentee ballots; however, absentee ballots proved unsuccessful from the Indian's point of view. Many individuals did not receive in their ballots in time; then, some ballots were deemed "illegible" and were discarded.

The elections to approve the IRA were held on December 18, 1934. Results showed the IRA was overwhelming defeated by twenty-three out of twenty-nine<sup>67</sup> Indian reservations in Southern California. Augustine, Cabazon, Cahuilla, Campo, Capitan Grande, Inaja, La Jolla, Los Coyotes, Mesa Grande, Mission Creek, Morongo, Pala, Palm Springs (Agua Caliente), Pauma, Pechanga, Rincon, San Manuel, Santa Rosa, Santa Ysabel, Soboba, Sycuan, and Torres-Martinez all voted against the IRA. These results were immediately transmitted to the BIA.<sup>68</sup>

The five Indian reservations that voted to approve the IRA were Barona, Cuyapaipe, Laguna, La Posta, and Santa Ynez. Of the five, only Barona and Santa Ynez had reasonable

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<sup>66</sup> Indian Reorganization Election Procedure Notes. November 1, 1934. Records of the Bureau of Indian Affairs, Records Pertaining to the IRA and Tribal Elections, 1934-1947, Record Group 75-Mission Indian Agency; National Archives Pacific Region (Laguna Niguel

<sup>67</sup> See Table 3

<sup>68</sup> Letter to Commissioner of Indian Affairs from John W. Dady, Mission Indian Agency with IRA Election Results Table. December 18, 1934. Office of Indian Affairs, Record Group 75-Mission Indian Agency-Pacific Region Laguna Niguel Records Pertaining to the IRA and Tribal Elections, 1934-1947. See Table I.

amount of lands and numbers of tribal members. Cuyapaipe, Laguna, and La Posta Indian reservations were relatively uninhabited, with a total combined population of eleven tribal members. In the case of Cuyapaipe, no votes (either yes or no) were submitted in the IRA election. Little information was found concerning the reasons the Santa Ynez reservation voted for the IRA. However, with Barona, the implementation of the IRA was directly related to their 1932 removal from Capitan Grande.

Federal government officials were committed to improving the standard of living of the Capitan Grande residents to compensate them for their losses of property, water, housing, and tribal graveyard, especially in view of the raging scandals over neglect and poverty in the San Diego County Indian reservations. Throughout the planning stages, the BIA Mission Indian Agency groomed new Barona Indian Reservation to be a showplace for civilized Indians. Born of idealism and optimism in a new era in federal-Indian relations, Barona was to be a shining example of the application of enlightened thinking by the federal government. As such, it would redeem the Indian office from its past sins and usher in a new order. Barona, as John Collier wrote, was to be a “model agricultural colony.”<sup>69</sup>

Over seventy-five percent of the Indian voting population voted against the implementation of the new Indian federal policy. Collier was so disappointed with the results that he refused to write to the tribes that rejected his proposal. Instead, John Dady was left the task of writing the disappointment letter to Marcus Pete, spokesman of the Palm Springs Indian Reservation (Agua Caliente):

I am sorry the vote on the Indian Reorganization Act . . . was against the acceptance of

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<sup>69</sup> Testimony of Fred Baker re: Barona as a “model” at Riverside, 1933 Senate Sub-committee hearing, part ?, Survey, pp. 15418-9; Collier quote from Nov. 1931 report, quoted in Ch. 4; Collier quote “Capitan Grande Indian[s] and the Barona Situation”, 11 Nov. 1931.

the Act by the Indian people of Palm Springs. I feel this is very unfortunate. It is too bad your people listened to the advice of outsiders who wished you to vote against the acceptance of the Act. It will therefore be impossible for the people of Palm Springs to enjoy any of the privileges which they would have had if they had voted to accept the Act.<sup>70</sup>

The notion that outside forces influenced the debate again demonstrated the ingrained sense of superiority and condescension of Commissioner Collier, the Office of Indian Affairs, and its agents.

The conceit of the Office of Indian Affairs was even more evident in the letter written to the general membership of the Santa Ysabel Band of Mission Indians. Commissioner Collier, through Superintendent Dady, notified the band that even though Santa Ysabel general council voted against the IRA, a provision embedded with specific wording in the Act nullified the votes.<sup>71</sup> In a January 22, 1935, letter to the Indians of Santa Ysabel, Collier nullified the IRA election results.

The government's interpretation of Section 18 of the act was the catalyst for the reversal of the election results at Santa Ysabel and fourteen other reservations: "This Act shall not apply to any reservation wherein a majority of the adult Indians, voting at a special election, duly

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<sup>70</sup> Letter to Mr. Marcus Pete, Spokesman, Palm Springs Reservation from John W. Dady, Superintendent. January 10, 1935. Records of the Bureau of Indian Affairs, Records Pertaining to the IRA and Tribal Elections, 1934-1947, Record Group 75-Mission Indian Agency; National Archives Pacific Region (Laguna Niguel)

<sup>71</sup> Section 18 of the Indian Reorganization Act, 48 Stat. 984, June 18, 1934. The Act shall not apply to any reservation wherein a majority of the adult indians, voting at a special election duly called by the Secretary of the Interior, shall vote against its application. It shall be the duty of the Secretary of the Interior, within one year after the passage and approval of this Act, to call such an election, which election shall be held by secret ballot upon thirty days' notice. Deloria, *The Indian Reorganization Act Congresses and Bills*. p. 23.

called by the Secretary of the Interior, shall vote against its application.”<sup>72</sup> In other words, according to the Office of Indian Affairs and its commissioner, a majority vote in this case was not recognized. The decision to reverse these elections was predicated on the “voting population” of each reservation. As in most suffrage societies, some individuals do not vote, as United States elections at all levels illustrate. However, different rules and stipulations were appended upon the elections in Indian country. The majority did not mean the majority of tribal members who voted in the election. Instead, it was interpreted to mean the majority of *all* eligible tribal members. Thus, even if the majority of the voters voted against the IRA, the results were dependent on the total adult population of the reservation. The Office of Indian Affairs decreed which election results were valid. Ironically, the election results of the reservations that approved the implementation of the IRA were not scrutinized and the vote population ratio was never questioned. Thus, the special election was dictated by provisions of Section 18 within the act, an act that Santa Ysabel voted against implementing.

Collier stressed that the government had “no choice except to declare that by the vote cast you are subject to all of the applicable provision this legislation.” Collier trusted that the tribal members of Santa Ysabel would “avail [themselves] of the advantages of the many benefits offered under this legislation” and they should feel assured of his and Secretary Ickes’s “deep interest” in their welfare.<sup>73</sup>

In the end, fifteen of the twenty-three tribes that voted against the IRA were forced to implement the act on their reservations because of Section 18: Augustine, Cabezón, Cahuilla,

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<sup>72</sup> Letter to the Indians of the Santa Ysabel Reservation through Supt. Mission Agency from Commissioner John Collier. January 22, 1935. Records of the Bureau of Indian Affairs, Records Pertaining to the IRA and Tribal Elections, 1934-1947, Record Group 75-Mission Indian Agency; National Archives Pacific Region (Laguna Niguel)

<sup>73</sup> Ibid.



Campo, Cuyapaipe (did not vote), Laguna, La Jolla, Mission Creek, Morongo, Pechanga, San Manual, San Pasqual, Santa Rosa, Santa Ynez, and Santa Ysabel.<sup>74</sup> The manipulation of the elections by the Bureau of Indian Affairs reverberated across Indian Country, resulting in concerted efforts to block all legislation endorsed by the Bureau. This effort was led by the MIF and Indian citizens.

Although the act successfully negated most of the elections in California, representatives of these reservations influenced others in Indian Country. Repercussions of the election results in Mission Indian country were also felt in Navajo Country. Joseph Bruner and the American Indian Federation,<sup>75</sup> which molded itself after the MIF, managed to defeat the IRA on the Navajo Indian Reservation. According to the BIA, they were responsible because of the spread “false propaganda [sic] among the Indians (who could not speak English).”<sup>76</sup>

When Collier and the Office of Indian Affairs eventually coerced implementation of the IRA, the result was an increase in anti-Bureau sentiment on most Southern California Indian reservations. American Indian activists and historians have had varying opinions on the effect of the IRA on termination. D’Arcy McNickle, a Flathead Indian and co-founder of the National

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<sup>74</sup> Letter to John Collier, Commissioner of Indian Affairs from John W. Dady, Superintendent Mission Indian Agency. January 28, 1935. Records of the Bureau of Indian Affairs, Records Pertaining to the IRA and Tribal Elections, 1934-1947, Record Group 75-Mission Indian Agency; National Archives Pacific Region (Laguna Niguel)

<sup>75</sup> The American Indian Federation (AIF) was founded in 1934, under the leadership of Joseph Bruner (Creek). The AIF had three goals: to repeal the Indian Reorganization Act, to remove Indian Commissioner John Collier, and to abolish the Office of Indian Affairs. For more on the American Indian Federation and the Indian Reorganization Act see: Hauptman, “The American Indian Federation and the Indian New Deal: A Reinterpretation.”; Thomas W. Cowger, *The National Congress of American Indians The Founding Years* (Lincoln & London: University of Nebraska Press, 1999); Hauptman, *The Iroquois and the New Deal*; Kelly, *The Assault on Assimilation: John Collier and the Origins of Indian Policy Reform*.

<sup>76</sup> Letter to John W. Dady, Superintendent Mission Agency from Claude C. Cornwell, IECW Supervisor re: MIF and the American Indian Federation. June 4, 1935. Records of the Bureau of Indian Affairs, Records Pertaining to the IRA and Tribal Elections, 1934-1947, Record Group 75-Mission Indian Agency; National Archives Pacific Region (Laguna Niguel)

Congress of American Indians, saw the IRA as a promise that Congress had decided Indians should be allowed to use their hands and their brains to achieve some part of the “ultimate goodness” that belongs to all people. Yet, the IRA was doomed to fail because of “aggressively superior white men who would have no native people anywhere in the world except as almsmen paying for their bread by praising their masters.”<sup>77</sup>

The Southern California Indian community was not the only community to oppose the implementation of the IRA. The act antagonized many who were against the Indian New Deal from its implementation. Representatives Abe Murdock<sup>78</sup> (D-Utah), Rob Ayres (R-Montana), Usher Burdick (R-North Dakota), Isabella Greenway (D-Arizona), John McGroarty (D-California), and Theodore Werner (D-South Dakota)<sup>79</sup> formed a congressional Indian affairs committee to attack the IRA and Commissioner John Collier. Bipartisan feelings were evident in this group that was mainly unsympathetic to Indian Affairs. They preferred the “abolition of the Bureau and the Indians rapid assimilation unto the white community.”<sup>80</sup> California Representative John McGroarty<sup>81</sup> testified he wanted to “give” individual ownership of property,

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<sup>77</sup> D'Arcy McNickle, *They Came Here First The Epic of the American Indian*, ed. Louis Adamic, The Peoples of America (Philadelphia and New York: J.B. Lippincott Company, 1949).p. 300.

<sup>78</sup> In 1941 Murdock was elected Senator and was succeeded in 1947 by Arthur V. Watkins.

<sup>79</sup> House Committee on Indian Affairs, *United States Congress, House Committee on Indian Affairs, Hearings on H.R. 7781, Indian Conditions and Affairs*, 1st, 1935. p. 31. Records of the Bureau of Indian Affairs, Records Pertaining to the IRA and Tribal Elections, 1934-1947, Record Group 75-Mission Indian Agency; National Archives Pacific Region (Laguna Niguel) and Philp, *John Collier's Crusade for Indian Reform 1920-1954*. p. 170.

<sup>80</sup> *United States Congress, House Committee on Indian Affairs, Hearings on H.R. 7781, Indian Conditions and Affairs*. Records of the Bureau of Indian Affairs, Records Pertaining to the IRA and Tribal Elections, 1934-1947, Record Group 75-Mission Indian Agency; National Archives Pacific Region (Laguna Niguel)

<sup>81</sup> John Steven McGroarty was elected to the 74th Congress from California's 11th Congressional District, Los Angeles, CA . McGroarty had preconceived notions of American Indians place in the world. He wrote "The Mission Play", which extolled the virtues of the California mission system and trivialized the suffering experienced by the California Indians. McGroarty was also an executive with Anaconda Mining Company and he reveled in the growth of Southern California. McGroarty invested heavily in real estate and looked forward to profiting from the

“if only a small patch” and then abolish the Bureau because it served no “earthly purpose.” He also expressed that Indians could care for themselves and that, if they lost their land that was “their lookout.”<sup>82</sup> Representative Usher Burdick believed that the IRA was “unconstitutional” because it prevented future land allotments “without due process of law,” and he opposed any return to “teepee days.”<sup>83</sup> Representative Ron Ayres suggested that the act had been run “on the theory of communistic administration by creating governments within governments.”<sup>84</sup> The incorporation of Indians into white communities was an interesting sentiment by these members of Congress because “white” American was not predisposed to the integration of nonwhites into their societies or communities.

Representative Murdock fueled the discontent within the congressional anti-Indian Reorganization Act forces by garnering testimony from the American Indian Federation, led by Creek Joseph Bruner. At a 1935 congressional hearing on H.R. 7781, members of the American Indian Federation Bruner, Alice Lee Jemison (self-identified as a mixed-blood Seneca), and Jacob C. Morgan (Navajo) testified that Commissioner Collier and the IRA perpetuated “Russian Communistic life in the United States.” Bruner, Jemison, and Morgan accused Collier of being an atheist and a radical with a tendency to lean more towards communism than to Americanism.

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growth of Southern California. McGroarty's ideas about Indians and his thirst for lands and profit may have influenced his quest to repeal the Indian Reorganization Act and abolish the Office of Indian Affairs. Kevin Starr, *Inventing the Dream California Through the Progressive Era, Americans & the California Dream* (Oxford: Oxford University Press, 1985). pp.87-89

<sup>82</sup> *United States Congress, House Committee on Indian Affairs, Hearings on H.R. 7781, Indian Conditions and Affairs.* pp. 540 and 56-57. Philp, *John Collier's Crusade for Indian Reform 1920-1954.* p. 174.

<sup>83</sup> *United States Congress, House Committee on Indian Affairs, Hearings on H.R. 7781, Indian Conditions and Affairs.* pp. 52, 763. Philp, *John Collier's Crusade for Indian Reform 1920-1954.* p. 174.

<sup>84</sup> *United States Congress, House Committee on Indian Affairs, Hearings on H.R. 7781, Indian Conditions and Affairs.* pp. 669, 682. Philp, *John Collier's Crusade for Indian Reform 1920-1954.* p. 174.

Bruner, Jemison, and Morgan also charged that the IRA violated treaties and kept Indians in a primitive state. The opinions expressed by these members of the American Indian Federation demonstrated the animosity towards Collier and the Indian bureau and it also revealed how they used the American fear of communism to prove that all Indians should repudiate their cultural heritage, adopt white civilization, and become model American citizens.<sup>85</sup>

Incorporating the arguments of the American Indian Federation within its own discourse, the MIF attacked the IRA. Individuals who attended and participated in the Sherman Congress either were members of the MIF, joined the federation after the congress, or accepted the edicts of the Office of Indian Affairs. Even during the 1930s, the leaders of the Mission Indian Federation claimed, as they did in the 1950s, that all Mission Indians belonged to the federation. Thus, the politically active governments on Southern California Indian reservations started a gradual shift along “party lines,” which meant each Indian was either an MIF member or not. It was well known throughout the reservation system that MIF representatives traveled from reservation to reservation to garner support and ask for money. Especially active in this moneymaking activity were the MIF president, Adam Castillo, who “dressed up in a suit . . . a brown suit with a little brown derby, and . . . a gold chain”<sup>86</sup> and Purl Willis. People who supported the MIF allocated their hard-earned money for the federation, commonly saying, it “Don’t touch that money . . . that’s for Adam Castillo.”<sup>87</sup> The MIF claimed that the money donated by the Mission Indians funded Purl Willis’s lobbying trips to Washington, D.C. Yet other people, such as Martha Pena of Santa Ysabel, banned Castillo and Purl Willis from her

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<sup>85</sup> Philp, *John Collier's Crusade for Indian Reform 1920-1954*.

<sup>86</sup> Deborah Dozier, *Standing Firm The Mission Indian Federation Fight for Basic Human Rights* (Banning, California: Ushkana Press, 2005).

<sup>87</sup> Ibid.

parents' property because "all they wanted was money and did nothing for the Indians."<sup>88</sup>

Commissioner Collier attacked Congress, the House Indian Committee, and those who wanted the government to abandon its Indian service. He emphasized that the record of the United States government towards American Indians was a sorrowful and shameful one. Collier stressed that the U.S. government had always yielded or willingly conspired to appropriate Indian lands to be given to the white population as private property, subsequently wrecking Indian communities. Collier was apprehensive that once again local white interests had brought pressure on the federal government to abandon the Indians to their voracious mercies.<sup>89</sup>

In 1935, Commissioner Collier testified to the House committee on Indian Affairs to save the IRA. He stressed the immorality of Congress's continued efforts to eliminate Indian reservations. Collier emphasized that members of the subcommittee on Indian Affairs had not dealt for "better or for worse" with the administration on Indian matters. All Congress had proposed was the total abolition of the government's service to Indians, the abandonment of the government's guardianship over Indian property, and the withdrawal from the Indians of all protections and immunities enjoyed as wards of the government.<sup>90</sup> Collier's analysis of the federal government's rejection of the IRA was chillingly accurate eighteen years later when the ideologues proceeded with all that Collier had predicted.

John Collier had cause to be fearful of the ever-changing feelings of Congress. Actions of congressional members advocated the scuttling of the IRA, the annihilation of federal

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<sup>88</sup> Interview with Dorothy Bailey Ponchetti, tribal elder of the Santa Ysabel Band of Diegueno Indians.

<sup>89</sup> Department of the Interior Memorandum for the Press, Statement by Commissioner John Collier, April 1, 1935; Records of the Bureau of Indian Affairs, Mission Indian Agency, National Archives, Pacific Region (Laguna Niguel). p.2.

<sup>90</sup> Ibid. p.1.

guardianship, and the withdrawal of federal trust protections over Indian lands, which would allow “predatory white hands” to grab hold of “dwindled and yet, highly covetable Indian properties.”<sup>91</sup> The anti-IRA forces continued to attack the Indian New Deal, despite Collier’s defense of the IRA, which supported the act that gave the maximum responsibility and power to Indian tribes with privileges that came with federal wardship. He stressed that the hearing illustrated a clear issue: whether the government should abandon its guardianship or continue the policy that protected Indian real estate and provided self-government. However, opponents of the IRA achieved victory because of their lobbying efforts. Funds allocated to the Office of Indian Affairs were slashed, placing the Indian cause in peril.<sup>92</sup>

Even though funds became scarce for the Indian New Deal projects, the infrastructure on many Southern California Indian reservations benefitted from the monies available. In the case of the Santa Ysabel Indian Reservation, a band that had voted against the Indian New Deal, the benefits attributed to the IRA were far-reaching. The Santa Ysabel Indian Reservation is located on Volcan Mountain. This mountainous region had no real infrastructure. Cars were useless on the mountain because the trails were used only for horseback. During the winter, it was usually impossible to navigate the interior of the reservation. Money allocated to Santa Ysabel was used to create an infrastructure on the mountain. The existing roads on the lower part of the reservation were overhauled, and the government built fire roads and watersheds in case of fires, which were a very real threat.

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<sup>91</sup> Department of the Interior Memorandum for the Press, Statement by Commissioner John Collier, April 1, 1935; Records of the Bureau of Indian Affairs, Mission Indian Agency, National Archives, Pacific Region (Laguna Niguel). p.6.

<sup>92</sup> *United States Congress, House Committee on Indian Affairs, Hearings on H.R. 7781, Indian Conditions and Affairs.* pp. 730-33. Philp, *John Collier's Crusade for Indian Reform 1920-1954.* p. 175.

## Horses to Bulldozers



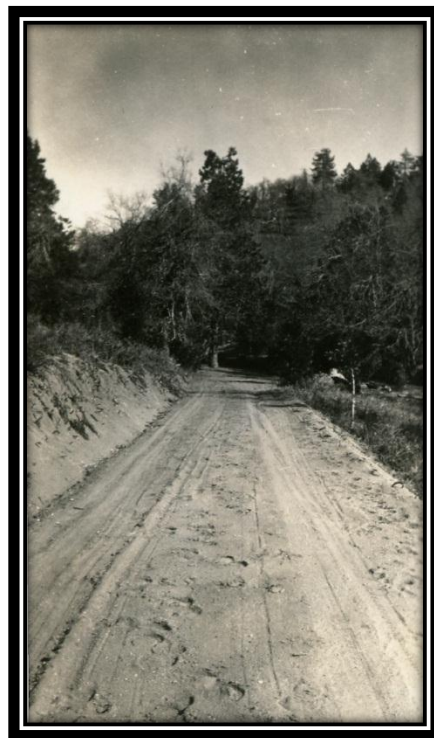
Photograph 1. Cutting the road on the Santa Ysabel Indian Reservation with horses and plow (c. 1937). From the Records of the Bureau of Indian Affairs, Record Group 75, National Archives Pacific Region (Laguna Niguel).



Photograph 2. Bulldozer grading one of the new roads on the Santa Ysabel Indian Reservation (c. 1938). From the records of the Bureau of Indian Affairs, Record Group 75, National Archives Pacific Region (Laguna Niguel).



Photograph 3. Bulldozer on one of the steeper areas of Volcan Mountain on the Santa Ysabel Indian Reservation (c. 1938). From the records of the Bureau of Indian Affairs, Record Group 75, National Archives Pacific Region (Laguna Niguel).



Photograph 4. Completed mountain road going up Volcan Mountain on the Santa Ysabel Indian Reservation (c. 1939). From the records of the Bureau of Indian Affairs, Record Group 75, National Archives Pacific Region (Laguna Niguel).



By 1937, the Indian New Deal was not well thought of in the halls of Congress, especially by its creator, Burton K. Wheeler. Wheeler admitted that he had sponsored the IRA legislation because he favored letting the Indians “carry on their own affairs.” However, Wheeler became disillusioned with the IRA, and Commissioner Collier in particular, because he felt that Collier allowed individuals Wheeler considered “up lifters” from Chicago and New York “who never saw an Indian except in a moving picture show” to impose their social theories on the Indians.<sup>93</sup> Due to their intense dislike for the Indian New Deal and the ideas of social reconstruction it generated, Wheeler and Senator Frazier (North Dakota) introduced Senate Bill 1736 on February 24, 1937, which recommended that Congress repeal the IRA. One of Wheeler’s main arguments against the IRA was that the Office of Indian Affairs had given tribal organizations powers beyond the scope authorized by the act and discriminated against Indians who failed to support the measure.

The fundamental issue on which Commissioner Collier and Senator Wheeler disagreed was whether Indians should be helped by the government to live in their own way on lands held in government trust or whether they should be encouraged to enter the “general white population and to live as individual family groups in the manner of ordinary American citizens.”<sup>94</sup> Collier contended that Indians should be preserved in communities of their own, where they could carry on their traditional “religious and racial customs and where they are spiritually and economically self-sufficient.”<sup>95</sup> What constituted a “general white population” was a matter of interpretation.

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<sup>93</sup> Philp, *John Collier's Crusade for Indian Reform 1920-1954*. p. 198.

<sup>94</sup> The New York Times, "Indians 'New Deal' Brings on a Clash: Wheeler Seeks Repeal of Act He Sponsored Providing Own Lives for Tribes; Collier Defends Policy, Commissioner Says Segregation Permits Retention of Native Culture and Traditions," in *New York Times (1857-Current File) March 14, 1937* (<http://www.proquest.com>, 1937).

<sup>95</sup> Ibid.

Wheeler stressed that Indians should live as individual family groups; yet in major urban centers, immigrants who could be categorized as white tended to congregate in their own ethnic communities. These communities practiced their own cultural and religious customs and yet were considered assimilated into American society.

In a March 3, 1937, statement to the Associated Press, Collier again defended the IRA, claiming confusion about why Senators Wheeler and Frazier, who had long been “friends of the Indian,” were sponsoring a bill to repeal the IRA.<sup>96</sup> In a follow-up report, Collier stressed that the main structure of the act was a “simple one.” Collier had long struggled with the effects of the Dawes Act on Indian Country and accentuated all the positive outcomes of the IRA. He argued that the IRA stopped Indian land losses and required the conservation of Indian timber, grass, soil, and water resources. It gave the tribes veto power over the leasing and disposal of their natural resources and over the expenditure of their moneys held in government trust and gave them advisory status with respect to federal appropriations for the tribes’ benefit. The IRA provided for advanced vocational education for Indians. Finally, it established the Indians’ right to go to court to defend their own civil and property rights<sup>97</sup> and provided tribes a moderate amount of local self-government.<sup>98</sup>

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<sup>96</sup> Statement by Commissioner John Collier, of the Office of Indian Affairs to the Associated Press on the Attempted Destruction of the Indian Reorganization Act by Senate Bill 1736. March 3, 1937. Records of the Bureau of Indian Affairs, RG-75, National Archives, Pacific Region (Laguna Niguel).

<sup>97</sup> The 1885 Major Crimes Act placed seven (7) major crimes under federal jurisdiction if they are committed by an American Indian against another American Indian in Indian Territory and is still considered “good law.” The crimes includes: Murder, Manslaughter, Rape, Assault with intent to commit murder, Arson, Burglary, and Larceny. Francis Paul Prucha, ed. *Documents of United States Indian Policy* (Lincoln and London: University of Nebraska Press, 2000). p. 166.

<sup>98</sup> Six Efforts in Congress to Destroy the IRA. March 4, 1937. Records of the Bureau of Indian Affairs, RG-75, National Archives, Pacific Region (Laguna Niguel).

Collier was not alone in his battle against the repeal of the IRA. The National Association on Indian Affairs<sup>99</sup> and the American Indian Defense Association issued statements in support of the Indian New Deal. These groups found Senator Wheeler's about face incomprehensible but were not surprised because "as long as the Indians owned land, attacks by predatory whites would continue."<sup>100</sup> Reform organizations such as the Californian Federation of Women's Clubs and Americanism for the Daughters of the American Revolution also protested the repeal of the IRA. Representatives of these organizations claimed that Collier's policies brought about a "positive psychological change in the Indian's attitude toward life."<sup>101</sup> Thus, Collier, Wheeler, and friends on both sides jostled about the detriments and benefits of the IRA for the better part of 1937. What is fascinating about this debate over the repeal of the IRA was that the politicians, administrators, and reformers were so busy deciding what was best for the Indians on a cultural and psychological basis that no one really asked the Indians what they wanted. So once again, the government conducted federal Indian relations in a subjective manner without the benefit of input from American Indians.

Even though the Mission Indian reservations benefitted from the improvement projects begun as a result of the IRA legislation, friction that percolated under the surface became more evident on the reservations with the execution of the Indian New Deal. The implementation of the IRA was one of the catalysts for organized resistance to indiscriminate federal Indian

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<sup>99</sup> The National Association on Indian Affairs was founded in 1922 as the Eastern Association on Indian Affairs in New York. In 1946, the organization changed its name to the Association of American Indians. The main goal of the organization was to promote the welfare of American Indians and Alaska Natives by supporting efforts to sustain and perpetuate cultures and languages and to protect sovereignty, constitutional, legal and human rights and natural resources. Mudd Manuscript Library Finding Aid. <http://diglib.princeton.edu>

<sup>100</sup> Philp, *John Collier's Crusade for Indian Reform 1920-1954*. p. 200.

<sup>101</sup> Six Efforts in Congress to Destroy the IRA. March 4, 1937. National Archives and Records Administration, Pacific Region (Laguna Niguel).

policies. The MIF continued to preach against (justifiably so) the Office of Indian Affairs and continued its recruitment efforts. Although many individuals from different reservations joined the MIF, others refused to do so, taking a wait-and-see attitude. Mission Indians created political power bases within their individual bands<sup>102</sup> to address concerns that each reservation community had with local, state, and federal governments. During the IRA phase of federal policy and the subsequent emergence of grassroots organizations, tribal and kinship relationships became strained as individuals and their tribal governments chose sides concerning what became the termination game.

Thus, the movement towards self-determination contributed to gradual factionalism within Southern California Indian communities as they took one of two sides: being MIF members or being loyal to their spokesmen and committees. Known Mission Indian families, including the Calac, Ponchetti, Taylor, Costo, Nejo, Couro, LaChappa, Hyde, Pico, Paipa, and Arviso, to name a few, chose their political paths and struggled against the government, the tribe, and each other.

The shift that occurred with the passage of the IRA was not a shift at all. Less than one year after the implementation of the Indian New Deal, Congress renewed its periodic drive to solve the Indian problem. Again, the solution was the removal of federal trust protections.

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<sup>102</sup> In Southern California tribal organizations are called bands.

Table 2. Mission Indian Agency Indian Reorganization Act (IRA) Election Results

Reservation	Population	Voting population	Total vote for	Total vote against	Failed to vote	% for IRA	% against IRA	% failed to vote
Augustine	14	13	0	6	7	0	46	54
Cabazon	29	17	0	7	10	0	41	59
Barona	—	32	22	5	5			
Cahuilla	107	69	3	33	30	69	16	15
Campo	135	73	7	18	48	4	48	43
Capitan Grande	160							
(aka Viejas)	(includes Barona)	55	15	30	10	28	54	18
Cuyapaipe	No votes	5	0	0	5	0	0	100
Inaja	33	22	0	15	7	0	68	32
Laguna	3	1	1	0	0	100	—	—
La Jolla	221	145	28	68	47	19	48	33
La Posta	3	3	2	0	1	67	0	33
Los Coyotes	88	52	3	37	12	6	71	23
Manzanita	67	36	3	0	33	8	0	92
Mesa Grande	218	119	9	64	45	8	54	38
Mission Creek	20	10	0	3	7	0	30	70
Morongo	292	173	25	79	68	14	46	39
Pala	205	121	7	66	48	6	55	40
Palm Springs	50	31	04	16	11	13	52	35
Pauma Valley	69	37	0	23	14	0	62	38
Pechanga	216	156	14	48	93	9	31	60
Rincon	181	114	22	58	30	19	51	26
San Manuel	40	25	2	10	13	8	40	52
San Pasqual	9	3	2	1	0	67	33	0
Santa Rosa	50	32	3	13	14	9	41	44
Santa Ysabel	237	122	14	47	61	11	39	50
Santa Ynez	90	48	20	0	28	42	0	58
Soboba	122	76	6	57	13	8	75	17
Sycuan	35	23	6	16	1	26	70	4
Torres-Martinez	198	117	11	66	38	9	56	32
Totals	2,892	1,730	229	786	699	19	40	41

Source: Data from letter to Commissioner of Indian Affairs from John W. Dady, Mission Indian Agency IRA Election Results, RG-75. Records of the Bureau of Indian Affairs, National Archives Pacific Region (Laguna Niguel).

## **CHAPTER TWO**

### **TERMINATION: A VIABLE OPTION?**

During the late nineteenth and early twentieth century, assimilation policies led to the Dawes Allotment Act, the Major Crimes Act, the Curtis Act for the Five Civilized Tribes, and the Indian Citizenship Act, which were just a few of the laws enacted by the federal government. After the enactment of the 1934 Indian Reorganization Act, legislation passed to give a form of self-determination to American Indians on their own lands, the United States government swerved away from that policy. The United States government and its various agencies increasingly believed that the integration of most Indian tribes into American society was a vital economic necessity, without the benefit of reserved lands. Various manifestations of Indian assimilation policies influenced termination in the mid-twentieth century. During World War II, New Deal programs, which helped “rehabilitate” many Indian reservations, were forgotten, underfunded, and eventually ended when the United States entered the war. It did not matter what political party was in power in the United States, Democrat or Republican, the Indian problem was dealt with in the same manner as in the nineteenth century: Terminate it.

Almost as soon as Congress passed the IRA, congressional representatives, lobbyists, and pan-Indian organizations moved to repeal the act. Along with the elimination of the IRA, proponents of curtailing the power of the Office of Indian Affairs started contemplating the elimination of Indian Affairs altogether and the termination of the federal trust protections guaranteed by the United States government. In 1935, just one year after passage of the IRA, the United States Congress once again initiated discussions about eliminating federal protections for American Indians. Although the Mission Indians in Southern California were aware that yet

another policy change would occur, they were not cognizant of the extent of the forthcoming termination legislation.

The Office of Indian Affairs anticipated that proponents of the IRA and the quasi-tribal governments established on some Indian reservations would be contested by vested interests. The Bureau believed that these interests conducted nation-wide propaganda campaigns against the IRA and Commissioner Collier to repeal the act. Real estate interests that acquired Indian lands through devious methods and stockmen and lumber interests who had profited by the inability of the Indians to protect their own resources were in favor of the abolishment of the IRA. These types of economic interests waged campaigns against all forms of tribal self-determination and fought to maintain their privileges, often through hired Indians. Rumors spread, including Collier designing the bill to deprive Indians of the interests in their lands, to take away their allotments and communize them, to put the church out of business, and to forbid missionaries to work among the Indians.

Although small aspects of the Indian New Deal were beneficial within some Indian communities, American Indians either were still essentially second-class citizens or were not considered United States citizens at all. The lack of familiarity with American Indian culture, the unwillingness to accept Indians among the dominant white forces, and the lack of basic civil rights continued to be serious problems in Indian Country. American Indians were among the most economically depressed groups in the country. Even though the passage of the Indian Citizenship Act of 1924 granted suffrage to Indians, some states still disenfranchised its Indian population. Contrary to Collier's belief that Indians had "advantages over the Negro in that he is not the victim of so bitter a social justice . . . the Indian is better situated than the Negro in that it would be comparatively easy, if Congress were willing, to put an end to the wrongs against the

Indian . . . But the wrongs against the Negro are rooted in social and race prejudice, which are beyond the control of the Government,”<sup>103</sup> many non-Indian communities were marginalized and inhibited American Indian citizenship and voting rights. Racial prejudice against Indians was prevalent throughout the West, especially in communities near Indian reservations.

A 1937 report, *Analysis of Indian Voting Rights in Various States*, by the Department of Interior, revealed that seven states denied American Indians voting rights. Although these states were mainly in the West, the South was not excluded. Arizona, Colorado, Idaho, New Mexico, North Carolina, Utah, and Washington all found ways to deny suffrage to American citizens. Idaho, New Mexico, and Washington had state constitutions that contained specific provisions that denied Indians the vote because “Indians are Not Taxed.”<sup>104</sup> In Colorado, the State’s Attorney General Bryon G. Rogers (Democrat) wrote that “until Congress enfranchises the Indian he will not have the right to vote.”<sup>105</sup> Rogers assumed that even though Indians had been granted American citizenship since 1924, nothing had changed over the thirteen-year period. American Indians were not American citizens as long as they lived on reservations.

Utah, a state that had granted suffrage to women before the ratification of the Nineteenth Amendment to the U.S. Constitution, refused to grant voting rights to Indians living on reservations. Joseph Chez (Republican), the Attorney General of Utah, wrote a letter to Superintendent Wright of the Uintah and Ouray Agency in 1937, stating that Indians living on

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<sup>103</sup> Collier, John, “Has the Indian More Cause for Complaint than the Negro?” December 30, 1932. Records of the Bureau of Indian Affairs, Record Group 75. National Archives and Records Administration Washington DC.

<sup>104</sup> "Analysis of Indian Voting Rights in the Various States: Suffrage--Discrimination Against Indians," in *Opinions of the Solicitor of the Department of the Interior Relating to Indian Affairs 1917-1974*, ed. United States. Dept. of the Interior. (Washington D.C. : United States Dept. of the Interior, 1980). p. 777.

<sup>105</sup> Ibid.



Indian reservations within the state were not residents of Utah and could not vote. However, he did concede that Indians living off the reservation were entitled to the franchise.<sup>106</sup>

Arizona and North Carolina defined suffrage according to Jim Crow laws.<sup>107</sup> North Carolina did not have legislative discrimination in place, per se. However, in practice, American Indians were excluded from the vote under the color of a provision of Jim Crow election laws: "A person desiring to register must be able to read and write any section of the Constitution in the English language and must show to the satisfaction of the registrar his ability to read and write any section when he applies for registration and before he is entitled to be registered."<sup>108</sup> As the Office of Indian Affairs representative in North Carolina, Superintendent Foght expressed his astonishment in his letter to his superiors in Washington, D.C.: "We have Indian graduates of Carlisle, Haskell, and other schools in instances much better educated than the registrar himself, turned down because they did not read or write to his satisfaction."<sup>109</sup> This attitude by the representatives of the states was a direct insult to the United States Indian policy and plans of assimilation and acculturation: States that practiced Jim Crow laws challenged products of their "system."

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<sup>106</sup> Ibid.

<sup>107</sup> Jim Crow Laws, regulated social, economic, and political relationships between the whites and African Americans, were passed principally to subordinate blacks as a group to whites and to enforce rules favored by dominant culture, mainly in the Southern states. The name "Jim Crow" came from a character in an early nineteenth-century minstrel show. Plessy v. Ferguson (1896) upheld "separate but equal" legislation. Significantly, they disfranchised the vast majority of African Americans and other ethnicities American Indians and Mexicans were not excluded through literacy and property tests. J. Morgan Kousser, "Jim Crow Laws," in *Dictionary of American History* (2003).

<sup>108</sup> "Analysis of Indian Voting Rights in the Various States: Suffrage--Discrimination Against Indians." p. 779.

<sup>109</sup> Ibid.

Arizona was even more insidious. Suffrage was denied to *all* Indians who lived on reservations under a provision of the Arizona State Constitution (Article VII, Section 2), which denied the right to vote to “persons under guardianship.” Supporting this legislation was the case of *Porter v. Hall*, 271 Pac. 411, which held that Pima Indians subject to federal jurisdiction were not entitled to vote. The State of Arizona prevented Indians from voting by using Jim Crow voting requirement laws in the form of a constitutional requirement that electors must be able to read the constitution of the State of Arizona. Arizona had one of the largest populations of Native Americans whose native language was their primary language; English was a second language, if used at all. Thus, this constitutional requirement maintained the categorization of Indians as second-class noncitizens.

In California, the superintendents in the Colorado River, Sacramento, and Southern California agencies reported that the State had never denied Indians the right to vote in state and local elections since the enactment of the Indian Citizenship Act of 1924. Yet, even though the reports from the Office of Indian Affairs field agencies indicated the absence of suffrage discrimination, the date was erroneous. Inequities remained in sixteen states: California, Florida, Iowa, Kansas, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New York, North Dakota, Oklahoma, Oregon, South Dakota, and Wisconsin.<sup>110</sup> Even though Indians voted in these states, few, if any, Indians were elected or appointed to office off the reservation.

All these factors indirectly reflected on local California Indians. Earlier in the twentieth-century most Indian council members had little experience in local government or in political matters prior to the institution of self-government on the reservations. To understand government rules and regulations, local and county governments became learning tools for tribal

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<sup>110</sup> Ibid. p. 781.

governments. Community governments also furnished a means whereby Office of Indian Affairs administrators might know the opinions, hopes, and aspirations of the Indians. Federal government officials were inclined to resent the recommendations of Indian tribal councils, which they considered outside their small jurisdictions. Instead, the government relied on analyses provided by the local governments on life in Indian communities. Tribal governments learned that it was not unusual for state legislatures, municipal councils, and even Indian Service superintendents to pass resolutions concerning matters outside their purview. Thus, tribal councils might do likewise in the future.

The ongoing California claims cases were another important issue with which the Mission Indians had to contend, along with proposed amendments to the California Jurisdictional Act of 1928. Congress presented two bills in 1937. Bill, S. 1779, provided for an easier method to fix an award by the Court of Claims for both treaty and non-treaty Indians. It did not contain provisions for employment or payment for private attorneys. Instead, it authorized the California Attorney General to represent the Indians before the Court of Claims. Accordingly, S. 1779 had the endorsement of the California Indian Rights Association (Northern California) and the MIF.

The other bill, S. 1651, appealed for the employment of private attorneys by individual Indian tribes to represent the Indians in the Claims Cases. This bill stipulated that the payment of attorneys be up to 5% of the Court's award.<sup>111</sup> Representatives of two California political groups, the California Indian Rights Association and the MIF, attended the congressional sessions for these bills. Both organizations maintained consistent and forceful efforts to achieve

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<sup>111</sup> Collier, John. "A Memorandum from the Commissioner of Indian Affairs to the California Indians and Others, on the subject of Legislation to Permit them to Recover from the United States for Property Taken". November 1, 1938. Records of the Bureau of Indian Affairs, Record Group 75. Central Classified Files. National Archives and Records Administration Washington DC.

their goals to get the maximum possible benefits for the California Indians. Their presence at the sessions assisted in advancing the California Indians wishes in the Claims matters.

The majority of reservation Indians supported the Indian organizations that lobbied for financial restitution from the claims cases.<sup>112</sup> A conflict that emerged from S.1779 was the stipulation that federally unrecognized tribes be included in the proceedings. Yet, overall, Collier believed that the Mission Indians were optimistic for a just settlement. The Mission Indians feared that the claims cases would be another broken promise by the federal government. Their fears were justified. The claims cases lingered in the federal system; the court dockets split; and eventually, pro-termination politicians such as Arthur Watkins (R-Utah) used the claims settlement to blackmail tribes into supporting the termination legislation.

The atmosphere in the United States in the late 1930s was isolationist, anticommunist, and antisocialist. During this period, fascism was prevalent in Europe; and the German American Bund used that ideology and fascist propaganda (many points of their observations about government paternalism towards American Indians were true), to recruit Native Americans to their cause. Oliver LaFarge<sup>113</sup> expressed his concerns to John Collier about the Bund in Indian Country and queried about its connections to the American Indian Federation and to other Indian agitators. LaFarge stated that if he found a connection, he could use it in his public writings to discredit the American Indian Federation.<sup>114</sup> LaFarge had reason to be concerned

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<sup>112</sup> Ibid.

<sup>113</sup> Oliver LaFarge was an archaeologist, writer and an advocate for American Indian rights. He was also president of the American Association on Indian Affairs, an organization founded by non-Indians in New York in 1922, which advocated for American Indian civil rights.

<sup>114</sup> Letter to John Collier, Commissioner of Indian Affairs from Oliver LaFarge, American Association on Indian Affairs, Inc. May 9, 1939. Records of the Bureau of Indian Affairs, Record Group 75. Central Classified Files: California Miscellaneous. National Archives and Records Administration Washington DC.

about the German American Bund. The Bund conducted meetings in San Francisco and Los Angeles led by Robert Towner, who dressed as an Indian chief and called himself Chief Red Cloud. Towner used an article, "Our Indian Wards and Their Guardian," published in *The Deutscher Weckruf und Beobachter* and *the Free American* that condemned the "terrible failure so far as the American Nation is concerned, but it is also a failure for the wards of Uncle Sam, the Indians. These people have not yet vanished in spite of the remarkable treatment they have received at the hands of the representatives of the Great White Father."<sup>115</sup> Towner lectured about the close relationship of the American Indian and Germany because of the swastika. He also equated the United State government with the Jewish problem in Germany.<sup>116</sup>

In an out of character development, Purl Willis, a self-proclaimed opponent and antagonist of John Collier, contacted the commissioner to warn him of a potential Indian uprising: "A number of Indians are joining in with a group of whites to put John Collier out of a job as Commissioner."<sup>117</sup> The group consisted of Winslow Couro, Tom Sloan, Marcus Pete, Frederick G. Collett, and other Mission Indians.<sup>118</sup> Perhaps, he was worried about the fascist organizations that held recruitment meetings in California Indian country. The same individuals mentioned previously were also identified in a government report, "The American Indian

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<sup>115</sup> Unknown, "Our Indian Wards and Their Guardian," *Deutscher Weckruf und Beobachter* and *the Free American*, April 20, 1939 1939. Records of the Bureau of Indian Affairs, Record Group 75. Central Classified Files. National Archives and Records Administration Washington DC.

<sup>116</sup> Unknown, "German American Bund Meeting, at San Francisco," (1939). Records of the Bureau of Indian Affairs, Record Group 75. Central Classified Files. National Archives and Records Administration Washington DC.

<sup>117</sup> Letter to John Collier, Commissioner of Indian Affairs from Purl Willis, Mission Indian Federation. August 18, 1938. Records of the Bureau of Indian Affairs, Record Group 75. Central Classified Files. National Archives and Records Administration Washington DC.

<sup>118</sup> Ibid.

Federation and the German American Bund.”<sup>119</sup> The report delineated the activities of the Bund and specifically of members of the American Indian Federation, some of whom were active in the MIF. The report highlighted a March 1938 issue of the *Christian Free Press* designated as a “Special Indian Number.” The issue contained numerous articles that emphasized the exploitation of the Agua Caliente Indians by Secretary of the Interior Harold Ickes, the Commissioner of Indian Affairs John Collier, the Jewish members of the motion picture industry, and all communists.<sup>120</sup> The report singled out Santa Ysabel tribal member Winslow Couro, noting that Couro attended meetings at the German House<sup>121</sup> and represented the American Indian Federation.

The Department of Interior, alarmed by the Bund’s wanderings in California Indian country, contacted the Secretary of the Navy about the group’s un-American activities and its desire to use Naval Intelligence against the group. The letter named individuals considered Indian agitators, including Alice Lee Jemison, American Indian Federation; Frederick G. Collett, Federated Indians of California; and Winslow Couro, MIF and tribal member of the Santa Ysabel Band of Mission Indians.<sup>122</sup>

No evidence of the German American Bund making recruitment trips or even speaking at any of Southern California Indian reservations was found. However, all forces attempted to

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<sup>119</sup> Report “The American Indian Federation and the German-American Bund”. December 6, 1938. Records of the Bureau of Indian Affairs, Record Group 75. Central Classified Files. National Archives and Records Administration Washington DC.

<sup>120</sup> Ibid.

<sup>121</sup> The headquarters of the German American Bund in California.

<sup>122</sup> Letter to the Secretary of the Navy from Henry Slattery, Acting Secretary of the Interior. November 3, 1938. Records of the Bureau of Indian Affairs, Record Group 75. Central Classified Files. National Archives and Records Administration Washington DC.

manipulate the California Indian population. Only a very small faction of Southern California Indians was involved with the German American Bund and other fascist organizations. For several years, the Department of Interior and members of Congress monitored the grassroots Indian resistance groups. The evidence that some of these groups consorted with the enemy probably exacerbated animus towards the United States government and American Indian relations, especially the federal trust protections.

Memoranda kept coming to and from the office of the Commissioner of Indian Affairs regarding the status of the IRA and the reorganization of the Indian service, especially concerning planning for the future and looking beyond the IRA. However, the general consensus in 1940 on both sides was that “old habits do not break easily.”<sup>123</sup> The slow realization by the Office of Indian Affairs that the IRA promised American Indians the right to live their cultural, religious, and civic lives as freely as other citizens of democracy rendered obsolete the old points of view concerning how Office of Indian Affairs agents dealt Indian administration. This was problematic for the Collier-led Indian Bureau, which had hoped for faster acceptance. In addition, concerns continued about the IRA, with many Indians still resisting any form of changes made by the Office of Indian Affairs because in June 1940, the Senate introduced S. 2103 to repeal the IRA.<sup>124</sup> Seven distinct reservations and the reservations in two other states with relatively large Indian populations were targeted specifically by this bill, which would effectively eliminate the Indian New Deal: Standing Rock, Pine Ridge, Cheyenne River, Yankton, the Eastern Band of Cherokee Indians, Colorado River, and the Navajo reservations in

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<sup>123</sup> Memorandum to the Commissioner of Indian Affairs from Joe Jennings, Field Administrator in Charge of Indian Organization, D’Arcy McNickle, Administrative Assistant, and George E. Fox, Administrative Assistant. October 18, 1940. Records of the Bureau of Indian Affairs, Record Group 75. Central Classified Files. National Archives and Records Administration Washington DC.

<sup>124</sup> Ibid.

New Mexico; all reservations in the state of Nevada; and all reservations in the state of California. Of special note, the California tribes were never truly considered separate entities. In most federal legislation, the government consolidated the California tribes, referring to them as “Indians in California.” Thus, the differences between Southern and Northern California reservations and rancherias were negated to encompass all Indians in California as one tribe. Collier corresponded with the spokesmen of the Southern California bands that the Senate expressed a “desire to have statement from every Indian group to which S. 2103”<sup>125</sup> applied. This statement must indicate “clearly” whether or not the Indians were in favor of the repeal of the IRA or opposed to it. The Senate and House Committees on Indian Affairs only wanted written statements sent to Will Rogers, Jr. (D-California), Chairman of the House Committee of Indian Affairs.<sup>126</sup> They did not intend to hear testimony from the Indian tribes, bands, groups, or states affected by S. 2103.

Surreptitiously, the Office of Indian Affairs conducted a mobilization of the Indian Service and Indian resources for national defense. Even though, in 1940, the United States was supposedly neutral and resistance to entering another foreign war was evident, the Department of Interior created a study and assessed the natural resources on all Indian reservations throughout the United States. The government examined the production of timber and forest products, oil, coal, minerals, dams, agriculture-crops, and livestock. Included in the tallies of natural resources

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<sup>125</sup> Circular Letter to All Indians Living on Reservations to Which Senate Bill 2103 Would Apply from John Collier, Commissioner of the Office of Indian Affairs, June 24, 1940. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration, Pacific Region (Laguna Niguel).

<sup>126</sup> Ibid. Letter to the Tribal Councils, Business Committees or Other Governing Bodies of Indian Tribes elsewhere in Oklahoma and Alaska from John Collier, Commissioner of the Office of Indian Affairs, June 21, 1940. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration, Pacific Region (Laguna Niguel).



was Indian manpower, specifically the Indian male population.<sup>127</sup> The tabulations from California included the volume for timber in Northern California's Hoopa Valley at 340,000. Hoopa Valley had measurements of 85 million board feet of redwood and 34 million board feet of Port Orford cedar. The Mission Agency in Southern California had far less timber, 10,000 board feet.<sup>128</sup> They gauged the California Indian male population at 11, 725 individuals between the ages of 18 and 44.<sup>129</sup> Obviously, the government calculated for the future involvement of the Indians in a war effort. However, the Department of Interior did not examine water resources in California. Because water was a sought after resource, the reason this particular resource was not in the inventories of California Indian reservations was unclear.

Timber became an issue on the Santa Ysabel Indian Reservation in 1941 when tribal officer and MIF member Martin Osuna requested permission from Collier to cut wood "for his own use only whom trees have been marked for cutting."<sup>130</sup> Immediately, the local California agency Office of Indian Affairs reacted in its usual mulish way of micromanaging and interfering with the tribal and personal matters of individuals on the reservation. The Acting Commissioner at the Mission Indian Agency reacted to Osuna's petition negatively because of his association with the MIF. He claimed that "Martin Osuna is not concerned about cutting wood for his own use . . . he is a cutter of wood for sale and his own business." The letter from the Mission Indian

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<sup>127</sup> Memorandum to Commissioner John Collier, Office of Indian Affairs from John Herrick, Assistant to the Commissioner. June 15, 1940. Records of the Bureau of Indian Affairs, Record Group 75. National Archives and Records Administration Washington DC. pp. 1-22.

<sup>128</sup> Ibid. pp. A1-A2

<sup>129</sup> Ibid. p. B-1.

<sup>130</sup> Letter to John Collier, Commissioner of Indian Affairs, Office of Indian Affairs from the Acting Commissioner, Office of Indian Affairs. July 5, 1941. Records of the Bureau of Indian Affairs. Record Group 75. National Archives and Records Administration Pacific Region (Laguna Niguel).

Agency agents continued to explain to Collier that they “have for years been educating our Indian people here in the conservation of their timber resources.” The Mission Indian Agency claimed that the denial of Osuna’s wood cutting request was for the benefit all members of the reservation. However, the main topic of dissent always circled back to Osuna’s affiliation with the MIF, which the Office of Indian Affairs considered subversive. The Mission Indian Agency complained to Collier that Adam Castillo’s and Purl Willis’s participation in Mission Indian tribal affairs was dangerous: “We do not think their interference with the work of our Reservations should be permitted.”<sup>131</sup> The Mission Indian Agency argued that the Santa Ysabel tribal council voted and approved timber restrictions, which negated Osuna’s request and stymied the MIF’s influence at least on the Santa Ysabel Indian Reservation.

In 1934, certain factions and divisions were evident on reservations, and tribal politics emerged publically during the IRA debates. Families that gained control on the tribal councils could and did dictate policy on their respective reservations. This resulted in “bad blood” between familial groups, which was exacerbated by the Office of Indian Affairs and the pan-Indian organizations in Mission Indian country. This particular letter demonstrated that a distinct fragmentation occurred both within the reservation and within the wider population of Mission Indians. By 1941, Santa Ysabel general council chose to oppose the MIF, which the Office of Indian Affairs used to curtail its influence. However, another agenda presented itself in this letter. Congress evidently decided the California Indians met the qualifications for termination. The Mission Indian Agency emphasized that, as of July 1941 that the Department of the Interior, and the Indian Bureau start the elimination of federal supervision and financial obligations of American Indian groups, especially in California. Congress instructed the Mission Indian

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<sup>131</sup> Ibid.

Agency to “evolve plans to carry such a policy into effect.” The Acting Commissioner of the Mission Indian Agency believed that the “policy is sound, that the time has arrived when the Indians of California should take their rightful place in society.”<sup>132</sup> As a result, the schisms already present in Southern California Indian country grew largely because the United States government decided to get out of the Indian business in 1941. Opposing views to that policy emerged, fracturing many tribal relationships.

In 1941, the machinations emerging from federal Indian policy started eliminating federal responsibilities. For most Americans, the war in Europe seemed far away. Likewise, most Indians were indifferent to the troubles occurring overseas; they had their own problems. That is, until the day the Japanese attacked Pearl Harbor. Thousands of young Indians volunteered for the armed forces or went to work in war production plants that abruptly emerged during military and industrial mobilization. A 1942 survey indicated that nationally forty percent more Native Americans voluntarily enlisted than were drafted. In Southern California Indian country, the pull to serve their country was strong among the Indian population. In Southern California, boys attending the Sherman Indian School quit and volunteered for military service. Hundreds of Indian men and women from the reservations found employment at aircraft and defense plants throughout the State of California. A paper published in 1943 commended these Indians: “With no sound of fanfare or battle cry, the Indians of Southern California are shouldering their full share of our effort toward final victory in the war against the Axis.”<sup>133</sup> Indians also worked as farm laborers in the “stepped-up effort to meet the many food shortages.” Ranches in San Diego County increased their numbers of cattle, hogs, and sheep and also increased food crop

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<sup>132</sup> Ibid.

<sup>133</sup> Carrick, Margaret. “California Indians in War” June 30, 1943. Records of the Bureau of Indian Affairs, Record Group 75. Central Classified Files, National Archives and Records Administration Washington DC.

production. Almost all the ranch workers were Indians from the surrounding reservations that were deferred from military service because of infirmity, age, or work requirements. John W. Dady, BIA Superintendent of the Mission Indian Agency, and Donald H. Biery, head of the Sherman Institute, pointed out that young Indian men, most of whom volunteered, were serving in every branch of the armed services. Nationally, non-Indians were intrigued by the Indians' fighting ability. General Douglas MacArthur was one of these people: "As a warrior, his (the Indian's) fame is worldwide. Many successful methods of modern warfare are based on what he evolved centuries ago. Individually he exemplified what the line fighter could do by adaptation to the characteristics of the particular countryside in which he fought. His tactics, so brilliantly utilized by our first great commander, George Washington, again apply in basis principle to the vast jungle-covered reaches of the present war."<sup>134</sup>

In 1941, discussions began in Congress concerning terminating federal trust responsibility of American Indian reservations, which ramped up in earnest during World War II. Getting out of the Indian business became a viable option for the United States government and numerous Indian nations, tribes, and bands. John Collier, the architect of the IRA, created lists of Indian reservations with established tribal governments that he felt were ready for termination. In California, the idea of the U.S. government getting out of the Indian business appealed to the MIF in the south and the Federated Indians of California in the north. The two groups chose paths they thought all tribes in Southern and Northern California should take to eliminate the Indian Bureau. However, individuals not associated with these organizations remained suspicious of the motives generated by the MIF, the Federated Indians of California, and the United States government.

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<sup>134</sup> Ibid. p. 4.

Tribal governments were approaching the end of ten years of operation under the IRA. For the Indian nations, tribes, and bands that had created corporate charters, the end of the IRA decade had special significance. Many of the IRA charters provided that after they had been in effect for a specified period of years, certain supervisory powers of the secretary of the Interior could be terminated by action of the tribal council, the secretary, and the tribe. In some cases, the supervisory powers of the secretary could be terminated after a period of five years. If the secretary disapproved the request for termination by the tribal council, the council could be freed from this supervision if two thirds of the eligible voters of the tribe concurred.<sup>135</sup> This particular clause in the act was significant because it opened the door to termination and exacerbated the tribal factionalism present on the reservations.

Tribal governing bodies enacted ordinances and resolutions dealing with a wide variety of other subjects. These included correction of census rolls, adoption, and abandonment of membership; domestic relations, including adoption, marriage, divorce, the appointment of guardians, and inheritance; taxation and licensing; and tribal organizations and procedures. Variations in legislation were dependent upon many facts, such as the power vested in the tribal councils by the tribal constitutions, the local conditions, and the caliber of the tribal officials.

Since the passage of the IRA, various members of Congress had presented bills to repeal the act. This happened again in 1944 when Senator Harlan Bushfield (R-South Dakota) sponsored S. 1218, a bill to repeal the Indian Reorganization Act. Secretary of Interior Harold L. Ickes criticized this “piecemeal legislation and hasty, off-hand action.”<sup>136</sup> Ickes consulted with

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<sup>135</sup> Theodore H. Haas, "Ten Years of Tribal Government Under I.R.A.," (Washington D.C.: United States Indian Service, 1947).

<sup>136</sup> Letter to Senator Thomas from Harold L. Ickes, Secretary of the Interior. October 28, 1944. Records of the Bureau of Indian Affairs, Record Group 75. Central Classified Files, National Archives and Records Administration Washington DC.

John Collier and reiterated that any fundamental change in “our” relationship to American Indians should receive the most careful consideration.<sup>137</sup> Yet, those sentiments did not stop Ickes and the Department of Interior from separating Indian tribes into categories at Collier’s discretion.

Commissioner John Collier presented to the House Committee on Indian Affairs his opinion on redefining the federal trust protections of Indian lands, submitting a list that divided American Indian tribes into three categories:<sup>138</sup> 155,000 predominantly acculturated individuals; 124,000 semi-acculturated tribe’s people; and 94,000 predominantly non-acculturated Indian people.<sup>139</sup> Collier had wanted to end the acculturation and assimilation of Indian people and, instead, to focus on Indian culture and self-government. He had used that part of the argument to facilitate the passage of the IRA. However, when Collier used these term in 1944, he, in effect, encouraged those individuals, agencies, and organizations who wanted emancipation for Indians from wardship.<sup>140</sup> Collier conceded and acknowledged that tribal organizations under the IRA had been unnecessarily complicated. The BIA had failed to resolve Indian claims, problems with inheritance of land, and recognition of tribes with no land.<sup>141</sup> Collier differentiated reservation

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<sup>137</sup> Ibid.

<sup>138</sup> See Tables 3, 4, and 5 for tabulations of Collier’s withdrawal recommendations.

<sup>139</sup> Committee on Indian Affairs, *Hearings on H.R. 166: A Bill to Authorize and Direct and Conduct an Investigation to Determine Whether the Changed Status of the Indian Requires a Revision of the Laws and Regulations Affecting the American Indian*, 78th Congress, 2nd Session, 1944 1944.

<sup>140</sup> Kenneth R. Philp, *Termination Revisited American Indians on the Trail to Self-Determination, 1933-1953* (Lincoln & London: University of Nebraska Press, 1999). p.13. For further information regarding the emancipation of Indians see: Metcalf, *Termination's Legacy The Discarded Indians of Utah*. David W. Daily, *Battle for the BIA G.E.E. Lindquist and the Missionary Crusade Against John Collier* (Tucson: The University of Arizona Press, 2004).

<sup>141</sup> Philp, *Termination Revisited American Indians on the Trail to Self-Determination, 1933-1953*. p. 13.

Indians located in Arizona, California, Colorado, Florida, Idaho, Iowa, Kansas, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming into categories by population and level of acculturation into American society.<sup>142</sup> He targeted a total of seven agencies or Indian groups in California. In the predominantly acculturated population category, three groups were located in Northern California: the Hoopa Valley Agency and Reservation, the Hoopa Valley Rancherias, and the Sacramento Agency and the Mission Indians in Southern California. The semi-acculturated population included the Carson Agency and the Fort Independence Agency. The predominantly Indian population, a category in which Indian populations were classified as being unsophisticated in comparison with the other categories, included the Colorado River Agency and the Fort Yuma Reservation. In Southern California, Collier listed all of the Mission Indians in the predominantly acculturated population category. The population base in California, according to this list, totaled 22,387<sup>143</sup> of Indians living on reservations. These individuals were all now subjects of speculation in yet another federal policy change.

One other federal effort also contributed to the move toward termination. In January 1947, the Senate Civil Service Committee pressed acting Indian Commissioner William Zimmerman to provide them with a list of tribes ready for release from federal supervision. On February 8, 1947, he testified that the Indian Bureau field jurisdictions be divided into three groups.<sup>144</sup> In compiling the groups, Zimmerman established guidelines for determining federal

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<sup>142</sup> See Tables 3, 4, and 5.

<sup>143</sup> See Tables 3, 4, and 5.

<sup>144</sup> See Table 6 for tabulations from William Zimmerman's recommendations for federal withdrawal.

withdrawal. To determine acculturation, he used the amount of mixed blood, literacy, acceptance of white institutions, and local non-Indian support. To assess the economic viability of release, he considered the ability of tribes to make a decent standard of living, tribal consent, and the willingness of states to assume responsibilities for their Indian citizens.<sup>145</sup> The final list bore a striking resemblance to the list John Collier had presented to the House Committee on Indian Affairs in 1944. Congress assumed that the tribes on this list were economically prosperous enough to sustain themselves after the termination of federal trust protection.

To counteract the government's slight interest in the welfare of Indians, D'Arcy McNickle, a Flathead employee of the Bureau of Indian Affairs, and Napoleon Johnson, a Cherokee, both professionals and college-educated Indians, founded the National Congress of American Indians (NCAI) in 1944. The NCAI included tribal members who sought to promote common Indian interests and identities on a national level.<sup>146</sup> Indian delegates representing more than fifty tribes, associations, and reservations from twenty-seven states attended the first NCAI convention in 1944. A year after it was founded, the NCAI claimed members from nearly all the tribes in the United States, including the Mission Indians. The NCAI provided Indians with a national organization to make their voices heard in legislation and in implementation of federal Indian policy. The organization responded to termination and assimilation policies the United States forced upon the tribal governments in contradiction of their treaty rights and status as sovereigns. It also stressed the need for tribal governments to unite and cooperate to protect their treaty and sovereign rights

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<sup>145</sup> Philp, *Termination Revisited American Indians on the Trail to Self-Determination, 1933-1953*.

<sup>146</sup> Cowger, *The National Congress of American Indians The Founding Years*. p.3.



Table 3. Group 1 of John Collier's Withdrawal Recommendations: Predominantly Acculturated Population

Agencies by state	Population	Agencies by state	Population
California		Oklahoma	
Hoopla Valley Agency and Reservation	1,602	Five Civilized Tribes Agency	57,000
Hoopla Valley Rancherias	373	Osage Agency & Reservation	4,331
Mission Indians	7,007	Pawnee Agency	3,391
Sacramento Agency	10,825	Quapaw Agency	3,711
		Shawnee Agency	5,024
Kansas		Oregon	
Potawatomie Agency	2,186	Grande Ponde-Siletz Agency & Reservation	485
		Siletz Reservation	521
		Fourth Section (all public domain)	789
Michigan		Texas	
Great Lakes Agency	1,454	Alabama & Coushatta Reservation	351
Tomah Agency	3,700		
Minnesota		Washington	
Consolidated Chippewa Agency	14,124	Taholah Agency, unenrolled Indians	500
Pipestone School	950	Tulalip Agency:	
Red Lake Chippewa Agency & Reservation	2,329	Public domain (Clallam)	962
		Public domain (Nooksak)	255
		Public domain (Skagit)	230
Nebraska		Wisconsin	
Winnebago Agency	4,712	Great Lakes Agency	5,338
		Keshena Agency & Menominee Reservation	2,606
		Tomah Agency	5,487
New York			
New York Agency	6,835		
North Carolina			
Eastern Cherokee Agency & Reservation	3,622		
		Total	150,700

Source: House of Representative Hearings on H.R. 166: A Bill to Authorize and Direct and Conduct an Investigation to Determine Whether the Changed Status of the Indian Requires a Revision of the Laws and Regulations Affecting the American Indian. Central Classified Files, RG-75, National Archives Building, Washington DC

Table 4. Group 2 of John Collier's Withdrawal Recommendations: Semi-Acculturated Population

States and agencies	Population	States and agencies	Population
California		Oklahoma	
Carson Agency	1,580	Cheyenne And Arapaho Agency & Reservation	2,972
Fort Independence Reservation	70	Five Civilized Tribes Agency	22,000
Idaho		Kiowa Agency	
Fort Hall Agency & Reservation	1,894	Kiowa Reservation	5,336
Northern Idaho Agency	2,248	Wichita Reservation	1,672
Iowa		Oregon	
Sac And Fox Agency & Reservation	488	Klamath Agency & Reservation	1,506
Mississippi:		Umatilla Agency & Reservation	1,291
Choctaw Agency: Chitimacha Reservation (Louisiana)	100	Warm Springs Agency & Reservation	815
Mississippi Agency & Reservation		Yakima Agency, The Dallas Allotments	51
Montana		South Dakota	
Blackfeet Agency & Reservation	4,795	Cheyenne River Agency & Reservation	3,704
Crow Agency & Reservation	2,348	Crow Creek Agency	1,665
Flathead Agency And Reservation	3,305	Flandreau School Jurisdiction	277
Fort Belknap Agency & Reservation	1,697	Pine Ridge Agency & Reservation	9,584
Fort Peck Agency & Reservation	3,022	Rosebud Agency	9,162
Rocky Boy's Agency & Reservation	829	Sisseton Agency & Reservation	3,007
Tongue River Agency & Reservation	1,661	Standing Rock Agency & Reservation	2,159
Nevada		Washington	
Carson Agency	3,990	Colville Agency	4,382
Western Shoshone Agency	1,434	Northern Idaho Agency, Kalispel Reservation	103
North Dakota		Taholah Agency	2,532
Fort Berthold Agency & Reservation	1,886	Tulalip Agency	2,643
Fort Totten Agency & Devils Lake Reservation	1,095	Yakima Agency And Reservation	3,092
Sisseton Agency & Reservation	59	Wyoming	
Standing Rock Agency & Reservation	1,964	Wind River Agency And Reservation	2,534
Turtle Mountain Agency & Reservation	7,215	Total	124,228

Source: House of Representative Hearings on H.R. 166: A Bill to Authorize and Direct and Conduct an Investigation to Determine Whether the Changed Status of the Indian Requires a Revision of the Laws and Regulations Affecting the American Indian. Central Classified Files, RG-75, National Archives Building, Washington DC

Table 5. Group 3 of John Collier's Withdrawal Recommendations: Predominantly Indian Population

State and agencies	Population
Arizona	
Colorado River Agency	1,259
Fort Apache Agency And Reservation	3,023
Hopi Agency And Reservation	3,494
Navajo Agency And Reservation	25,243
Pima Agency	6,587
San Carlos Apache Agency And Reservation	3,244
Sells Agency	6,303
Truxton Canyon Agency	1,202
Uintah And Ouray Agency, Kaibab Paiute Reservation	83
California	
Colorado River Agency, Fort Yuma Reservation	930
Colorado: Consolidated Ute Agency	808
Florida	
Seminole Agency And Reservation	619
Idaho:	
Western Shoshone Agency And Reservation	209
New Mexico	
Jicarilla Apache Agency And Reservation	768
Mescalero Apache Agency And Reservation	823
Navajo Agency And Reservation	22,761
United Pueblos Agency	14,107
Utah	
Consolidated Ute Agency, Allen Canyon Subagency	36
Fort Hall Agency, Washakie Shoshone Subagency	131
Navajo Agency And Reservation	314
Uintah And Ouray Ute Agency	1,610
Western Shoshone Agency	250
Total	93,896
Total population of all groups	368,819

Source: House of Representative Hearings on H.R. 166: A Bill to Authorize and Direct and Conduct an Investigation to Determine Whether the Changed Status of the Indian Requires a Revision of the Laws and Regulations Affecting the American Indian. Central Classified Files, RG-75, National Archives Building, Washington DC

Table 6. William Zimmerman's Withdrawal Recommendations

Group 1: Predominantly acculturated population	Group 2: Semi-acculturated population	Group 3: Predominantly Indian population
Flathead	Blackfeet	Cheyenne & Arapaho
Hoopa	Cherokee	Choctaw
Potawatomi	Cheyenne River	Colorado River
Klamath	Colville	Consolidated Ute
Menominee	Consolidated Chippewa	Crow Creek
Mission	Crow	Five Tribes
New York	Fort Belknap	Fort Apache
Osage	Fort Peck	Fort Berthold
Sacramento	Fort Totten	Fort Hall
Turtle Mountain	Grande Ronde	Hopi
	Great Lakes	Jicarilla
	Northern Idaho	Kiowa
	Quapaw (Wyandotte, Seneca)	Mescalero
	Taholah, Tulalip	Navajo
	Tomah	Pawnee
	Umatilla	Pima
	Warm Springs	Pine Ridge
	Wind River (Shoshone only)	Quapaw
	Winnebago (Omaha still predominantly full-blood)	Red Lake
		Rocky Boy
		Rosebud
		San Carlos
		Sells
		Seminole
		Shawnee
		Sisseton
		Standing Rock
		Tongue River
		Truxton Canyon
		Uintah And Ouray
		United Pueblos
		Western Shoshone
		Wind River (Arapaho only)
		Yakima

Source: House of Representative Hearings on H.R. 166: A Bill to Authorize and Direct and Conduct an Investigation to Determine Whether the Changed Status of the Indian Requires a Revision of the Laws and Regulations Affecting the American Indian. Central Classified Files, RG-75, National Archives Building, Washington DC

Note: Population of Group 1 = 53,000; population of Group 2 = 75,000; population of Group 3 = 250,000; total population for all three groups = 378,000.

In January 1947, Theodore H. Haas, the chief counsel for the U.S. Indian Service, created a report on the condition of tribal governments since the implementation of the IRA and after World War II. In one section of the report, he focused on the relationship between Indian self-government, the world, and the United States government's approach to democracy for its entire people. According to Haas, a major concern for the United States government was anxiety about ideas of democracy. Democracy in many parts of the world was on the march, a march that increased in tempo, especially after World War II. Haas linked the economic income of oppressed peoples throughout the world as a concern, along with world peace and the attainment of more self-government, the decline of imperialism, and the elimination of general poverty. Colonial people everywhere looked hopefully to the United States government. Haas stressed that it was especially important that the United States demonstrate the sincerity of its ideals and its ability to present them to the world. In every area, this must be exemplified by the increasing substitution of local self-government for bureaucratic control even on the smallest reservation.<sup>147</sup> However, Haas failed to incorporate in his analysis of imperialism and colonialism that American Indians, both on and off the reservation, were the products of the same colonialism that the United States supposedly repudiated.

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<sup>147</sup> Haas, "Ten Years of Tribal Government Under I.R.A.."

After the Second World War, the relationship between the federal government and tribal governments reached a crisis because of widely divergent definitions of Indian self-determination. Haas interpreted any criticism of the Indian Bureau as the “war enemy” of propagandists, believing that all they sought was to exploit the weakest link in the U.S. political and economic system: “Failure to live up entirely to the American creed of brotherhood and equality has been assailed, particularly in connection with minorities. Persons of Indian ancestry have been included.”<sup>148</sup> Haas concluded that the BIA, in conjunction with tribal councils, had increased the standard of living of depressed Indian groups and achieved a high measure of self-determination. These outcomes should be a model and a vanguard of the movement for greater economic and political democracy. Many courageous and able leaders had been in the armed services or defense industries. Many had recently returned and were again playing vital roles in tribal affairs.

However, this glorified vision of Indian self-government and BIA cooperation was ultimately flawed. For New Deal reformers, self-rule meant that dependent Indian nations retained inherent powers of sovereignty and the legal right to separate existence under permanent federal guardianship. Yet, regardless of the rhetoric of self-rule and tribal government powers, the reformers and government officials still maintained levels of paternalistic control on all Indian reservation matters. The IRA had never been popular in Congress, and many members wanted to eliminate the act and place tribes under state jurisdiction, emancipating them from federal wardship.<sup>149</sup> Proponents of termination wanted to remove restrictions on Indian lands and

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<sup>148</sup> Ibid.

<sup>149</sup> Kenneth R. Philp, *Termination Revisited: American Indians on the Trail to Self-Determination, 1933-1953* (Lincoln: University of Nebraska Press, 1999), p. 2.

make them taxable and alienable in an era of economic growth after World War II. Termination offered access to Indian trust lands and natural resources.<sup>150</sup>

The claims cases became another tool or bargaining chip in the government's coercion to facilitate the end of federal trust status. The claims cases in California had percolated since 1920. California Indians had sought continuously and vigorously to secure from Congress and the federal courts a just settlement of the claims against the United States for the lands taken from their people without compensation. The Indians of California wanted to choose their own legal representation for the claims cases. However, Congress had other ideas. In 1928, Congress authorized a partial settlement but failed to authorize attorney representation choosing for the Indians of their own choosing. Instead, from May 1928 to December 1994, a span of sixteen years, the Indians of California were represented in the federal courts "arbitrarily and in a perfunctory manner"<sup>151</sup> by the State of California attorney generals. Earl Warren (Republican; 1939–1943 and Robert W. Kenney (Democrat; 1943–1947) represented California Indians. Warren's original petition, later supported by Kenney, asked the court for only \$12.8 million. The United States government asserted and was allowed set-offs totaling \$12,650,761.02.<sup>152</sup> An additional amount of \$27, 842.50 was to be distributed to the State of California, which left only

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<sup>150</sup> Cowger, ""The Crossroads of Destiny": The NCAI's Landmark Struggle to Thwart Coercive Termination."; *ibid.*; *ibid.*p. 123.

<sup>151</sup> Report "Indian Contract Approved", A.L. Kroeber Papers, BANC FILM 2049, The Bancroft Library, University of California, Berkeley. July 17,1948.

<sup>152</sup> Set-off-is a claim by a defendant in a lawsuit that the plaintiff (party filing the original suit) owes the defendant money which should be subtracted from the amount of damages claimed by plaintiff. By claiming a setoff the defendant does not necessarily deny the plaintiff's original demand, but he/she claims the right to prove the plaintiff owes him/her an amount of money from some other transaction and that the amount should be deducted from the plaintiff's claim. [www.merriam-webster.com](http://www.merriam-webster.com)

\$121,396.42 for all the Indians in California. On that basis, each enrolled California Indian would have received \$5.15.<sup>153</sup>

The intervention of private attorneys employed by individual Indians and recognized as “friends of the Court” prepared an amended petition to overturn the settlement negotiated by Warren and subsequently Kenney to increase the judgment to the Indians of California. Unfortunately, the attorney general of California was the “attorney of record” and controlled the case. Thus, in 1944, Kenney entered into a compromise with Francis Biddle, Attorney General of the United States (1941–1945) that resulted in a stipulated net judgment of \$5,024,842.34. The State of California would receive \$27,842.50 for attorneys’ fees, leaving the enrolled Indians of California with only \$4,996,999.84.

In 1946, Congress passed the Indian Claims Commission Act to end federal guardianship by permitting Indians to submit claims for past wrongs committed by the government.<sup>154</sup> The Indian Claims Commission would determine tribal claims of every nature against the United States. This act extended to the Indians of California the right to secure an additional settlement with the aid of attorneys of their own selection. Under this legislation, tribes would have five years to file claims, select their own attorneys, and appeal all questions of law to the United States Supreme Court. The Commission had a ten-year time limit to prompt resolution of all claims.<sup>155</sup> Congress recommended the Claims Commission for two important reasons:

1. There was an expectation that once the Indian claims were settled, the federal government could downsize and eventually eliminate the Bureau of Indian Affairs,

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<sup>153</sup> Report "Indian Contract Approved", A.L. Kroeber Papers, BANC FILM 2049, The Bancroft Library, University of California, Berkeley. July 17, 1948.

<sup>154</sup> Philp, "Termination: A Legacy of the Indian New Deal." p.168

<sup>155</sup> Philp, *Termination Revisited American Indians on the Trail to Self-Determination, 1933-1953*. p.21.



remove Indians from federal guardianship, and release reservation lands from federal trust protection.

2. The NCAI endorsed the creation of the Claims Commission. The NCAI reiterated to Congress that Indian claims emanated from signed treaties. In California's case, these claims stemmed from the eighteen un-ratified treaties and the genocidal tactics used by the state during the nineteenth century.

President Truman signed the Indian Claims Commission bill on August 13, 1946.

Congressman William Stigler and representatives from South Dakota and New Mexico not only supported the Claims Commission but also worked to discredit tribal self-rule under the IRA and encouraged Indian emancipation from wardship. Truman anticipated that the Indian Claims Commission Act would inaugurate a new era for American Indian citizens. The President assumed that a final claims settlement would encourage Indians to find a community within the nation, instead of within the tribe, where they could fully share in the prosperity of America's postwar capitalist market economy. Of course, Truman did not take into account the racist attitudes that permeated the communities of the United States in which he wanted the Indians to incorporate.

The years 1948 and 1949 were watershed years for the Southern California Mission Indians. Numerous decisions and actions, at both the national and local levels, occurred that affected California Indian country. The California Indians filed their first claim before the Indian Claims Commission on July 9, 1948,<sup>156</sup> and on July 16, 1948, the Indians of California signed contracts for attorney representation.<sup>157</sup>

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<sup>156</sup> According to anthropologist Florence C. Shippek several tribal representatives and intertribal organizations joined together to obtain an attorney to file this case as Docket 31. These organizations and bands believed that the fictitious Indians of California had become an identifiable group based upon a previous Act of Congress (May 18, 1928: 45 Stat. 602) which defined it as "all Indians who were resideing in the State of California on June 1, 1952,

Different positions on the claims cases exacerbated the factionalism and fragmentation within Indian communities in both Northern and Southern California. In Northern California, two major pan-Indian organizations existed, both striving to garner support for American Indian causes but having different ideologies. The Federated Indians of California, organized in 1947, was the Northern California counterpart of the Mission Indian Federation in Southern California, although the Southern and Northern California movements rarely agreed on any one matter. This group was founded because of the unacceptable settlement amount proffered by the attorney general of California. The Federated Indians of California submitted an \$88 million claim, beyond the \$5 million already awarded and subsequently distributed to the Bureau for administrative purposes, as a proposed settlement

A California delegation to Washington, D.C., sent a report to the Federated Indians of California on June 9, 1947, regarding the settlement and bills being introduced to the 80th Congress. These bills included S.J. Res. 114: Withdrawal of Federal Restrictions over California Indians, H.R. 2662: To Confer Jurisdiction on State of California over Offenses Committed By or Against Indians on Indian Reservations, H.R. 2739 and H.R. 2878: Revision of Census Roll of California Indians, and H.R. 2958 and H.R. 2165: Emancipation of Indians. According to the delegation, F. G. Collett was responsible for the majority of these bills. The delegation was also concerned the terminology used to describe American Indians. The use of the word

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and their descendants now living in said state." This Act allowed the Indians of California to bring suit against the United States for taking land without just compensation, specifically the lands and compensation lost because the United States Senate shelved and never ratified the eighteen treaties made with California tribes and bands between March 19, 1851 and January 7, 1852. Florence C. Shipek, "Mission Indians and Indians of California Land Claims," *American Indian Quarterly* 13, no. 4 (1989). pp. 409-10.

<sup>157</sup> Petitions for the legal representation for the "Indians of California" quoted numerous Acts of Congress which would recognize the "Indians of California": The Act of May 18, 1928 (45 Stat. 602), the Act of April 25, 1945 (59 Stat. 77, 94), the Act of July 1, 1946 (60 Stat. 348, 361), and the Act of June 30, 1948 (Public Law No. 852; 80 Cong. 2nd Ses.: 62 Stat.).

*emancipation* was particularly appalling because it exacerbated the stereotype that consolidated all American Indians into a form of slavery, making them “sound like slaves.”<sup>158</sup>

The MIF was one of the intertribal organizations whose members, under the guidance of their counselor Purl Willis, withdrew from signing the contracts for the settlement of the claims cases. The MIF claimed that the “Indians of California” were not an identifiable tribal entity and that Docket 31<sup>159</sup> would fail.<sup>160</sup> This was one of the first real crack in the solidarity of California Indians in the claims cases. Since the beginning of the battles between the MIF and Commissioner Collier, the BIA had followed the actions of the federation. The Bureau acknowledged that Purl Willis and Adam Castillo had tried to eliminate the names of Mission Indians who signed petitions to accept the claims settlements and that many of the signees had refused Willis and Castillo’s efforts to exclude their names. The Bureau also knew that the settlement contracts were flawed and unlikely to be accepted by the majority of the Mission Indians.<sup>161</sup>

The MIF presented four claims to be added to Docket 80: (a) claims for the loss of water from the reservations (Docket 80A); (b) return of, or payment for, the misappropriation of property paid for as an offset in the 1944 judgment in K-344, specifically Sherman Institute (Docket 80B); (c) an accounting of all expenditures and tribal funds used in the offset against the K-344 settlement (Docket 80C); and (d) encroachment of non-Indians on reservation lands by

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<sup>158</sup> Report to Federated Indians of California, A.L. Kroeber papers, BANC FILM 2049, The Bancroft Library, University of California, Berkeley. June 9, 1947.

<sup>159</sup> The United States Government’s settlement of the Claims Cases included numerous dockets to differentiate the settlement of different tribes. Docket 31 and Docket 80 concerned California Indian tribes.

<sup>160</sup> Shipek, “Mission Indians and Indians of California Land Claims.” p. 410.

<sup>161</sup> Report to Federated Indians of California, A.L. Kroeber papers, BANC FILM 2049, The Bancroft Library, University of California, Berkeley. June 9, 1947.

means of walking fences and a special claim for the loss of Warner's Hot Springs (Cupa; Docket 80D).<sup>162</sup>

While the Court of Claims progressed, the MIF created havoc on many Southern California reservation communities, especially if they refused federation membership, and caused problems with duly elected tribal councils. Banning Taylor, Los Coyotes tribal chairman wrote to the Commissioner of Indian Affairs on June 1, 1949, with complaints about MIF interference with Los Coyotes Indian politics. Purl Willis had "authorized" an MIF member, Captain Nicholas Chaparosa, as the only official representative from Los Coyotes. Taylor stated that the MIF and Chaparosa had continuously interfered with tribal enrollment matters and Los Coyotes tribal business. It was suspected that Chaparosa could not read or write and that he had been taken to San Diego by Willis and the MIF to sign papers not approved by the band. Taylor emphasized that the band of Los Coyotes Indians did not elect Chaparosa to any leadership role and, therefore, did not want him to represent them in any of the offices of the BIA, whether Washington, D. C., Sacramento, or Riverside.<sup>163</sup> The MIF did not represent all Southern California' Indians, just its members. In fact, major differences in ideologies and in ideas for representing reservations and individuals were soon exposed that fragmented the tribal governments on numerous Southern California Indian reservations.

The claims cases dragged on for decades. In 1958, the Yokiah, Yana, and Shasta Band claims merged with Dockets 31 and 37; while the Mission Indian Bands (Southern California) decided to maintain separate land claim cases and had their territory removed from the "Indians

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<sup>162</sup> Shipek, "Mission Indians and Indians of California Land Claims."pp. 410-11.

<sup>163</sup> Banning Taylor, "Letter to Commissioner of Indian Affairs from Banning Taylor, Chairman Los Coyotes Indian Reservation. June 1, 1949," (1949). Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration Pacific Region (Laguna Niguel).

of California” designation.<sup>164</sup> This label was always problematic because it was not a tribal designation and ultimately became complicated for the Northern California tribes dealing with the claims cases and termination. While the claims cases commenced, in 1949, the U.S. government formed a committee to study the Indian problem.

The Commission on Organization of the Executive Branch of the Government, chaired by former president Herbert C. Hoover, was established by act (61 Stat. 246) on July 7, 1947, to study and investigate organization and methods of operation of the executive branch of the federal government. The commission<sup>165</sup> recommended organizational changes to promote economy, efficiency, and improved service. Working through functional area task forces, the commission submitted nineteen full-commission and individual task force reports to Congress, culminating with a final report, published as the Concluding Report.

Hoover appointed topics for the commission’s twenty-two member task force to study. One area of concentration was the Bureau of Indian Affairs. Hoover selected a task force to oversee the project. Princeton University professor George Graham chaired the task force. Other members were John R. Nichols, President of the New Mexico College of Agricultural and Mechanic Arts; Charles J. Rhoades, a Philadelphia banker and Hoover’s former Indian commissioner; and the Reverend Dr. Gilbert Darlington, treasure of the American Bible Society.<sup>166</sup> The task force’s objective was to ascertain the efficient and economical organization of the education, health, medical, and unemployment departments within the federal government.

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<sup>164</sup> Bill Jennings, "Over 25,000 California Indians will Share \$29 Million U.S. Gift," *Daily Enterprise*. Shippek, "Mission Indians and Indians of California Land Claims." p. 412.

<sup>165</sup> Initially, the primary committee members were Dean Acheson, Vice Chairman, Arthur S. Fleming, James Forrestal, George H. Mead, George D. Aiken, Joseph P. Kennedy, John L. McClellan, James K. Pollock, Clarence J. Brown, Carter Manasco, and James H. Rowe, Jr.

<sup>166</sup> Philp, *Termination Revisited American Indians on the Trail to Self-Determination, 1933-1953*. p. 77.

Since the Bureau of Indian Affairs was categorized as a federal security agency, it was included and analyzed in the report.<sup>167</sup>

In 1948, Professor Graham submitted a 160-page report to the task force on Indian affairs of the Hoover Commission. The task force affirmed that the IRA had correctly applied the principle of self-government and sovereignty to Indian tribes. The IRA sought to protect Indian land and encouraged respect for tribal cultures.<sup>168</sup> However, the task force argued that it was a mistake to revive “ancient” institutions in the twentieth century. The report indicated that the executive branch should regard self-rule under the IRA not as a permanent recognition of tribal sovereignty but as a state in the transition from federal tutelage to full Indian participation in state and local government.<sup>169</sup>

Herbert Hoover, chairman of the Commission on Organization of the Executive Branch of the Government to Congress, signed off on the Hoover Report and submitted it in March 1949. The task force observed the varying policies between the federal government and Indian country; however, they focused on the concentration of Indians on reservations. The task force declared that the sole reason for the creation of Indian reservations was “to end [Indian] forays

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<sup>167</sup> Commission on Organization of Executive Branch of Government, "Report on Social Security, Education, and Indian Affairs (1947-1949)," (Washington D.C.: The Commission on Organization of the Executive Branch of the Government, 1949). pp. 55-76.

<sup>168</sup> Philp, *Termination Revisited American Indians on the Trail to Self-Determination, 1933-1953*. Government, "Social Security and Education."

<sup>169</sup> Philp, *Termination Revisited American Indians on the Trail to Self-Determination, 1933-1953*. pp. 77-78. and The Commission on Organization of the Executive Branch of the Government, "Concluding Report: A Report to the Congress by the Commission on Organization of the Executive Branch of the Government, May 1949," (Washington D.C.: The Commission on Organization of the Executive Branch of the Government, 1949).

and wars.”<sup>170</sup> In the twentieth century, the threat of Indian wars was long over; yet the war for Indian survival persisted.

The Task Force on Indian Affairs, which was “supported by a considerable body of thought both inside and outside the government,”<sup>171</sup> presented nine recommendations on Indian affairs to the federal government. The Hoover Report emphasized that although when compared with the federal budget of \$40 billion, the expenditures of the Bureau of Indian Affairs were miniscule; they were still an “area of waste.”<sup>172</sup> The report revealed that the Bureau of Indian Affairs handled a multitude of related activities, reaching down into the minor facets of the lives of American Indians because of the federal responsibility for the Indians. The Bureau employed approximately 12,000 people and administered 5,000 laws and 370 treaties. It operated Indian schools and hospitals, supervised land management, facilitated the construction of irrigation projects, built roads and buildings, and assisted in the growth of the political life of American Indian communities. According to Frank Gervasi, in his analysis of the Hoover Report in *Big Government*, because of the apparent inability of the federal government over a period of more than one hundred years to free itself from the responsibility for these Indian-related activities, the commission’s recommendation that the adoption of progressive measures to integrate the Indians into the rest of the population was the best solution to the Indian problem was economically appropriate.

The commission’s opinion was that “this policy should be the keystone of the organization and of the activities of the Federal government in the field of Indian Affairs and that

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<sup>170</sup> Government, “Social Security and Education.” p. 60.

<sup>171</sup> Ibid. p. 63.

<sup>172</sup> Frank Gervasi, *Big Government The Meaning and Purpose of the Hoover Commission Report* (New York, London & Toronto: Whittlesey House McGraw-Hill, 1949). p. 206.

pending achievement of the goal of complete integration; the administration of social programs for the Indians should be progressively transferred to State governments.”<sup>173</sup> The recommendations included deadlines to transfer responsibility for Indian law and order, education, public health, and welfare to state governments. The recommendations allowed for the eventual abandonment of tax-exempt lands and the transfer of tribal property to Indian-owned corporations to prevent “political meddling” by tribal councils.<sup>174</sup> The commission also recommended that Indians should actively participate in the formulation and execution of plans to end federal supervision. How their participation was to be implemented remained vague.

Only two members of the task force dissented on this proposition, Dean Acheson and James Forrestal. Acheson admitted, “I have not the knowledge, nor the time in view of the vast amount of material before this commission to acquire it, to pass judgment whether the policy recommended is wise, just, and understanding. Recollections of the painful history which surrounds the cases of the *Cherokee Nation vs. The State of Georgia* and *Worcester v. Georgia* make a novice in this field pause before endorsing a recommendation to assimilate the Indian and to turn him, his culture, and his means of livelihood over to state control.”<sup>175</sup> The majority of the task force did not recommend the complete abolition of the Bureau of Indian Affairs. Instead, it recommended that Congress transfer the Bureau from the Department of the Interior to the Federal Security Agency, which would incorporate the BIA into closer contact with the Social Security Administration, the Public Health Service, the Office of Education, and State Employment Services.

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<sup>173</sup> Government, “Social Security and Education.”

<sup>174</sup> Ibid. and Philp, *Termination Revisited American Indians on the Trail to Self-Determination, 1933-1953*.pp. 78-79.

<sup>175</sup> Government, “Social Security and Education.”



An important ramification of the Indian Claims Act was that it made the Hoover Commission's<sup>176</sup> recommendation of a policy of assimilation more viable. The report noted that historical, traditional tribal governments were obsolete. It further stated that most Indians wanted to benefit from "modern civilization" rather than regressing to the stereotype of the nineteenth century Indian. For that reason, reservations and their assets were to be redesigned as charter corporations that functioned under state law as capitalist rather than socialist enterprises; and land was to be managed on an individual rather than a collective basis.<sup>177</sup> The report recommended that the federal government get out of the "Indian business" and transfer Indian Bureau responsibilities to the individual states, making states accountable for the welfare of the Indian populations within their borders.

In the end, the Hoover Report stressed that the federal government must create programs that included progressive measures for the complete integration of Indian peoples into the mass of the population as full tax-paying citizens, which would be the best solution to the Indian problem.<sup>178</sup> The wording of the recommendations was supposed to sound enlightened and progressive. However, the last paragraph of the Hoover Report concentrated on cold, hard economics and the substantial savings in federal expenditures once the U.S. government turned fiscal responsibilities for the Indians to the states: "When the trust status of Indian lands has ended, thus permitting their taxation and surplus Indian families have established themselves off the reservations, special Federal aid to state and local governments for Indian programs should end. The Indians will have been integrated economically and politically, as well as

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<sup>176</sup> Government, "Concluding Report: A Report to the Congress by the Commission on Organization of the Executive Branch of the Government, May 1949."

<sup>177</sup> Philp, *Termination Revisited American Indians on the Trail to Self-Determination, 1933-1953*. p. 79.

<sup>178</sup> Government, "Social Security and Education." p. 65.

culturally.”<sup>179</sup> Although American Indian nations, tribes, and bands were not given a voice in the Hoover Report, the task force had already acknowledged that Indians extracted their living from the reservation land base. Therefore, the recommendations for ending trust status were not practicable when the report was submitted to Congress. Yet, the report did enough damage: The U.S. government had an official report written by a task force chaired by former president Herbert Hoover stating that elimination of federal trust protections was the proper course of action.

The Bureau distributed Circular 3704, the plan to terminate Indians in California in the summer of 1949, to the regional Indian agencies throughout Indian country. The basic objectives were the establishment of members of various tribes, bands, or groups of Indians at a basic economic level comparable to other citizens of the United States; their integration into the social, economic, and political life of the nation; and the termination of federal supervision and control “special to Indians.”<sup>180</sup> Circular 3704 listed eight areas to be implemented to integrate Indian citizens into the social, economic, and political life of the Nation:

1. Adequate education, the standard of which should be not less than the education level of other citizens of the area.<sup>181</sup>

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<sup>179</sup> Ibid. p. 75.

<sup>180</sup> John R. Nichols, "Circular 3704 Reservation Programs," ed. Bureau of Indian Affairs (Washington D.C.1949). Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>181</sup> By 1949 the Indian education policy of boarding schools had been replaced with the Johnson O'Malley Act. The Johnson O'Malley Act was passed by Congress in 1934 and amended in 1936, this Act is still in effect in 2011. The original purpose of the Act was to confer upon the Secretary of Interior the authority to contract with state-supported schools (elementary and high-school), colleges and universities for Indian education services. Therefore, the legislation noted that "it becomes advisable to fit them into the general public school scheme rather than provide separate schools for them." The Johnson O'Malley Act is one of the principle pieces of legislation for subsidizing education by the federal government for Indian children. Thus, the criteria for Indian education was effectively in

2. Adequate health facilities, the standard of which should be the progressive reduction of mortality and morbidity rates.
3. Progressive transfer to State and local governments of responsibility for education, public health protection, agricultural extension services, maintenance of law and order, public welfare activities, roads, and public utilities.
4. Progressive transfer of responsibility for medical and hospital services to State and local governments, or quasi-public voluntary associations.
5. Progressive transfer of tribal property and tribal enterprises to Indian-owned and controlled corporations crested under the authority of federal law.
6. Full and active participation of Indians in the political and civic life of the State and community.
7. The eventual discontinuance of tax exemption for Indian-owned property and land, upon application of the owner or owners, and with the approval of the Secretary of Interior.
8. Termination of Federal supervision and control special to Indians.<sup>182</sup>

According to the circular, implementation of these policies must begin as soon as possible; the U.S. Government could not wait for extensive surveys and tribal cooperation. The area superintendent was to “discuss the contents of this circular with the Indians at their next tribal council meeting to endeavor to decide upon methods and procedures for the formulation of the program.”<sup>183</sup> Thus, in 1949, termination was the only viable option for the United States

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place due to the Indian Reorganization Act. Donald K. Sharpes, "Federal Education for the American Indian," *Journal of American Indian Education* 19, no. 1 (1979).

<sup>182</sup> Nichols, "Circular 3704 Reservation Programs."

<sup>183</sup> Ibid.

government and the only way in which the Bureau of Indian Affairs was going to deal with the Indian problem.

As soon as Congress passed the IRA and implemented it throughout Indian country, a periodic drive by non-Indians and Indians alike had begun to scuttle the IRA, abolish the Indian Service, and terminate federal guardianship over resources. Broken treaties and promises and harsh to cruel treatment naturally caused many Indians to feel varying degrees of hostility to the white race. The suspicion was ingrained that any new policy started by the government was motivated by a desire to aid the whites and hurt the Indians. These feelings inspired the founders and membership of the MIF and motivated others to form coalitions of their own to contest and question the federal government's Indian policy. Lack of understanding and cooperation between the new and the old generations on and off the reservation led to the inevitable consequence in this rapidly changing culture of dividing loyalties between tribes and bands throughout Southern California. However, instead of staying within the confines of local tribal politics, factionalism within tribes ballooned to encompass all of the Southern California Indian country when the threat of termination turned into a reality. The option became fact, proponents and opponents of termination took their stands, and tribal politics and the relationship between the Mission Indians and the federal government changed forever.

## CHAPTER THREE

### POLICY INCLUDES PEOPLE OR DOES IT? MISSION INDIAN ACTIVISM MEETS RESISTANCE AT HOME AND IN THE HALLS OF CONGRESS

*We are solving the general question of Indian wardship and dependency.*<sup>184</sup>

The Indians in Southern California were acutely aware of the various efforts planned to get out of the “Indian business” from the inception of the IRA in the mid-1930s. Santa Ysabel tribal spokesman Stephen LaChappa spoke of it in a 1949 letter to BIA District Agent Harry W. Gilmore, stating that “most people think that this will happen in about five years.” LaChappa wanted the Santa Ysabel reservation surveyed and Gilmore asked questions as to how and when this would happen.<sup>185</sup> The Mission Indians had dealt with the proclivities of the Indian Bureau, both federal and local, for decades. The passage and implementation of the IRA divided opinions on federal Indian policy and helped create divisions within tribal communities and between individuals. These fissures in Southern California had solidified into two distinct, unyielding battle lines. The pro-terminationists were mainly non-Indian and Indian members of the MIF. They embraced and adopted the rhetoric of freedom and emancipation that Commissioner of Indian Affairs Dillon S. Myer used to push legislation through Congress expeditiously. The anti-terminationists, individuals who realized the critical threat to the reservation land base and reservation life, mobilized to create a social political organization to combat termination both at home and in the halls of Congress.

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<sup>184</sup> 83d Congress, "Report with Respect to The House Resolution Authorizing the Committee on Interior and Insular Affairs to Conduct an Investigation of the Bureau of Indian Affairs Pursuant to House Resolution 89 (83D Congress)," ed. Congress (Washington DC: United States Government Printing Office, 1954). p. 1.

<sup>185</sup> Letter to Harry W. Gilmore, BIA District Agent from Stephen LaChappa, Spokesman-Santa Ysabel Band of Mission Indians. February 21, 1949. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration Pacific Region (Laguna Niguel); Letter to Stephen LaChappa, Spokesman-Santa Ysabel Band of Mission Indians from Harry W. Gilmore, BIA Area Director. March 6, 1949. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration Pacific Region (Laguna Niguel).

The Department of Interior, which included the Bureau of Indian Affairs, demonstrated that it had no patience for the Indian problem, which was supposed to have been dealt with during the past century, and sponsored termination. In 1950, the idea of eliminating federal trust properties advanced quickly through congressional committees. Myer quickly allied himself with many members of Congress who held ethnocentric beliefs and used Cold War anticommunist rhetoric to discredit anti-termination organizations such as the NCAI. One such ally was Senator Patrick McCarran<sup>186</sup> (D-Nevada), whose disdain for American Indian tribes in his home state and his fierce anticommunist stance made him a willing ally in Myer's efforts to destroy federal trust protection and the Indian reservation system.

Indians knew they had a problem in 1949 when Ruth Muskrat Bronson, NCAI executive secretary, received a disturbing letter from Senator McCarran in response to her criticisms of his proposed amendment to terminate federal authority over tribes by eliminating the power of Congress to regulate trade with Indians. McCarran informed Bronson that he believed only Western civilizations had a history and dynamics. He stressed that the "specimens of American manhood" and "the energetic European homesteaders" had rightfully conquered the Indians and turned the wild wastelands into productive wealth-creating, revenue-producing property. McCarran further emphasized that Indian education was "the physiological equivalent of a school for mental defectives or other backward students," that Indians were not independent or self-reliant, and that the Indian's political organizations were fiction. Furthermore, Indians were

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<sup>186</sup> For analysis and criticisms of Nevada Senator Patrick McCarran "who ran the state like his own". See Bernard DeVoto, *The Western Paradox*, ed. Douglas Brinkley and Patricia Nelson Limerick, Yale Western Americana (New Haven & London: Yale University Press, 2000); *ibid*.

supporters of an alien political ideology that embraced communalism, communal property, and that their ethnicity, and that was akin to communism that must be eliminated.<sup>187</sup>

Many individuals in and out of Congress shared McCarran's views. Big business certainly wanted the Bureau of Indian Affairs eliminated because land and resources were valuable, especially in California. At an Angeles Mesa Kiwanis Club meeting, Rilea W. Doe, vice-president of Safeway Stores, Inc., warned against the trend toward socialism. He pointed out that there were 12,269 employees in the Indian Bureau, one for every thirty-two Indians, and that that tax bite affected every dollar earned by the average American.<sup>188</sup> Doe argued that the Indian Bureau sponsored and supported socialism in a capitalist country. He failed to comprehend that many of his concerns for lost tax dollars were due to government inefficiencies that spanned all government agencies, not just the BIA. However, the Indians and the Bureau were easy targets to which to apply labels that inflamed the populace against communities that were different. In California, businesses teamed up with McCarran's campaign to privatize federal trust lands.

Why would California's big business or business organizations care about the presence of the Bureau of Indian Affairs and of remote Indian reservations? The common rhetoric used was the emancipation of the Indian and the elimination of the socialist structure of the reservation system. However, the more likely reason was land that would become available after termination took effect and the Indians lost the rights to their land bases.

Contrary to McCarran's obviously bigoted views, independent and self-reliant Indians were ready to fight the U.S. government, the Bureau of Indian Affairs, business organizations, and their own people to maintain the reservation system. The MIF, buoyed by support received

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<sup>187</sup> Philp, *Termination Revisited American Indians on the Trail to Self-Determination, 1933-1953*.

<sup>188</sup> Unknown, "Socialism Trend Scored as Menace," *Los Angeles Times*, April 18, 1951.

from communities against the BIA and, by extension, the reservation systems, began the battle to support termination. This move by the MIF solidified the implied differences between members of the federation and individuals who rejected the ideas and actions of the organization.

On February 21, 1950, the *San Diego Union* ran this byline: "S. D. Indians Off to Capital, Ask 'Freedom.'" The article stated that the Indians of San Diego County wanted to get out from under what they called "virtual slavery."<sup>189</sup> Purl Willis, counselor of the MIF and six unidentified Mission Indians,<sup>190</sup> purporting to represent all Mission Indians, were traveling to Washington, D.C., to "plead for abolition of serfdom under the Bureau of Indian Affairs" and to be "relieved of the imposed slavery" and to request freedom from the same Bureau of Indian Affairs. (Traveling was expensive and most Indians, federation or not, could not afford the costs). One attendee was probably the MIF president, Adam Castillo, to give credibility to the pro-termination argument. The article also stated that representatives of the MIF had met with Congressman Clinton McKinnon (D-San Diego), who was to introduce the "Freedom Bill" (H.R. 7473). The group intended to appear before the Senate committee to urge passage of H.R. 7473 and to "attempt to have the federal government free the Indians from wardship control."<sup>191</sup> Thus, the "line in the sand" was drawn; and Southern California Indian country fragmented into oppositional camps of pro-terminationists (the MIF) and anti-terminationists, who later became the Spokesmen and Committees group.

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<sup>189</sup> Sanford Jarrell, "S.D. Indians Off to Capital, Ask 'Freedom'," *San Diego Union*, February 21, 1950 1950.

<sup>190</sup> The Mission Indians were not named in the *San Diego Union* article

<sup>191</sup> Jarrell, "S.D. Indians Off to Capital, Ask 'Freedom'."



The *San Diego Union* article definitely had a pro-Willis slant, which was not surprising.<sup>192</sup> Willis had a flair for public speaking. He was very polished and, according to Mazzetti, could turn an audience “with a quiver and tears to convince people of the issue.”<sup>193</sup> The statements made by Willis, who claimed to represent all Mission Indians, alarmed those Indians not affiliated with the MIF and more worried about water rights, housing, medical care, and education than the emancipation through termination rhetoric. That was especially true of Max Mazzetti (Rincon Indian Reservation) and Steve Ponchetti (Santa Ysabel Indian Reservation). Both Mazzetti and Ponchetti realized that paying property taxes on Indian land, a provision of the termination legislation, would be devastating and dangerous for the tribes in Southern California, likely resulting in the loss of reservation and rancheria lands. Ponchetti notified Mazzetti of his opposition to the MIF and his willingness to fight their platform.

Mazzetti had his own contentious relationship with members of the MIF. Because kinship relationships flourished throughout Southern California Indian country, it was common to have relatives and close friends on almost every reservation. Mazzetti was known to be anti-federation, which contributed to the fracturing of families that lived not only on his reservations but also on other reservations. For Mazzetti, that involved a confrontation on the La Jolla Indian Reservation, located north of Mazzetti’s Rincon reservation. Mazzetti fought with Indians who blocked his access to the La Jolla Reservation to work at the request of that tribal council. The following week after a federation meeting, the *Daily Times Advocate*, an Escondido, California,

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<sup>192</sup> The Copley Press founded by Col. Ira C. Copley owned *San Diego Union* and the *San Diego Evening Tribune*. Many of the newspapers owned by Copley Press published conservative and pro-Republican platforms.

<sup>193</sup> Personal Recollection of Max Mazzetti.

newspaper, ran a story that portrayed Mazzetti as a “bad man” fighting Indians who opposed his political views.<sup>194</sup>

Other incidents occurred between the MIF and its detractors. James E. Ponchetti from the Santa Ysabel Indian Reservation was mistakenly identified as an MIF member and beaten for the actions of his very active MIF uncles, Charlie and George Ponchetti from Mesa Grande Indian Reservation.<sup>195</sup> These random acts of violence demonstrated the divisive nature of the relationships that spanned Southern California Indian reservations. Once the MIF used its power to support the termination legislation, people started taking sides—and there was no compromise.

Mazzetti immediately contacted BIA Area Director James B. Ring after the confrontation on the La Jolla Indian Reservation and requested all the addresses of the tribal councils and organizations in California. Mazzetti sent out letters, enclosing information regarding the bill and the ramifications to the tribes if the bill passed. Mazzetti included a questionnaire to gauge the feelings and opinions of the tribes. The questionnaire included the following questions:<sup>196</sup>

- “Are you in favor of termination of the Federal Government and BIA control of Indian Nations?”
- “Should questions of water rights be settled first? How would Indian housing (of which a large portion does not meet local and state codes) be affected?”
- “How would state and local health and sanitation codes be met before termination?”

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<sup>194</sup> Max Mazzetti, "A Brief History of Southern California's Indian Reservations-Personal Recollection," (Unknown).

<sup>195</sup> Personal Recollection of Santa Ysabel Tribal Member Dorothy Ponchetti.

<sup>196</sup> Max Mazzetti, "Indian Tribal Councils Take Action against Termination Federal Responsibilities and They Take Action for Water Rights of the Tribes and Bands in California 1950," (Rincon1950).

With recommendations from Ponchetti, Mazzetti qualified these questions and presented them as practical and actual consequences that must be addressed if termination occurred.<sup>197</sup>

To further their anti-termination efforts, Mazzetti and Ponchetti went out night after night to reservation council meetings and homes to inform tribal councils and individual tribal members of the impending danger in San Diego and Riverside counties. Mazzetti emphasized that the State of California would impose property taxes on Indian lands with the implementation of termination. According to Mazzetti, if these property taxes were “not paid in five years, the state would claim the Indian land and run the Indians off,”<sup>198</sup> a fear very real in Indian country. The issue of water rights and access to viable water concerned most Southern California Indian communities after the Capitan Grande Indian Reservation was co-opted by the City of San Diego to build the El Capitan Reservoir. Mazzetti traveled many miles after work to Agua Caliente (Palm Springs), Torres-Martinez, and Morongo to meet with tribal representatives Viola Olinger, Virgil Lawson, Jane Penn (Mazzetti praised Penn as a great educator),<sup>199</sup> and Theodore Amigo, respectively, to garner support to combat the MIF’s attempts to push through termination in California.<sup>200</sup> Mazzetti and Ponchetti met with tribal representatives from the local San Diego County tribes. Robert Lavato and Juanita Ortega, a former MIF member disgruntled about the Willis money drives throughout Southern California reservations, from Pala and Sam Pawvall and Cleto Forbes from Pauma Indian reservations cast their support to the anti-termination movement. Ponchetti garnered support from the tribal councils of Barona, which included

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<sup>197</sup> Ibid.

<sup>198</sup> Max Mazzetti, "1950 Action Opposing Termination of Indian Land in California by Elected Tribal Councils-Personal Recollections," (MS, Unknown).

<sup>199</sup> Thorne, "William Pablo: Man of Malki."

<sup>200</sup> Mazzetti, "1950 Action Opposing Termination of Indian Land in California by Elected Tribal Councils-Personal Recollections."

Catherine Welch and Ramon Ames and Banning Taylor of the Los Coyotes Indian Reservation. Mazzetti and Ponchetti also met with Anthony Mojado, chairman of the Soboba Indian Reservation, who advised Mazzetti and Ponchetti that the MIF was influential in getting the Sherman Institute (Sherman Indian School) closed to California Indians in 1948. Mojado also blamed the MIF for the permanent closure of the Soboba Hospital, which provided free hospital and medical care for Indians. Mojado said he wished they (Mazzetti and Ponchetti) had organized sooner so that the elimination of Sherman and Soboba Hospital could have been stopped.<sup>201</sup> To coordinate their action group, Ponchetti, Mazzetti, and other anti-terminationists planned numerous brainstorming meetings throughout Southern California Indian country. A critical item on Mazzetti's agenda was a "water rights first" platform with the slogan, "Remember the Bishop Indians—Los Angeles took all their Water—it was devastating and many left"<sup>202</sup> the Owens Valley and were relocated to the cities.

While Mazzetti, Ponchetti, and other anti-terminationists worked to quash termination in Southern California. The MIF and its "white counselor" Purl Willis had persuaded Congressman McKinnon from the 23<sup>rd</sup> congressional district to support H.R. 7473 and testified at a congressional hearing in Washington, D.C. on February 28, 1950, that the release of the BIA

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<sup>201</sup> Mazzetti, "Indian Tribal Councils Take Action against Termination Federal Responsibilities and They Take Action for Water Rights of the Tribes and Bands in California 1950."

<sup>202</sup> Ibid.

In order to provide water needs for the growing City of Los Angeles, water was diverted from the Owens River into the Los Angeles Aqueduct in 1913. The Owens River Valley cultures and environments changed substantially. From the 1910s to 1930s the Los Angeles Department of Water and Power purchased much of the valley for water rights and control. For more on the Owens Valley, Paiute Indians, and the California water wars see: William Kahrl, *Water and Power: The Conflict over Los Angeles Water Supply in the Owens Valley* (University of California Press, 1983).; Norris Hundley, *The Great Thirst: Californians and Water-A History* (University of California Press, 2001).; John Walton, *Western Times and Water Wars: State, Culture, and Rebellion in California* (University of California Press, 1993).; Abraham Hoffman, *Vision or Villainy: Origins of the Owens Valley-Los Angeles Water Controversy*, Environmental History Series (TAMU Press, 2001). In Southern California dams and water rights are examined by Tanis C. Thorne, *El Capitan Adaptation and Agency on a Southern California Indian Reservation, 1850 to 1937* (Banning, California: Malki-Bellena Press, 2012).

would be in the best interest of all the Indians in Southern California. Ponchetti disagreed, stating, “We want the bill delayed until we get a chance to study it further. It seems to give us no new privileges, while taking away some benefits.”<sup>203</sup> Thus, two very different ideas of termination manifested throughout the reservations. The general public in San Diego County was used to public comments of emancipation, freedom, and erroneous remarks of citizenship made by Bureau of Indian Affairs about American Indians but not to the Indians themselves. With termination, however, the general populace in Southern California was soon to become aware of the dissension and differing opinions in Southern California Indian Country.

Agreeing they had “to move fast,”<sup>204</sup> Ponchetti and Mazzetti contacted Banning Taylor, tribal chairman of the Los Coyotes Indian Reservations, about calling a special meeting at Taylor’s hall on the Los Coyotes Indian Reservation. Approximately 400 Indians from the tribal councils<sup>205</sup> from reservations in Riverside, Imperial, and San Diego Counties and the Quechan of Yuma attended the mass meeting held on March 12, 1950. Steve Ponchetti called the meeting The Tribal Councils and Interested Indians and Organizations and later publicized it in the press. The members of the organization elected Ponchetti as chairman, Mazzetti as secretary/treasurer, and Bernardino Coutts (unknown tribal affiliation) as sergeant of arms of this “temporary organization.” Because this group was composed of tribal spokespersons and committee members, they called it the Spokesmen and Committee Organization (Spokesmen). The Spokesmen formed to protest the bill introduced by Representative Clinton D. McKinnon (D-San Diego) for the immediate release of federal wardship. One of the first questions that Ponchetti

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<sup>203</sup> Except from interview with Steve Ponchetti, Santa Ysabel Indian Reservation. Unknown Author, "Reservation Indians Ask Delay on Wardship Bill," *Los Angeles Times*, March 14, 1950 1950.

<sup>204</sup> Mazzetti, "Indian Tribal Councils Take Action against Termination Federal Responsibilities and They Take Action for Water Rights of the Tribes and Bands in California 1950."

<sup>205</sup> Tribal councils were and are the form of government on most Southern California Indian reservations.

asked those who attended was this: "Are you in favor of this delegation [Mission Indian Federation] going to Washington, D.C., asking for termination of the Federal Government and coming under the State?"<sup>206</sup> Many tribal chairpersons shared their concerns. One tribal spokesman expressed fears that many Indian homes would not meet state and county building codes and would be condemned. Another spokesman was sure that "this could also create another *Grapes of Wrath* composed of our Indian people." Others wanted to ensure title to their water and mineral rights. They wanted resurveys of reservation boundary lines in accordance with the patents because white settlers and some Indians had moved the boundaries.<sup>207</sup> Additional concerns were raised throughout the five-hour meeting when Ponchetti asked, "Are you people in favor of termination?"<sup>208</sup> The vote was unanimous in opposition to termination. Those present determined the next step was to demand a congressional meeting with representatives from both sides of the issue to understand what the termination legislation would do to Southern California Indian country. After lengthy discussions, it was moved and seconded officially to request the Commissioner of Indian Affairs to "come out with his heads of various departments to meet with us, here on the Reservation, since we do not have the funds to travel."<sup>209</sup> The Spokesmen immediately dispatched letters and telegrams to the Bureau of Interior Affairs in Washington, D.C.

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<sup>206</sup> Max Mazzetti, "Historical Overview of PL-280 in California," (Rincon: The Office of Criminal Justice Planning Indian Justice Program, 1980).p. 30. Personal knowledge of Mr. Max Mazzetti (Rincon Indian Reservation) gained from working with tribal councils and with federal, state, and county officials.

<sup>207</sup> Ibid.

<sup>208</sup> Mazzetti, "Indian Tribal Councils Take Action against Termination Federal Responsibilities and They Take Action for Water Rights of the Tribes and Bands in California 1950."

<sup>209</sup> Mazzetti, "1950 Action Opposing Termination of Indian Land in California by Elected Tribal Councils-Personal Recollections."

The Spokesmen formulated a plan of action. The group's leadership sent letters to government officials and gave interviews to local and state newspapers to explain the reasons termination was not an option in Southern California. The Spokesmen requested meetings with the Bureau of Indian Affairs' area director, James B. Ring, and Congressman McKinnon. On March 26, 1950, at the Los Coyotes Indian Reservation, James B. Ring; Will Rogers, Jr.;<sup>210</sup> Norman Littell, Assistant U.S. Attorney General and MIF supporter; and other officials met with the Spokesmen to discuss the issues. Ring informed the group that the MIF delegation had gone before the Appropriations Committee while in Washington, D.C., and asked that \$2,647, 871 be cut from the California BIA budget. This money, which had been allocated for school funds, irrigation, and land surveys, was now gone. The information outraged those in attendance. The Spokesmen initiated a campaign to send letters and telegrams to officials in Washington, D.C., and to California Senator Downey and Arizona Senator Goldwater to reverse the decision by the Appropriations Committee. Their campaign was successful, and the money was eventually restored to the California Indian bureau.<sup>211</sup> During the meeting, Norman Littell informed the Spokesmen that they were not a legal organization because they did not have a constitution and by-laws. During this confrontation with Littell, the representatives of the thirteen Mission Indian reservations unanimously passed a resolution that they "wanted nothing to do with Mr. Norman

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<sup>210</sup> Will Rogers, Jr., son of Cherokee humorist Will Rogers and Congressman (D-California, 1943-1944). Rogers, Jr. was a political activist and commentator concerned with California Indian Affairs.

<sup>211</sup> Mazzetti, "Historical Overview of PL-280 in California."

Littell.”<sup>212</sup> In response to Littell’s claims, the Spokesmen established Articles of Association and By-laws for the organization officially known as the Spokesmen and Committee Group.<sup>213</sup>

The formation of the Spokesmen and Committee Group splintered the fragile relationships between kinship, tribal, and reservation groups. Southern California Indian reservations separated into three groups: The Spokesmen and Committee, the MIF, and the “wait and see what happens or we don’t care” group. After the March 26th meeting, the antipathy, mistrust, and mudslinging between the Spokesmen and the MIF began in earnest. Valentine LaChusa, a member of the MIF and a Mesa Grande tribal member, contacted the San Diego County Board of Supervisors to repudiate and attack the Spokesmen’s chairman, Steve Ponchetti. LaChusa first condemned Ponchetti for not wanting to “be free.”<sup>214</sup> He then contended that Steve Ponchetti was “beside himself in this wardship matter” and asserted that it was the individuals “Coonradt” [*sic*]<sup>215</sup> and Officer Clark who spoke for Ponchetti. He also accused Steve Ponchetti of corrupting the Santa Ysabel tribal election in which Ponchetti had been elected tribal chairman during the previous election cycle. LaChusa insisted that “something is rotten” and that Steve Ponchetti was “NOT A MEMBER OF THE SANTA ISABEL [*sic*] INDIAN COMMUNITY.” He alleged Ponchetti and his allies of “stuffing the ballot box” and refusing to acknowledge the authority of Capitán Julio Guacheno (MIF member) in the election process. LaChusa clearly thought Ponchetti and his associates (i.e., Spokesmen)

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<sup>212</sup> Letter to Max Mazzetti, Rincon Band of Mission Indians and Delmer Nejo, Mesa Grande Band of Mission Indians from James B. Ring Bureau of Indian Affairs Area Director. March 9, 1951, Record Group 75, Mission Indian Records. National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>213</sup> Mazzetti, “Historical Overview of PL-280 in California.”

<sup>214</sup> Letter to Chairman and Members San Diego County Board of Supervisors from Valentine LaChusa Mesa Grande Indian Reservation. April 18, 1950. Record Group 75, Southern California Agency. National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>215</sup> Liaison between the Bureau of Indian Affairs and California tribes regarding education.



were pawns of the BIA and used that assumption to declare that they “don’t want to be free.” He emphasized the controversial hearing in February 1950 when Purl Willis presented the MIF agenda, concluding the “Mission Indian Federation is the only real organization in this area who ever defended Indians. Indians as citizens—we want to enjoy the blessings of a Free People. We cannot believe Steve Ponchetti knows what he is talking about.”<sup>216</sup>

LaChusa’s complaint that Steve Ponchetti was not an enrolled member of the Santa Ysabel Indian Reservation was valid. He was an enrolled member of the Mesa Grande Indian Reservation, as of 1949.<sup>217</sup> No information was found in the sources to clarify the reason the Bureau of Indian Affairs allowed the Santa Ysabel election results to stand. The BIA’s contentious relationship with the MIF could have contributed to the blatant disregard of Ponchetti’s tribal enrollment. Yet, the facts remain that the BIA ratified the 1950 Santa Ysabel tribal council election results and that Steve Ponchetti remained tribal chairman of Santa Ysabel. The ramifications of this election were evident because Ponchetti was one of the founders of the resistance movement against termination and the MIF lost the tribal council of Santa Ysabel.

Following up on LaChusa’s letter to the San Diego Board of Supervisors, on May 8, 1950, the MIF distributed data concerning petitions signed by Mission Indians who endorsed the H.R. 7473 and S. 3197 “Freedom Bills.” The table sent to the Board contained data on thirteen reservations considered wards of the federal government. The MIF considered this ample evidence for the County of San Diego to support termination.<sup>218</sup> In response to the orchestrated

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<sup>216</sup> Ibid.

<sup>217</sup> “Mesa Grande Enrolled Indians (Adults) Mission Indian Agency” June 5, 1949. Record Group 75, Mission Indian Records. National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>218</sup> Mazzetti, Max. Report by the Spokesmen and Committee Group. May 1950. Record Group 75, Mission Indian Records. National Archives and Records Administration Pacific Region (Laguna Niguel). The table included voting information from the Barona, Baron Long (Viejas), Campo, Old Campo (a part of the Campo Indian Reservation), Inaja, La Jolla, Los Coyotes, Pala, Pauma, Santa Isabel (sic), Sequan (sic), and Mesa Grande.

attacks on federal trust protection status and tribal sovereignty, Mazzetti wrote a report documenting the existence, as of May 1950, of seven reservations that had anti-termination leaders: Barona, Baron Long (Viejas), Pala, Pauma, Santa Ysabel, Rincon, and Mesa Grande. The Spokesmen scheduled regular meetings to maintain cohesion of the group. Mazzetti was pleased with the new converts from Barona and Mesa Grande, “making them have a comfortable majority on their side.”<sup>219</sup> At a Spokesmen meeting on May 21, 1950, a former Willis supporter, Dean Howell, stated that the MIF was able to push its agenda principally because of the inactivity of organized opposition.

The antipathy between the anti-federation and MIF members played out quite visibly in the 1950 Mesa Grande School Board election. Grace LaChusa, MIF member, MIF vice-president, Mesa Grande tribal member, wife of Valentine LaChusa, and a long-standing member of the school board, was defeated by a write-in campaign by the anti-federation faction (Delmer Nejo, future Mesa Grande tribal chairman). LaChusa’s opposition accused her of “consistently working with the white population to retain one of the most inefficient schools in the county. The only Indian one, in order to keep down taxes . . . Grace and her paleface friends are now licking their wounds for being asleep at the switch.”<sup>220</sup> Until that election, the Mesa Grande Indian Reservation was considered the headquarters of the Willis group. Subsequently, elections that vacillated between actual tribal politics and MIF or anti-MIF positions reflected the growing tensions between political opponents, friends, and families.

The fissures were evident in September 1950, with the representation issue continuing to create contention in the Mission Indian communities. On September 11, 1950, Stewart, the

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<sup>219</sup> Mazzetti, Max. Report by the Spokesmen and Committee Group. May 1950. Record Group 75, Mission Indian Records. National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>220</sup> Ibid.

former director, received a letter from the Indian office, stating that Norman Littell was employed as general counsel by seventeen bands of Mission Indians. The approval for this was given despite the fact that the contract was signed by the *capitáns* of the MIF and not the elected members of the tribal councils from the various Mission Indian reservations. Later, under questioning, MIF president Adam Castillo allegedly admitted that he executed the contract with Capitáns Miguel Calac for the Rincon Band and Valentine LaChusa for the Mesa Grande Band.<sup>221</sup> Neither man was authorized to sign contracts for the general councils of their respective reservations. The Bureau of Indian Affairs refused to validate Calac and LaChusa's authority as tribal representatives. This local attorney controversy played out on the national level when Dillon S. Myer and, by extension, the Bureau of Indian Affairs restricted tribal civil rights throughout the United States, specifically the right to hire attorneys.

The MIF was firmly behind Myer's termination policy. The organization had members on all reservations in Southern California. Its counselor, Purl Willis, was also adept at using the media to promote himself and to defend his policies. In an April 11, 1950, letter to the editor of the *Tribune-Sun*, Willis continued the rhetoric of "Indians must be free now."<sup>222</sup> His self-congratulatory tirade contended that he was not seeking publicity for himself and that his fight had always been for the Indians against "the Bureau monster."<sup>223</sup> His letter also emphasized the National Republican Committee's support for his battle against the BIA because the Republicans Party "favors reducing taxes, balancing the budget, eliminating government waste, protecting the

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<sup>221</sup> Letter to Max Mazzetti from James B. Ring, Area Director. Record Group 75, Mission Indian Records. National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>222</sup> Purl Willis, "Willis Tells Position on Affairs of Indians," *The Tribune-Sun*, April 11, 1950 1950.

<sup>223</sup> Ibid.

rights of minorities, safeguarding liberty against socialism, etc.”<sup>224</sup> However, Willis’s claims of the Republican Party’s tolerance are bemusing at best, considering the years immediately following, which included attempts to eliminate trust lands, the condemnation of different cultures, McCarthyism, and Operation Wetback. Thus, the beginning of the decade in 1950 commenced a time of intolerance and paranoia, especially against differing ideas and people of color.

While the United States government moved towards the elimination of federal trust protections and Willis continued to court the Republican National Committee’s values and claimed that termination only benefitted the Indians, California Indians continued to conduct business on their reservations. Disagreements always existed within tribal politics. Tribal meetings were arenas of political and economic discourse, sometimes polite and other times confrontational. The advent of termination initiated a divisive era in Indian country during which intra tribal feuds that had preceded termination created dangerous situations on reservations.<sup>225</sup> Opponents of the MIF, Mr. and Mrs. Sat Calac of the Rincon Indian Reservation, agreed that Indians should be freed from federal supervision but not immediately.<sup>226</sup> The Los Coyotes Band of Mission Indians took it one-step further. Leo B. Segundo, Joe Norte, Alfred Wilmus, and Tribal Chairman Banning Taylor voted to protest formally the termination policy. The Los Coyotes tribal council, by a general council vote of 35 to 4, decreed,

We the people of the Los Coyotes band of Indians do hereby request the following: That our lands remain tribal and held in trust by the government. In the future formulating of

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<sup>224</sup> Ibid.

<sup>225</sup> Unknown, "Seek Indian "New Deal", " *San Diego Union* 1950.

<sup>226</sup> Edmund Rucker, "Indians Not Yet Prepared for Freedom, Leaders Say," *San Diego Union*, January 11, 1950 1950.

plans for the Indian Service, the Indians would like to be consulted to obtain their views with regard to the appointment of supervisory personnel, namely superintendents of Indian reservations and the department heads which make up the facilitating personnel. The Indians would like to be consulted by . . . the Congress of the United States should determine beyond doubt whether proposals being made by Indians are views representing the majority of the enrolled population before any legislation affecting Indians.

The protest included demands for new water sources and construction of viable waterways. For years, non-Indian squatters had violated Indian reservation land boundaries. Tribal leaders had corresponded with the Department of Interior for relief and justice from the infringement of their lands, usually to no avail. However, this was matter not only for Los Coyotes but also for all Southern California reservations. All had been were subjected to illegal trespassers. Therefore, the tribe requested the resurveying of tribal boundaries. Additionally, they requested improved infrastructure and the assignment of all mineral rights only to enrolled Los Coyotes Indians.<sup>227</sup>

Many of the California Indian tribal councils<sup>228</sup> requested a formal congressional hearing to be held in San Diego, making attendance possible for representatives who could not afford a trip to Washington, D.C. On October 18, 1950, a congressional meeting was held at the Chamber of Commerce Building in San Diego to ascertain the future of Indian lands in Southern California. The House of Representatives was represented by three California Congressmen who were members of the House Committee on Public Lands: Clair Engle (D-Red Bluff), Morris Poulson (R-Los Angeles), and Clinton D. McKinnon (D-San Diego). Both the MIF and the Spokesmen attended, including Purl Willis; Marguerite Steen, chairwoman of the Indian

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<sup>227</sup> Ibid.

<sup>228</sup> A tribal council is the elected representatives of an individual Indian reservation. During the termination crisis tribal councils were comprised of both Spokesmen and Mission Indian Federation representatives.

Committee Federation of Women's Clubs; representing the Spokesmen: Steve Ponchetti (Santa Ysabel,) Max Mazzetti (Rincon), Cruz Siva (Los Coyotes), Ramon Ames (Barona), Juanita Ortega (Pala), Ramon Garcia, and Marion Arenas. Representing the Mission Indian Federation: Adam Castillo (Soboba), Jim Martinez, and Ben and Ruby Amago.

Purl Willis, in his role as the "white counselor," led the proponents of the termination bill, claiming that the bill would "abolish the Indian Bureau and give the Indians, the full exercise of their rights, duties, and privileges as American citizens."<sup>229</sup> According to Mazzetti,<sup>230</sup> Willis was one of the best speakers on Indian rights and grievances, not only polished in his arguments but also dramatic, with a quiver in his voice and tears in his eyes that effectively convinced the people of the issues at hand. Many told stories of Willis being the envy of many attorneys because few others were able to do his tone or tears. During the 1930s, although Willis brought day-old bread to the Indians because times were so hard, he and his friends travelled from reservation to reservation to collect money from these same Indians who were sympathetic to Willis's cause. Even though they could not afford bread, they were coerced into giving money to the MIF.<sup>231</sup>

Tribal leaders from San Diego and Riverside Counties Indian reservations represented the anti-termination side: Steve Ponchetti (Santa Ysabel), Max Mazzetti (Rincon), Juanita Ortega (Pala), and Cruz Siva (Los Coyotes). Ponchetti argued, "Our reservations are very poor. We are asking [for] time to get ourselves prepared before we lose the protection of the Indian

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<sup>229</sup> Author Unknown, "Congress Committee Finds Indians at Odds on Freedom," *San Diego Union*, October 19, 1950 1950.

<sup>230</sup> Personal recollections of Max Mazzetti (Rincon Indian Reservation)

<sup>231</sup> Ibid.

Bureau.”<sup>232</sup> Different speakers emphasized that the present withdrawal legislation did not guarantee any solution to the Indian problems of housing, water, mineral rights, and the resurveying of Indian lands. Thus, the result would be the rapid loss of Indian land ownership that would leave many families poor and homeless.<sup>233</sup> Ortega emphasized that “we do not want to see our young people on the roadside of this state as paupers.”<sup>234</sup> Siva added that the “Indians were in disagreement over the advantages and disadvantages of their proposed freedom.”<sup>235</sup> Mazzetti argued that Indians were already American citizens, not wards of the government.<sup>236</sup>

Although to some state and national publications, this was just one more meeting about the Indian problem, it meant a great deal to the Indian representatives at the meeting. It drew attention to the anti-termination group and support for it. Congressional representatives sent reports to the Bureau of Indian Affairs, which documented the state of unrest regarding termination in Southern California, for the files. However, the main result of this regional congressional hearing was the emergence of an anti-termination resistance group that created an agenda to present to the federal authorities. Up to this time, the active Indian groups had been the MIF and the Federated Indians of California, led by Willis and Frederick G. Collette, respectively

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<sup>232</sup> Unknown, "Congress Committee Finds Indians at Odds on Freedom."

<sup>233</sup> Mazzetti, "Historical Overview of PL-280 in California." p. 33.

<sup>234</sup> Unknown, "Congress Committee Finds Indians at Odds on Freedom."

<sup>235</sup> Ibid.

<sup>236</sup> Unknown, "Congress Committee Finds Indians at Odds on Freedom." Other notables present at this meeting were: Ramon Ames (Barona, Spokesmen and Committee), Ramon Garcia (Spokesman and Committee), Marion Areana (Spokesmen and Committee), Jim Martinez (MIF), Adam Castillo (MIF), and Ruby and Ben Amago (Indian leaders from the 1920s).

The presentations of the hastily organized group led by Ponchetti and Mazzetti also attracted the attention of a national organization, the NCAI, gaining the group an ally in urban Los Angeles. The Los Angeles branch of the NCAI<sup>237</sup> requested that the Appropriations Committees of the House and Senate maintain the federal appropriation for California Indians.<sup>238</sup>

On November 14, 1950, Commissioner Dillon S. Myer, Associate Commissioners H. Rex Lee, J. M. Stewart, Area Director James B. Ring, Land Officer Douglas Clark, and BIA Legal Advisor on Irrigation Mr. Humphries attended a meeting sponsored by the Spokesmen at the Los Coyotes Indian Reservation. Steve Ponchetti opened the meeting by introducing the government officials and staff. Representatives from approximately twenty-two Indian reservations and close to four hundred Indians attended. Myer informed the group:

That this was the first time a Commissioner has come to California and . . . there has been for some time now, various Indians from California requesting to abolish federal police on California reservations. There are two areas the sheriffs now handle, Palm Springs [Agua Caliente] and Soboba. I understand the Indians are dissatisfied with the handling of their Indian people. I think the Bureau will be terminated within three to five years. We have asked for additional funds for 1952 to supplement our staff to get the surveying going, the water systems, roads, and welfare. Certain people have asked that we get out tomorrow. I don't want to make such a quick termination if it would hurt anyone.<sup>239</sup>

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<sup>237</sup> Max Mazzetti would become a lifelong member of the National Congress of American Indians.

<sup>238</sup> Unknown, "Continued Federal Aid Requested for California Indians," *Los Angeles Times* 1950. The leadership of the Los Angeles National Congress of American Indians consisted of Victor Kelley, Choctaw-Wilson High School Physical Education Instructor; W.H. Pilcher, Omaha-a Whittier Insurance Man; and Martin Johnson, Cherokee-Federal Housing Administration Auditor. The past president of the National Congress of American Indians Los Angeles Richard W. Johnson, Cherokee and Kelley were both Carlisle Indian School graduates and teammates of Jim Thorpe. What is notable about the Los Angeles branch of the National Congress of American Indians was that there were no California Indians involved in this urban Indian organization.

<sup>239</sup> Mazzetti, "Historical Overview of PL-280 in California."p.32.



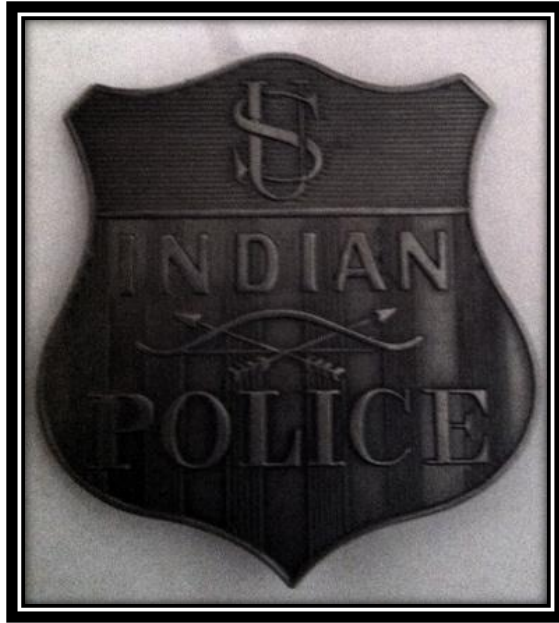
From the audience a question was asked of Commissioner Myer: How far along is the BIA's liquidation program of the Indian reservations and what do you intend to do? Myer answered that he wanted to "move ahead as quickly as possible."<sup>240</sup>

A part of Myer's termination plan involved eliminating Indian reservation police forces in California. This meeting was the first time the subject of criminal and civil law being transferred to the State had been presented to the Indians in California. The Bureau of Indian Affairs had appointed Indian police officers since the turn of the twentieth century. The appointment as an Indian policeman was an honor, a duty not taken lightly. However, in some situations, the power given by the Bureau was taken too literally. It was not uncommon for violent confrontations to occur between Indian citizens and the Indian police.<sup>241</sup> The State of California had always had a "hands off" attitude regarding Indian law and order. The State and local governments had hesitated about criminal matters on Indian reservations and were not ready to take on these responsibilities.

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<sup>240</sup> Ibid.

<sup>241</sup> The author's paternal Great-Grandfather Juan Leo served as a Federal Indian Policeman for many years. He was involved in the Campo incident chronicled in Thorne, "Death of Superintendent Stanley and the Cahuilla Uprising, 1907-1912."



Photograph 5. Badge used by the Indian Police. Photograph courtesy of Heather Marie Ponchetti Daly.

Even though Myer preached the importance of “freedom and emancipation” for all reservations with the elimination of federal trust protections, he was not above implementing the BIA’s guidance in hiring legal representation. During all this posturing of freedom, Myer deliberately undermined the civil freedom that all American citizens have the right to hire attorneys to represent them in courts of law. Prior to the meeting on November 9, 1950, Myer issued a detailed set of regulations to govern attorney contracts between Indian tribes and their attorneys. These new policies set attorney fees and prohibited monthly retainer contracts. Tribes had to employ local attorneys except for claims and legislative work with Congress. The BIA retained the authority to decide whether tribes needed legal assistance and if they could afford lawyers. Furthermore, attorneys could accept only a limited number of Indian contracts; and

tribes could not make advance payments to claims attorneys, who were to work on a contingency fee basis.<sup>242</sup>

This announcement by the BIA was of immediate concern to the NCAI and proponents of Indian self-determination who saw these regulations as harmful to the Indians. The NCAI stressed that basic civil rights were in peril and that Myer's attorney regulations subjected Indians to even more bureau supervision. Myer refused to listen to the NCAI; instead, he issued thirty-six regulations governing contracts between attorneys and Indian tribes. These regulations gave Commissioner Myer the power to monitor the activities of lawyers and their Indian clients and, in doing so, to discourage Indian political activism, and to intimidate tribes with threats of restricting awards from the Claims Commission.<sup>243</sup> Republican Senator Author Watkins (Utah) later used the threat of restricting the Court of Claims awards to intimidate and coerce tribes to accept termination. The hypocrisy of Myer's regulations was that they were the polar opposite of his rhetorical stance for the emancipation of Indians. Myer rationalized this contradiction by insisting that the emancipation of the Indian had not yet occurred and, therefore, the Indian needed the bureau's supervision on all legal matters.

Commissioner Myer denied that he was depriving the Indians of their basic civil rights and ignored the rampant bitterness and frustration that affected Indian tribes throughout the country. However, former Secretary of the Interior Harold L. Ickes challenged Commissioner

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<sup>242</sup> Philp, *Termination Revisited American Indians on the Trail to Self-Determination, 1933-1953*, p. 112. See also: Underdal, "On the Road Toward Termination: The Pyramid Lake Paiutes and the Indian Attorney Controversy of the 1950s."

<sup>243</sup> Philp, *Termination Revisited American Indians on the Trail to Self-Determination, 1933-1953*. Historians Kenneth R. Philp and Stanley James Underdahl contend that one of the reasons for Myer instituting such draconian attorney/Indian contract regulations was to curtail the activities of attorneys James Curry, Theodore Haas, and Felix S. Cohen. For more on the attorney contract controversy see: *ibid.* and Underdal, "On the Road Toward Termination: The Pyramid Lake Paiutes and the Indian Attorney Controversy of the 1950s." For more on Felix Solomon Cohen see: Dalia Tsuk Mitchell, *Architect of Justice Felix S. Cohen and the Founding of American Legal Pluralism* (Ithica: Cornell University Press, 2007).

Myer and his ideology. In an article in the *New Republic*, Ickes lambasted Myer as being a “Hitler and Mussolini rolled into one. He is judge, jury, keeper of America’s conscience and high executioner.”<sup>244</sup>

In a letter to Secretary of the Interior Oscar L. Chapman, San Francisco attorney Charles de Y. Elkus, who was on the board of directors of the Association of the American Indian and a member of the American Friends Service Committee, also criticized the restrictions placed on attorney contracts. Elkus informed Chapman that the issue of Indian water rights in Southern California, which had been a problem since the early twentieth century when water and water rights became valuable commodities for the rapidly growing California cities, continued to require close attention. Elkus advised Chapman that attorneys should be employed for the pursuit of certain objectives for the Indians of California. BIA rules that limited an Indian-hired attorney to a limited two-year contract seemed “both unreasonable and arbitrary.” Such actions caused unrest among the Indians in that they felt threatened and not permitted to protect their rights. In this, Elkus expressed, “I believe they have justifiable cause.”<sup>245</sup>

The move to oversee and dictate attorney tribal contracts was extremely unpopular, and Myer’s power-play to control the attorney contracts eventually turned into a public relations nightmare for Myer, the BIA, and Secretary of Interior Chapman. The American Bar Association led the challenge against Commissioner Myer’s definitions of who had the right of legal representation in the United States. The bad publicity led Chapman to work with Senator Clinton P. Anderson (D-New Mexico) to hold congressional hearings to investigate the fraud

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<sup>244</sup> Ickes, ““Justice” In a Deep Freeze.” Record Group 75. Letters of Secretary of Interior. National Archives at College Park, College Park, MD.

<sup>245</sup> Charles De Y. Elkus, “Letter to Oscar L. Chapman, Secretary of the Interior from Charles De Y. Elkus, JD,” ed. Oscar L. Chapman (San Francisco 1951).

committed by tribal attorneys to distract public attention from the criticisms leveled at Myer and the BIA. Tribal leaders and “friends of the Indians” also destroyed Myer’s credibility as an opponent of federal paternalism because he conducted himself in a most paternalistic fashion. The attorney controversy reiterated the static government response to American Indian self-determination and generated another issue in the battle against the Bureau of Indian Affairs.

While the attorney controversy continued on the national level, tribal election controversies erupted on Southern California Indian reservations. The reservations that contributed to the polemics of tribal politics were the ones that continued to protest for or against termination. The December 1950 Mesa Grande tribal council elections elicited an uproar against the Bureau of Indian Affairs and, especially, the Spokesmen and Committee Group. Members of the MIF lost control of the tribal council as a result of the election, and the clamor began. These individuals claimed that the tribal election was “fake and illegal,” controlled by a “rebel group of Indians, some who are not enrolled members of our group of Indians.”<sup>246</sup> The group attacked Chairman-elect Delmer Nejo in an especially vitriolic manner, claiming he was not enrolled<sup>247</sup> at Mesa Grande, and refused to acknowledge his chairmanship. They charged that the “Indian Delmer Nejo took the floor and assumed to speak for the Mesa Grande Indians . . . he charged that all Indians who have declared they want to be free from wardship of the Indian Bureau will be put off the reservation and lose all their rights.”<sup>248</sup> The group brought up the petition circulated in February 1950, claiming that 592 out of 800 adult Mission Indians signed the

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<sup>246</sup> Letter to Harry Gilmore, Sub-Agent Bureau of Indian Affairs from Valentine LaChusa, et al. Mesa Grande Indian Reservation. December 6, 1950. Record Group 75, Mission Indian Records. National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>247</sup> Delmer Nejo’s parents were enrolled members of the Mesa Grande Indian Reservation. However, Delmer Nejo was born off the reservation and it is unclear why he was not automatically enrolled as a tribal member. He was later “adopted” into the tribe.

<sup>248</sup> Ibid.

petition in favor of H.R. 7473. The Spokesmen contested the petition on the grounds that many of the signatures were falsified.<sup>249</sup> They ended their complaint by claiming the cause of the serious dissention between the reservation groups was entirely the fault of the Bureau of Indian Affairs. According to this faction, all the Indians wanted was the “release from all forms of INDIAN BUREAU WARDSHIP.”<sup>250</sup>

The correspondence from the Mesa Grande MIF members<sup>251</sup> demonstrated a complete disregard of the general council decisions regarding tribal leadership. This group complained that the rebel group spoke for all Mission Indians, an irony that they did not acknowledge. For over two decades, the MIF had always claimed that they were the only representatives for Mission Indians. Thus, when opposed, they castigated the Spokesmen and labeled them rebels, an incongruous charge considering how the MIF was founded. It appeared to be common practice for the MIF to question tribal enrollments regarding the Spokesmen as they gained advantage and power on the reservations. The MIF used the rhetoric of being unpatriotic and rebellious to describe anyone associated with the Spokesmen.

In 1951, James B. Ring, area director of the BIA Sacramento Area Office, noted that the Mission Indians in the south were protesting the withdrawal of the Indian bureau because they feared the “unscrupulous dealings of real estate interests and racketeers.”<sup>252</sup> James Ring

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<sup>249</sup> Mazzetti, Max. Report by the Spokesmen and Committee Group. May 1950. Record Group 75, Mission Indian Records. National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>250</sup> Letter to Harry Gilmore, Sub-Agent Bureau of Indian Affairs from Valentine LaChusa, et al. Mesa Grande Indian Reservation. December 6, 1950. Record Group 75, Mission Indian Records. National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>251</sup> Mesa Grande Mission Indian Federation members responsible for the letter to Gilmore: Valentine LaChusa, George Ponchetti, Charlie Ponchetti, Lila LaChusa, Sebastian Guassac, Eva Lloyd, James Lloyd, and Grace LaChusa.

<sup>252</sup> Smoke Signal excerpt. A.L. Kroeber Papers, BANC FILM 2049, The Bancroft Library, University of California, Berkeley. August, 1951.

scheduled a meeting for April 8, 1951, with the Spokesmen and Committee Group to discuss the survey that would coincide with the BIA's proposed plan for the termination of bureau activities in the California. Ring's letter to Santa Ysabel Tribal Chairman Steve Ponchetti emphasized that this "is not another useless survey as our approach will be through the Indians in order to gain the benefit of their thinking and their proposals for the future welfare of their reservations."<sup>253</sup>

The surveys conducted by the Bureau of Indian Affairs targeted Indian reservations and lands with potential for oil and gas production, timber, minerals, and water, which then became highly vulnerable to land-grab tactics.<sup>254</sup> The bureau and private enterprises pressured tribes to open large tracts of reservation land to lease operations. This was especially true at the Fort Peck Reservation in Montana, Sioux reservations in the Dakotas, the Apache and Navajo reservations in Colorado and New Mexico,<sup>255</sup> and the timberlands in Minnesota, Oregon, and California. The Indians in Southern California were aware that the United States government and corporate interests coveted land, water, and timber. A blatant disregard of the federal trust responsibility, the federal government's encouragement of Indian tribes to mortgage trust lands was egregious, setting up many of the Indian lands for taxation and mortgaging them out of Indian hands.

Myer's idea of transferring all civil and criminal jurisdictions to the State of California started to become a reality. James B. Ring contacted Max Mazzetti to gain his support for the proposed bill. H.R. 5456 recommended the transfer of criminal jurisdiction with the proviso that Indian hunting and fishing rights and other federally protected rights be retained. It also provided that the federal courts retain concurrent jurisdiction over ten major crimes. It sought the

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<sup>253</sup> Letter to Steve Ponchetti, Spokesman-Santa Ysabel Band of Mission Indians from James Ring, Area Director-Bureau of Indian Affairs. March 6, 1951. Record Group 75, National Archives and Records Administration, Pacific Region (Laguna Niguel).

<sup>254</sup> Patricia K. Ourada, "Dillon Seymour Myer 1950-53," in *The Commissioners of Indian Affairs, 1824-1977*, ed. Robert M. and Viola Kvasnicka, Herman J. (Lincoln and London: University of Nebraska Press, 1979). p. 297.

<sup>255</sup> Ibid.

repeal of Section 3 of the Federal Indian Liquor Law as it applied to the Indians of California.<sup>256</sup>

Although this proposed bill set in motion the passage of the controversial Public-Law 280 two years later, at this time, it was just a promise to make legal matters more convenient.

The *Smoke Signal* reported in its coverage of the June 10, 1951, Spokesmen meeting that Steve Ponchetti, the Santa Ysabel tribal chairman, was concerned about the activities of Purl Willis and Norman Littell (MIF attorney) in Southern California Indian country. Ponchetti stated that Willis intimated that he represented all the Indians in Southern California but, in reality, represented only the few who were in his organization, the MIF, and that he was a drawback to the Mission Indians' progress with the Department of the Interior. Attending this meeting was Frederic A. Baker, a legal advisor to the BIA. Ponchetti asked Baker "why such men were allowed to take part in Indian affairs, as Willis has not been working for the good of the Indian People."<sup>257</sup> Baker blamed the lack of forceful public opinion and the lack of courage of "our" public officials to "face their responsibilities" to speak out against Willis and the MIF as crooks and racketeers.<sup>258</sup>

The disbarment of Frederick George Collette,<sup>259</sup> Executive Secretary of the Federated Indians of California, Inc., from representing or acting as agent for any Indians before the Department of the Interior was announced by former Indian Commissioner John Collier at the conclusion of an extended hearing before a subcommittee of the House Indian Affairs

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<sup>256</sup> James B. Ring, "Letter to Max Mazzetti Tribal Chairman Rincon Indian Reservation from Area Director James B. Ring," ed. BIA (Sacramento 1951).

<sup>257</sup> *Smoke Signal* excerpt. A.L. Kroeber Papers, BANC FILM 2049, The Bancroft Library, University of California, Berkeley. June 10, 1951.

<sup>258</sup> *Ibid.*

<sup>259</sup> Collett acted as one of the first to resist the Bureau of Indian Affairs' procedures. His policies during termination were compatible with the Mission Indian Federation.



Committee. Although Collier no longer was acting commissioner, he maintained influence within the Bureau of Indian Affairs and denounced Collette, Willis, and Burner as Indian racketeers who collected money from the poorest Indians on the pretext of obtaining millions for them. Collier accused F. Collett, Purl Willis, and Joseph Bruner; all foes of the former commissioner, of being leaders in a movement to have the federal government withdraw its protective guardianship over Indian property and throw what is left of the once great Indian estate open to exploitation.<sup>260</sup> In 1951, F. G. Collett, who claimed the title executive representative of the Indians of California, Inc., and two Indian delegates from that organization went to Washington, D.C., proclaiming themselves official representatives of all the Indians of California. It did not matter that approximately 20,000 Indians, especially those in Southern California, did not know who these individuals were.<sup>261</sup>

Meanwhile, Dillon S. Myer addressed a meeting of the NCAI on July 25, 1951, hoping to alleviate criticisms of his federal Indian policies, to defend his policies, and to emphasize that the personal attacks and the “atmosphere of recriminations and suspicion and antagonism . . . [are] not in the best interest of the Indians.”<sup>262</sup> In his speech, he denounced his distracters, the NCAI, and Indians in general: “It has been a rather full year. There have been times when I have had

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<sup>260</sup> Commissioner Collier supplied evidence to the sub-committee that Collett and Willis, with Bruner trailing, have been extending their operations from California to various parts of the Indian country, inducing a number of individual Indians to make common cause with them, and that these white men have been fomenting and directing the activities of a small group of self-styled Indian chief who, he stated for the last 3 months have voiced their opposition to the administration’s policy of fundamental Indian rehabilitation before the sub-committee. The Commissioner denied that the Indian witnessed marshaled and guided by Collett, Willis, and Bruner, spoke for any tribe or considerable group, with perhaps two exceptions. He analyzed the statement and a charge make by Willis, Bruner, and a number of other witnesses guided by them, offering proof these charges and statements were based either on ignorance of or on the willful distortion of facts, to serve their individual selfish purposes.

<sup>261</sup> University of California Bancroft Library, Berkeley, "F.G. Collett DISBARRED," *Smoke Signal*. 1951.

<sup>262</sup> Office of the Commissioner of Indian Affairs, "Address by Dillon S. Myer, Commissioner of Indian Affairs. At the Eighth Annual convention of the National Congress of American Indians, St. Paul, Minnesota, July 25, 1951," ed. Interior (Washington D.C.1951). Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration, Washington, DC. p.2.

difficulty in recognizing myself from the descriptions of me and my actions that have appeared in the pages of the Washington Bulletin of the NCAI and in other places.” Myer attacked the accusations leveled at the BIA directly. First, he wanted to dispel the belief that the bureau was “engaged in a kind of subtle, Machiavellian attempt to enlarge and expand its control and supervision over Indian affairs, through a new type of paternalism.” Myer claimed these types of attitudes concerned him because it was the “all-too-familiar propaganda efforts in other parts of the world which try to persuade people that white is black and day is night.”<sup>263</sup> He expressed surprise that his policies were vigorously questioned, argued that he believed that it was just “some people who seem to seize upon every opportunity . . . to put the Bureau in a bad light and to build up in the minds of the Indians the impression that they must be protected against the alleged evil designs or the supposed muddle-headedness of the Bureau and its personnel.”<sup>264</sup> Myer defended his record and his decisions by continuously referring to the 1928 Meriam Report.<sup>265</sup> Myer explained that he liked this statement probably because it was a blueprint for categorizing the Indians under his jurisdiction: “Fundamentally, it seems to me, we are dealing with two major types of Indian people: (a) those who want to merge into the general pattern of our national life and take their place in ordinary communities alongside other American citizens, and (b) those who prefer to continue living on Indian lands and as members of Indian tribes or

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<sup>263</sup> Ibid. p.3.

<sup>264</sup> Affairs, "Address by Dillon S. Myer, Commissioner of Indian Affairs. At the Eighth Annual convention of the National Congress of American Indians, St. Paul, Minnesota, July 25, 1951." p. 2. Record Group 75, Records of Dillon S. Myer. National Archives and Records Administration Washington D.C.

<sup>265</sup> This report emphasized the condition of Indians in the United States; it stated that the object of work with and for the Indians is to fit them either to merge into the social and economic life of the prevailing civilization...or to live in the presence of that civilization at least in accordance with minimum standard of health and decency. Ibid.

other distinctively Indian organizations.”<sup>266</sup> Myer’s attitude towards Indians contributed to the way in which he and the BIA dealt with the tribal attorneys and the controversy it generated.<sup>267</sup>

Members of the NCAI greeted Myer’s comments with skepticism: “[The] National Congress of American Indians believe that the civil rights of Indians are in extreme peril if Commissioner Myer is allowed to continue with his avowed policy of refusing Indians the right to employ legal counsel.” The NCAI further reiterated that although Myer and the BIA preached about emancipation, the actions by the BIA and the Department of Interior showed a different path. The NCAI believed that the “misplaced attempt at protection of the Indian people by the present administration of the Bureau of Indian Affairs is predicated on the belief that Indian people are incompetent to make decisions and choices most advantageous to them.”<sup>268</sup>

Cruz Siva (Los Coyotes Indian Reservation), an anti-terminationist, sent a letter to President Truman to plead for the Indians of Southern California. Cruz used the victimization

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<sup>266</sup> Affairs, "Address by Dillon S. Myer, Commissioner of Indian Affairs. At the Eighth Annual convention of the National Congress of American Indians, St. Paul, Minnesota, July 25, 1951."

<sup>267</sup> On October 24, 1951, the official BIA policy concerning employment of tribal attorneys was distributed to the public:

- 1) Hereafter the Bureau will eliminate the stipulation of fees; fees will be determined by the Bureau of Indian Affairs, case by case; there will be no monthly retainer employment.
- 2) Local attorneys must be employed; there will be no Washington attorneys approved, except for claims work and work with Congress, and this on a case by case basis.
- 3) The Indian Bureau will determine in each instance whether the Indian tribe or group need a lawyer—and whether the group can “afford” a lawyer.
- 4) Only a limited amount of Indian business can be accepted by any one attorney.
- 5) Indians cannot make any advance payment to claims attorneys; all attorneys for claims must be employed on a contingent fee basis.

National Congress of American Indians, "Memorandum: Concerning Employment of Tribal Attorneys," (Washington D.C.: National Congress of American Indians, 1951). Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration, Washington, DC.

<sup>268</sup> Ibid.

narrative to argue his position. He asserted that termination is “very tragic and inhuman thing to do or impose on helpless Indians in this State.”<sup>269</sup> Cruz complained that once again the United States Congress had broken its promises to Indians with the threat of termination. He emphasized that if the bill passed, the “Indians of California would be turned out, stock and barrel on impoverished land . . . the worst land in the State, and they would not only be expected to make a living on it . . . which he is having a hard time to do now . . . but he would be bound by law to make enough money from it to pay taxes.” Throughout the letter, Cruz used various terms of victimization of American Indians by the white man, much in the same vein as Helen Hunt Jackson more than seventy years before. Cruz used the terms *uneducated*, *helpless*, *lacking aggression*, and *tragic*. He also attempted to use the “white man’s guilt” and implored the president to allow the reservations to remain tax free. Cruz reiterated that federal trust protections were deserved because “we are paying in part for past injustices perpetrated on Native Californians.”<sup>270</sup> Siva’s letter went through the forwarding process of the federal government and eventually ended up in the office of the BIA. It is not known if Siva received a reply from either the bureau or the office of the president.

The activities of the federal government to eliminate the federal protections of Indian reservations caught the attention of government officials in San Diego County. In 1951, San Diego District Attorney Don Keller and Supervisor Dean E. Howell (Escondido) toured both Pala and Santa Ysabel Indian reservations to discuss the impending emancipation that Congress planned for the California reservations. Keller expressed his opinion about what would happen

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<sup>269</sup> Letter to President Harry S. Truman from Cruz Siva, Los Coyotes Indian Reservation. November 20, 1951. Record Group 75, Mission Indian Records. National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>270</sup> Ibid.

to the several thousand San Diego County Indians if this took place,<sup>271</sup> his ultimate concern not what would happen to the San Diego County Indian land base but the possibility that these Indians would wind up homeless indigents living on the county's welfare relief rolls. Keller reiterated that the following problems had to be addressed or else Indians would be a problem of the State of California and especially of the County of San Diego:

1. An exact survey of the boundaries of the Indian reservations in San Diego County had to be made.
2. The question of water rights must be adjudicated by the courts, and patents on the land worked out for the Indians.
3. Indian water rights and non-Indian water rights near reservation lands had to be clarified.
4. Whether or not the Colorado River water allocation would now have to be shared with San Diego County Indians must be determined.
5. The status of mineral rights on San Diego County Indian reservations had to be clarified.
6. The questions of how to make the Indians' dry, unproductive land produce enough to support the families living on it and of how to make the Indians farmers had to be answered.
7. The question of housing that had to meet state and county basic standards needed clarification.
8. Encumbrances on Indian lands had to be settled.

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<sup>271</sup> Ralph Fairchild, "Even Break Sought for County Indians: Keller Lists Nine Major Problems to Solve Before they Become Citizens," *San Diego Union* 1951.

Keller had good general ideas for protecting Indians from being swindled out of their land holdings and correctly observed that the United States government had “fallen down on the job” on so many past promises to all Indians. Yet, even though Spokesmen and Committee representatives Max Mazzetti and Steve Ponchetti believed Keller was a “good friend”<sup>272</sup> to the Indian and was one of the few government officials that chose to support the anti-terminationists, Keller believed California Indians were ready for new standards of living and should not try to cling to traditional tribal modes of living. Keller’s support, however, emphasized the erroneous assumption shared by most non-Indian citizens of America had: Indians were not American citizens and needed emancipation.

By 1952, Southern California Indians against termination realized what was happening in Washington, D.C. The termination legislation was on the “fast track,” and the federal government attempted to transfer all civil and criminal jurisdictions to the State of California. Before House Concurrent Resolution 108 passed in 1953, the House considered other resolutions. The House introduced H.R. 7489, H. R. 7490, and H. R. 7491 to Congress to facilitate the termination of federal supervision over the affairs of Indian tribes and other bands and individual Indians. The purpose of these resolutions was to provide for the termination of federal protection over the trust and restricted property of Indian tribes and individual Indians, for the disposition of federally owned lands set for the use and benefit of such Indians, and for the termination of federal services furnished such Indians because of their status as Indians.<sup>273</sup> These resolutions were floated through the House of Representative to determine how the members would receive these resolutions.

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<sup>272</sup> Personal note by Mr. Max Mazzetti.

<sup>273</sup> A Bill {Adapted from H.R. 7489}, Records of the Bureau of Indian Affairs. Record Group 75; National Archives and Records Administration. Washington D.C.

Just as the threats for termination were ever present, so were the Indian crime bills presented to Congress. Steve Ponchetti and Max Mazzetti sent correspondence to Representative Emanuel Celler, chairman of the Committee on the Judiciary, regarding H.R. 5476. They expressed their dismay at yet another attempt to grant the State of California criminal jurisdiction over California reservation lands and cited the reasons the crime and criminal procedures set forth in H.R. 5476 would not work in California Indian country. Mazzetti and Ponchetti emphasized that the U.S. government had tried the same thing with the Indians of the Palm Springs Reservation (Agua Caliente), which had not worked to the Indians' advantage. Not only did the criminal laws apply, but also the state and county regulations governing housing, sanitation, and building applied thereby resulting in many hardships for the Indians, including condemnation of their houses. They both felt that if the Indians accepted this law "we would be loosing [*sic*] many privileges that we now enjoy, such as hunting and fishing on our reservations, without state licenses and regulations, although the bill states that we will not loose [*sic*] these privileges, we do not want to accept it until we have a definite negotiation with the county and state."<sup>274</sup>

Ponchetti and Mazzetti were cognizant that the Indians did not pay land and property taxes to the State of California or to the counties, "as our land is held in trust by the government, therefore we are wondering how the county and state would feel about giving us protection, where would the pay come from?" Ponchetti and Mazzetti reemphasized the November 15, 1950, meeting and restated that Commissioner Dillon S. Myer commented on law enforcement

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<sup>274</sup> Steve Ponchetti and Max Mazzetti, "Letter to Hon. Emanuel Celler Chairman Committee on the Judiciary from Steve Ponchetti and Max Mazzetti, Spokesmen and Committee," (Rincon Indian Reservation March 22, 1952).

issues on Indian reservations, admitting that “there are certain problems . . . Last year this was tried at Palm Springs, I understand we would be better off if we had our Indian Police back.”<sup>275</sup>

The BIA contacted the U.S. Geological Survey in the summer of 1952 to conduct a preliminary study of Southern California Indian reservations to ascertain the possibilities of developing the underground water table. The development of water resources where it is found feasible was to be a phase of the planned withdrawal of federal supervision of Indian affairs in California<sup>276</sup> The response by the Indians, mainly the Spokesmen, was this:

Could you please give us the full information and give us the full agreement that you have with the U.S. Geological Survey? It seems to us that you are going ahead and making plans for the withdrawal with the Geological Survey without consulting the Indians whatsoever. Since you have requested that we answer by August 1st, and we have no definite understanding with you or the Geological Survey, it will be impossible to answer until we meet with you. We want to be sure of our water rights, why develop a well when we don't have water rights clarified on most reservations. The boundary line surveys go the same, as we have requested that in the past that all reservations are re-surveyed according to the patents and not according to re-checkups by BIA officials.<sup>277</sup>

Mazzetti continued with the public relations campaign and informed Leonard Hill that he had contacted the local newspaper, the *Times Advocate*, to write an article about the reasons the

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<sup>275</sup> Ibid.

<sup>276</sup> Letter to Banning Taylor, Los Coyotes Reservation from Leonard M. Hill, Area Director, Bureau of Indian Affairs. July 10, 1952. Record Group 75, National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>277</sup> Letter to Leonard M. Hill, Area Director-Bureau of Indian Affairs from Steve Ponchetti, Chairman San Diego & Riverside Counties Spokemen's Group and Max C. Mazzetti, Secretary-Spokemen's Group and Spokesman-Rincon Band of Mission Indians. July 16, 1952. Records of the Bureau of Indian Affairs, Record Group 75, National Archives and Records Administration Pacific Region (Laguna Niguel)



Spokesmen did not want the withdrawal of the Bureau of Indian Affairs “at this time.” Mazzetti wanted to expose the need for the BIA to address the “Nine Major Problems” of the San Diego County Indians identified by Keller. He also wanted to report that the MIF and Purl Willis had once again disregarded the Spokesmen’s position and represented all Mission Indians at a meeting of the San Diego Board of Supervisors. Willis had addressed the Board of Supervisors and demanded that they contact the BIA and requested that all federal funds be cut off because of California Attorney General Brown’s ruling that Indians were entitled to general welfare just as other citizens of the State were. However, the Board of Supervisors had denied Willis’s request.<sup>278</sup> In doing so, they foreshadowed what the State of California deduced: The loss of Indian federal funds would drastically infringe on the budgets of both local and state governments.

Mazzetti’s letter to the Acting BIA Director in California emphasized the trauma California Indians would endure with the loss of federal monies:

As you must know by now there is much turmoil among the Indians over the cutting off of their relief. There are many people who are very deserving and they are dependent on this relief, there is suffering among our people. Since it was you that cut the relief off, we believe that it is up to you to meet with us and discuss this very serious situation. We feel that an open meeting with those within the area. We know that it takes an act of Congress to change the Johnson O’Malley Act, which covers welfare, education, and hospitalization for the Indian people we wonder how this welfare could possibly be cut off without an Act of Congress . . . Because of the above situation we request that you

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<sup>278</sup> Letter to Leonard M. Hill, Acting Area Director from Max Mazzetti, Spokesman Rincon Indian Reservation. March 10, 1952. Record Group 75, Mission Indian Records. National Archives and Records Administration Pacific Region (Laguna Niguel).

meet with and the Councils of San Diego County. Since you have been in office you have not met with us once.”<sup>279</sup>

This letter was not only sent to the area director but also to District Attorney Don Keller; Congressman Clinton D. McKinnon; Senator Richard Nixon; Senator William F. Knowland; BIA Acting Commissioner Rex Lee; and Oliver LaFarge, president of American Indian Affairs, Inc. Thus, the old way of dealing the BIA was no longer an option. The Spokesmen and Committee started conducting political machinations and lobbying efforts in the State of California and in Washington, D.C.

Mazzetti depicted a more conciliatory and resigned tone when he contacted Secretary of Interior Oscar L. Chapman, appearing to concede the inevitability of termination and to make requests from the Department of Interior. He requested the cancellation of the liens totaling \$138,000 placed on the Rincon Indian Reservation by the United States government. Mazzetti stated that since “we are facing release, if they do not strike these leins [*sic*] from our lands, how are we to stand up as good citizens in our community.”<sup>280</sup> Mazzetti presented a litany of complaints to Chapman, relying on the language of the victimization narrative. He expressed that the Indians in Southern California were “greatly handicapped” because reservation-dwelling Indians could not obtain bank loans or GI loans, “although we have fought and gained the same rights as any other veteran.”<sup>281</sup> Although the tone of the correspondence demonstrated concession, it also showed a level of resistance in that the majority of the elected tribal councils

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<sup>279</sup> Ibid.

<sup>280</sup> Letter to Oscar L. Chapman, Secretary of the Interior from Max Mazzetti, Tribal Chairman, Rincon Indian Reservation. May 28, 1952. Record Group 75, Mission Indian Records. National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>281</sup> Ibid.

of San Diego, Riverside, and San Bernardino Counties were all opposed to the bills<sup>282</sup> presented to Congress. Mazzetti highlighted that the Southern California Indians realized that this was a “most critical time for Indians.” Comparisons to faulty land surveys, removal from Indian lands, and the rejection of the 1852 treaties exacerbated their fears and also strengthened their resolve to be reimbursed for the loss of federal trust protection or to defeat termination altogether.

The recently appointed Bureau of Indian Affairs California Area Director Leonard Hill, a man that Mazzetti and many other Indians mistrusted, demonstrated why the Mission Indians preferred former Area Director Ring to Hill. Hill contacted Commissioner Myer about Mazzetti’s letter to Secretary of Interior Chapman and voiced his opinions about the “irrigation liens” on the Rincon Indian Reservation. He conceded that the “farms on the Rincon reservation are much too small to be classified as economic units . . . as a result, very few Indian families derive a living from agriculture on the reservation.”<sup>283</sup> Unintentionally, Hill finally voiced the failure of the Bureau’s continued stance that agriculture was the key to achieving the concept of civilized Indians. Yet he maintained that the problems on all California Indian reservations and rancherias were essentially the same and needed to be managed in that manner. Hill categorized Mazzetti’s concern with the financial obligations, which involved his reservation, as just another part of the wide range of problems that existed on all California reservations and rancherias. Instead of addressing the current problems on individual’s Indian reservations, Hill chose to wait for the termination legislation and leave any decisions to the discretion of the Secretary of the Interior. Hill believed the way he handled Indian affairs would increase Mazzetti’s confidence in him, the BIA, and Commissioner Myer when, in fact, Hill handled nothing.

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<sup>282</sup> H.R. 7490 and S. 3005

<sup>283</sup> Letter to the Commissioner of Indian Affairs from Leonard Hill Area Director. June 11, 1952. Record Group 75, Mission Indian Records. National Archives and Records Administration Pacific Region (Laguna Niguel).

In July 1952, the members of the House Committee on Interior and Insular Affairs asked Myer to report on what the BIA was doing to get out of the Indian business. The committee wanted answers to several major questions:

1. What was the manner in which the Bureau of Indian Affairs performed its function of studying the various tribes, bands, and groups of Indians to determine their qualifications for management of their own affairs without further supervision of the federal government?
2. What specific tribes, bands, or groups were designed to promote the earliest practicable termination of all federal supervision and control over Indians?
3. What were the legislative proposals designed to promote the earliest practicable termination of all federal supervision and control over Indians?
4. What were the functions now carried on by the Bureau of Indian Affairs?
5. What would be discontinued or transferred to other agencies of the federal government or to the states?
6. In which states should further operation of the Bureau of Indian Affairs be discontinued?
7. What was the recommended legislation for removal of legal disability of Indians by reason of guardianship by the federal government?<sup>284</sup>

The message of the report was clear: The committee believed that all legislation that dealt with Indian affairs should be directed to the ending of a segregated race, one set aside from other citizens. The committee recommended an assimilation policy that placed Indians into the

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<sup>284</sup> United States Congress House, "Report with Respect to the House Resolution Authorizing the Committee on Interior and Insular Affairs to Conduct an Investigation of the Bureau of Indian Affairs," ed. House of Representatives (Washington D.C.1952). Also see: Underdal, "On the Road Toward Termination: The Pyramid Lake Paiutes and the Indian Attorney Controversy of the 1950s."

nation's social and economic life. The committee, in bringing about the ending of Indian segregation, indicated (a) that the end of wardship or trust status was not acceptable to the American way of life and (b) that individual Indians should assume all the duties, obligations, and privileges of free citizens.<sup>285</sup>

Virgil R. Lawson, tribal chairman of the Torres-Martinez Reservation and a Spokesmen member, continuously demonstrated apprehension about these bills and wrote to the Commissioner of Indian Affairs that the "provisions on mandatory termination of trust status and Federal services are unwise and unjust and have no relation and have no relation to an orderly planned program of Federal withdrawal."<sup>286</sup> Lawson was even more succinct in his interpretation of termination and of the BIA Area Directors Leonard Hill and Legrand Ward. In a letter to Commissioner Myer, Lawson emphasized that both Area Directors Hill and Ward had "lost the goodwill of the Indian people in southern California. It will be almost impossible for you to work with them [Mission Indians of Southern California] now unless you understand what is best for them and what they want in regard to termination of jurisdiction in California"<sup>287</sup> Additionally, Lawson expressed his opinion of H.R. 7490 and H.R. 7491<sup>288</sup> to facilitate the termination of federal supervision over Indian affairs in California.

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<sup>285</sup> House, "Report with Respect to the House Resolution Authorizing the Committee on Interior and Insular Affairs to Conduct an Investigation of the Bureau of Indian Affairs."

<sup>286</sup> Letter to the Commissioner of Indian Affairs, United States Department of Interior from Virgil R. Lawson, Torres-Martinez Spokesman, August 15, 1952. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration, Pacific Region (Laguna Niguel).

<sup>287</sup> Letter to the Commissioner of Indian Affairs, United States Department of Interior from Virgil R. Lawson, Torres-Martinez Spokesman, August 15, 1952. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration, Pacific Region (Laguna Niguel).

<sup>288</sup> H.R. 7490 and H.R. 7491 were Bills presented but not passed by the House of Representatives.

Myer responded to Lawson's letter in his usual detached manner: "You state that the proposed legislation is inconsistent with its professional aims because it restricts the Indians' authority over their own affairs, instead of curtailing Federal powers over California Indians. I do not believe there is any real inconsistency. Although the bills would give the Secretary of the Interior a few powers he does not now have, they are only the temporary ones necessary to terminate Federal trust responsibilities."<sup>289</sup> Myer claimed that "these bills were drafted with a scrupulous regard for the property rights and interests of the Indians. They do not give the secretary more control over trust land; they gave him less. Individual Indians are given complete and unrestricted control over trust land; and the tribes are given the complete right to decide what shall be done with tribal trust land."<sup>290</sup> Myer emphasized that he had received letters from San Francisco attorney Charles de Y. Elkus, a non-Indian who supported Myer's views on termination but, obviously, not his decision to prevent Indian decisions on hiring attorneys. Elkus looked forward to the termination of the activities in California of the Office of Indian Affairs (BIA).<sup>291</sup> These actions by Myer were probably an attempt to connect with the numerous Indian groups, which included the NCAI, the Spokesmen, and to a certain extent, the American Indian Federation, the Federated Indians of California and the MIF to curtail the criticism of his plan. Myer emphasized that the "Bureau feels there is no plan to frustrate California Indian progress or contribute to their destitution." He ended his letter with the statement that the bills

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<sup>289</sup> Letter to Virgil Lawson, Torres-Martinez Spokesman from the Commissioner of Indian Affairs Dillon S. Myer, United States Department of Interior, August 1952. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration, Pacific Region (Laguna Niguel).

<sup>290</sup> Ibid.

<sup>291</sup> Elkus, "Letter to Oscar L. Chapman, Secretary of the Interior from Charles De Y. Elkus, JD."; *ibid.*; *ibid.*

would “substantially lay a sound basis for the transfer of Federal jurisdiction and should lead to the early termination in California.”<sup>292</sup>

Max Mazzetti wanted to clarify the termination question; so the spokesman for the Rincon Indian Reservation scheduled a meeting, identified by the *San Diego Union* as a powwow, to discuss the problems that had to be solved before the “federal government steps off the reservations in California.”<sup>293</sup> Mazzetti invited numerous San Diego County political leaders and all representatives from the Southern California Indian reservations. The major question Mazzetti wanted answered was what was to happen to Indian lands. The proposed termination legislation, as explained to the Indians, provided for Indian lands to be turned over to individual Indians on a fee patent<sup>294</sup> basis. Mazzetti stressed that even though the termination plan in theory was sound, it was flawed in practical application. He highlighted that many reservations faced heavy liens. The IRA had exacerbated the financial woes of many Southern California Indian reservations because the improvements on the reservations stipulated by the act had resulted in debts to the federal government. Thus, the threat of termination and the continuous debt contributed to the angst of tribal leaders who were aware of the consequences of being terminated while being in financial straits. In some cases, that debt was higher than the value of the land and the government would hold mortgages against these properties for fifty years: “How could the Indians ever be expected to make progress on the land, since they could not get clear title to it?”<sup>295</sup> Mazzetti had more tough questions for the BIA concerning land boundary survey

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<sup>292</sup> Ibid.

<sup>293</sup> Unknown, "Indian Spokesman Tells Land Problem," *San Diego Union* 1952.

<sup>294</sup> A grant made by a government that confers on an individual fee-simple title to public lands.

<sup>295</sup> Unknown, "Indian Spokesman Tells Land Problem."

issues, water and mineral rights, and the issue of substandard dwellings that would fail county and state compliance specifications: “How long will the Indians be given before their homes are condemned?” he asked.<sup>296</sup> On the agenda for the powwow were four recommendations:

1. The State should oppose mandatory, blanket termination.
2. Certain Indian bands/tribes who favored termination should be terminated as soon as possible.
3. Those Indians who opposed termination should not be terminated until the problems of surveys, land divisions, water rights, mineral rights, and liens on Indian allotments and lands were solved.
4. Termination should proceed only with the consent of each tribe or band when it reached social and economic equality.<sup>297</sup>

In the report (H. Rept. No. 2503) to the House of Representatives in the 82nd Congress, the Interior and Insular Affairs Committee stated: It is the belief of the committee that all legislation dealing with Indian Affairs should be directed to the ending of a segregated race set aside from other citizens. It is the recommended policy of this committee that the Indians be assimilated into the Nation’s social and economic life. The objectives in bringing about the ending of the Indian segregation to which this committee has worked and recommends are (1) the end of wardship or trust status as not acceptable to our American way of life and (2) the assumption by individual Indians of all duties, obligations, and privileges of free citizens.”<sup>298</sup>

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<sup>296</sup> Ibid.

<sup>297</sup> Ibid.

<sup>298</sup> Congress, "Report with Respect to The House Resolution Authorizing the Committee on Interior and Insular Affairs to Conduct an Investigation of the Bureau of Indian Affairs Pursuant to House Resolution 89 (83D Congress)."; *ibid.* p. v.



The committee used words in interesting ways in this statement. The United States government was successful in the forced assimilation and acculturation of Indians beginning in the late nineteenth century.<sup>299</sup> Many tribes lost their language and traditions. Therefore, it is both fascinating and ridiculous that the words used in this legislation were *assimilation*, *segregation*, *society*, and *freedom*. Conveniently forgotten in this text analyzing the American Indian was the fact that Indians fought and died in World War I, World War II, and the Korean Conflict in service to their country. So what duties as American citizens did the Indians shirk?

On August 5, 1952, Commissioner of Indian Affairs Dillon S. Myer sent a memorandum to all BIA field representatives/officials on the subject of withdrawal planning. The memo consisted of thirty pages of elaborately detailed specifications regarding format and documents.<sup>300</sup> These included a complex, extremely long field questionnaire that was to be distributed to the BIA field agents to ascertain the conditions and attitudes in Indian country. While the questionnaire was making its way throughout Indian country, Southern California Indian country was preparing for more congressional meetings and conferences between the pro-terminationists and the anti-terminationists. The Mission Indians of Southern California, members of both the Spokesmen and the MIF, conducted numerous public meetings with United States congressmen, State of California representatives, BIA representatives, and tribal members

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<sup>299</sup> Captain Richard H. Pratt, founder of the Carlisle Indian boarding school famously coined the phrase “Kill the Indian...and Save the Man” Carlisle was the model for most of these boarding schools, including Sherman Institute located in Riverside, California. Pratt’s philosophy to “civilize” the “savage” was essentially effective. Children brought to these school were provided a vocational and manual training (not higher education) to eliminate all tribal culture. Students were forced to drop their Indian names and adopt Anglo-American or Spanish names. Their religions were banned and boy’s hair was cut. They were absolutely forbidden to speak their native languages—if caught they were severely punished. *Official Report of the Nineteenth Annual Conference of Charities and Correction* (1892), 46–59. Reprinted in Richard H. Pratt, “The Advantages of Mingling Indians with Whites,” *Americanizing the American Indians: Writings by the “Friends of the Indian” 1880–1900* (Cambridge, Mass.: Harvard University Press, 1973), 260–271.

<sup>300</sup> Congress, “Report with Respect to The House Resolution Authorizing the Committee on Interior and Insular Affairs to Conduct an Investigation of the Bureau of Indian Affairs Pursuant to House Resolution 89 (83D Congress).” p. 15.

throughout the state for over two years to address termination and its consequences to Indian country. Yet the Bureau of Indian Affairs and the United States government, with its unresponsive, static bureaucracy, distributed a questionnaire through the local Indian agents instead of listening to actual American Indian tribal representatives.

Representatives of the City of San Diego sent a letter on October 31, 1952, to the BIA to ascertain the status of purchasing the Santa Ysabel Indian Reservation for future flooding for the Sutherland Reservoir Basin in the same fashion that the City of San Diego flooded the Capitan Grande Indian Reservation for the El Capitan Reservoir. The BIA, through its agent Leonard Hill, informed the City of San Diego's Director P. Beermann that the land was tribal land and could not be sold unless the city government first secured a resolution from the group (tribe) granting the city the right of way to the area in question. Using the act of February 5, 1948 (62 Stat. 17), Title 25—Indians, Part 256—Rights of Way Over Indian Lands, as a basis of land claims for non-Indians, Hill notified the representatives for the City of San Diego of the application requirements<sup>301</sup> for seeking rights of way for the Santa Ysabel Indian Reservation. The letter provided a blueprint for the City of San Diego to claim Indian reservation lands prior to the U.S. government resolutions.

The numerous congressional bills and lobbying efforts to terminate federal trust protections on Indian lands created a political movement in Southern California Indian country. The MIF maintained that it was the only organization that gave the Mission Indians a voice; and for many years, they did. However, the MIF's agenda of immediate termination and the

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<sup>301</sup> Application under the Right-of-Way Act of February 5, 1948:

1. Two original line tracings of the area; 2. Four blueprints of the same; 3. Two copies of the resolution from the tribe approving the granting of a right of way to the city of San Diego; 4. A resolution from the tribe agreeing to accept a certain amount of damages, or an appraisal from you with your statement showing your estimated amount of damages. Letter to Mr. P. Beermann, Director-The City of San Diego from Leonard M. Hill, Area Director, Bureau of Indian Affairs. November 11, 1952. Records of the Bureau of Indian Affairs, Record Group 75, National Archives and Records Administration Pacific Region (Laguna Niguel)

“emancipation of wardship” conflicted with many Mission Indians who were concerned about what would actually happen to the Indian people once their lands were unprotected. Civic-minded individuals founded the Spokesmen and Committee Group to counter the pro-termination forces and nullify the bills that Congress considered prior to 1953. However, with the growing consensus from policy makers to eliminate a socialist/communist institution, the continuous threat of termination present since the passage of the IRA in 1934, that threat became a reality in 1953.

## CHAPTER FOUR

### THE YEAR OF DECISION AND BEYOND: HOUSE CONCURRENT RESOLUTION 108 AND PUBLIC LAW 280 SEEK TO ELIMINATE INDIAN RESERVATIONS IN SOUTHERN CALIFORNIA

*The 1950s have become just as dangerous as the 1852 treaty years.*

Max Mazzetti (Luiseno-Rincon)

The defining year of the termination crisis was 1953, a year of many disruptive changes in ethnic communities. In Southern California Indian country, it was a time of turmoil, frustration, struggle, lobbying, and eventually incredibility that what they feared and fought against most had come true. It was also just the beginning of more contentious battles between anti- and pro-terminationists. One thing remained the same: The federal government maintained its considered practice of breaking promises/treaties to the American Indian population.

In 1953, along with the federal government's long questionnaire, Representative Robert Wilson (R-San Diego) distributed another questionnaire to the county's nineteen Indian reservations in hopes of getting the answer to the question of whether "they want freedom from federal control."<sup>302</sup> Wilson explained that he would consider legislative proposals and options from any group within the Mission Indian bands before he decided what sort of "Indian freedom bill" he might sponsor. Wilson was supported in this position by Representative James B. Utt (R-Santa Ana) of the 28th Congressional District in which the Indian reservations in San Diego County were located. During the 81st Congress, each of the House resolutions (H.R. 7489, H. R. 7490, and H. R. 7491) introduced to terminate (or, as their supporters called it, give complete freedom) to California Indians from federal wardship had been opposed by anti-termination factions (Spokesmen and Committee) within Southern California Mission Indian country. As a

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<sup>302</sup> Frank Macomber, "Poll of Indians in S.D. County on Status Nears," *San Diego Evening Tribune*, March 3, 1953.

result, the bills had never made it out of the House Interior Committee. Of course, the pro-termination faction had presented their agenda as well. Purl Willis and Adam Castillo, MIF counselor and president, respectively), called on Wilson and Utt to sponsor all measures to eliminate the jurisdiction of the Bureau of Indian Affairs in California. Willis argued that because a court decision had given Indians the right to county welfare benefits, the BIA was no longer needed in California.<sup>303</sup> Willis's argument was again emotional and succinct; however, he and the other members of the MIF did not address land and tax issues or acknowledge that more was at stake than county welfare benefits.

Willis and the pro-terminationists were able to garner support to eliminate federal trust protection in California. Willis took a delegation to Sacramento to address the California Legislature and to support Frank Luckel's (R-San Diego) resolution, Joint Assembly Resolution No. 38,<sup>304</sup> which supported termination of the BIA activities in California. The Spokesmen called another special meeting at the Los Coyotes Indian Reservation in reaction to the bill and

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<sup>303</sup> Ibid.

<sup>304</sup> California Legislature—1953 Regular Session  
Assembly Joint Resolution No. 38  
Introduced by Mr. Luckel  
June 5, 1953  
Referred to Committee on Rules

WHEREAS, American Indians, who are citizens of the United States of America, generally remain subject to numerous restrictions on their activities, particularly with respect to land transactions, promulgated and enforced by the Bureau of Indian Affairs; and  
WHEREAS, The Bureau of Indian Affairs has outlived its usefulness, though its employees understandably alarmed by the prospect of unemployment, regularly engage in strenuous efforts for self-perpetuation in office; and  
WHEREAS, the State of California is able to provide for the well-being of American Indians, as it does for other citizens by laws of general applicability; now, therefore be it  
Resolved by the Assembly and Senate of the State of California, jointly. That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to take such steps as are necessary to effect termination of the authority of the Bureau of Indian Affairs, particularly in the State of California; and be it further  
Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator an Representative from California in the Congress of the United States.  
Mazzetti, "Historical Overview of PL-280 in California."

was informed by various officials that Purl Willis was headed to Washington, D.C., to get the termination legislation passed. Willis challenged the Spokesmen to get some representation to Congress to contest the bill<sup>305</sup> because three pro-termination groups from California supported his efforts: the MIF, the Federated Indians of California, and another Northern California group. However, the Spokesmen did not have the money to send a representative to Washington, D.C. Instead, they sent letters and telegrams to congressmen urging them to oppose the bill.

Willis had in his arsenal of rhetoric legal representation from former Assistant Attorney General Norman Littell (1939–1944), who used various tactics to discredit and disband any organizations against the termination legislation. Littell informed the Spokesmen and Committee Group and the tribal councils of Riverside and San Diego Counties that they had no authority to represent any group of peoples without articles of association, constitutions, or some type of by-laws, considering this group of Indians unsophisticated and unable to defend themselves.

The Spokesmen took action to contest Littell's edict, founding another organization to co-exist with the Spokesmen and Committee Group, the California Indian Congress. In this statewide organization founded to protect Indian rights, all officers worked on a volunteer basis. The inaugural officers represented both Northern and Southern California.<sup>306</sup> California Indian Congress sent official delegates to lobby for California Indian rights in Washington, D.C. Through the California Indian Congress, now the official representative of the Spokesmen and Committee Group, the Spokesmen wanted to emphasize one thing: Stop termination. They indicated that If some of "those Indians want to be terminated, and then let them be terminated.

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<sup>305</sup> Ibid.; *ibid.* p.35.

<sup>306</sup> The officers of the California Indian Congress 1953: President- Erin Forrest; First Vice President- Viola Olinger; Second Vice President- Glen Moore; Secretary- Eileen Miguel; Treasurer-Max C. Mazzetti; Council Director-Frank Treppa; Council Director- Cruz Siva.

Let the tribes achieve higher social and economic standards by tribal consent and not by others.”<sup>307</sup>

Another development that was ambiguous at best for anti-termination was the Anderson Report, published in January 1953, which concluded that Congress did not have the authority to determine whether Secretary Chapman should relax or abandon federal supervision over Indians. Therefore, the Department of Interior had a trust responsibility to regulate attorney contracts because of the questionable activities of tribal attorneys.<sup>308</sup> This report was typical government propaganda. Nowhere did it represent the opposing viewpoints of the Indians or their lawyers. Its objective was to defend government officials (i.e., Chapman, Myer, and McCarran) and to discredit people who favored tribal self-determination.<sup>309</sup>

Mazzetti asserted that in the early months of 1953, the Commissioner of Indian Affairs Myer “pulled a fast one on us.” The BIA demoted the Southern California BIA Area Director James B. Ring and sent him to Phoenix, Arizona, as Assistant Area Director. He was notified and warned by his superiors not to collaborate with any of the California Indians or risk the termination of his position. Myer appointed Leonard Hill as Area Director for California Indians. Mazzetti investigated Hill and discovered that, like the Commissioner of Indian Affairs, he too was a director of the Japanese Concentration Camps. Mazzetti labeled him a “cold-blooded fellow” who continued to misrepresent the Indian people and was able to “bully” and sway the Bishop tribal council to accept termination.<sup>310</sup>

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<sup>307</sup> Max Mazzetti, "Information Sheet on Organizations and Issues Involving California Indians," (1953).

<sup>308</sup> Philp, *Termination Revisited American Indians on the Trail to Self-Determination, 1933-1953*, p. 123.

<sup>309</sup> Ibid.

<sup>310</sup> Mazzetti, "1950 Action Opposing Termination of Indian Land in California by Elected Tribal Councils-Personal Recollections."

Through correspondence, numerous sources outside California Indian country continued to weigh in on all the rhetoric of termination and provided their opinions concerning what should be done to Indian reservations. Charles de Y. Elkus voiced his concerns to Eisenhower's new Secretary of Interior, James Douglas McKay (R), about the effort to terminate California Indians. He informed McKay that an analogous situation had occurred years before when the Brookings Institute examined the conditions of reservations with respect to Indian affairs. (The Brookings Institute case could be the Capitan Grande removal to the Barona Reservation.)<sup>311</sup> Elkus requested that McKay order another report on California Indian reservations from the Ford Foundation, wanting the report to be written by "experts with an advisory committee of persons versed in Indian affairs . . . there is a need for an impartial factual resurvey for almost twenty-five years."<sup>312</sup>

Although Elkus's interest in California Indian affairs was well documented, he was snubbed by the Commissioner of Indian Affairs. Noted in an interoffice Bureau of Indian Affairs memorandum, Commissioner Glenn Emmons wished to "more or less evade" an invitation from Charles de Y. Elkus to "meet and discuss the withdrawal plan for California."<sup>313</sup> Emmons's assistants clarified that the rejection letter must be courteous because "Mr. Elkus can either be a great help or a great hindrance to us in the California program."<sup>314</sup>

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<sup>311</sup> For more on the Capitan Grande removal see: Tanis C. Thorne, *El Capitan Adaptation and Agency on a Southern California Indian Reservation 1850 to 1937* (Banning: Malki-Ballena Press, 2012).

<sup>312</sup> Letter to Honorable Douglas MacKay from Charles de. Y. Elkus. April 1, 1953. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration. Washington, DC.

<sup>313</sup> Letter to Glenn L. Emmons, Commissioner of Indian Affairs from Charles de.Y. Elkus. September 1, 1953. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration. Washington, DC. Bureau of Indian Affairs Central Office Route Sheet re: Invitations to Commissioner Emmons and Letters to Charles de. Y. Elkus, Louis Owen Stabler, and R.L. Donelson. September 3, 1953. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration. Washington, DC.

<sup>314</sup> Ibid.



At least, Elkus had had pertinent ideas that actually would have benefited California's Indians. Other communications sent to the Commissioner of Indian Affairs, the Secretary of Interior, and even President Eisenhower were politicized, polarized, erroneous, and ignorant, at best. A retired colonel from Alameda, California, summed up many of the comments in his letter to President Eisenhower. This man decreed that he knew American Indian were not American citizens and that "they justly feel that they are better qualified for citizenship than the Negro who was freed nearly a century ago or the Filipino whom we recently granted complete independence."<sup>315</sup> This particular individual espoused that the Indians faced "no racial prejudice" and that "our Republican platform states, Indians should get the full enjoyment of the rights of citizenship." He believed that all Indians were jailed on reservations and recommended the abolishment of the BIA, the liquidation of reservations and the natural resources, and the restoration of all reservation lands to the public domain.<sup>316</sup> A *Los Angeles Times* article regarding the Navajo inspired others to insist upon the abolishment of the corrupt Bureau of Indian Affairs.<sup>317</sup> Clarence Lobo, a self-proclaimed Juaneño Indian (a federally unrecognized tribe located in San Juan Capistrano, California) was a landless California Indian who expressed

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<sup>315</sup> Letter to D. Eisenhower, President of the United States from Louis J. Bowler. June 12, 1953. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration. Washington, DC.

<sup>316</sup> Ibid.

Bowler's letter received a reply from President Eisenhower's Information Officer which clarified that American Indians have been American citizens by act of Congress since 1924. With suffrage and enjoyed the same duties, privileges, and responsibilities of citizenship. He informed Bowler that Indians were free to live anywhere they choose, they do not have to live on a reservation. Indians live on their reservations because the reservation land belongs to them, either individually or tribally. The resources in or on those land also belong to the Indians. Thus, the United States government cannot simply place these lands in the public domain.

Letter to Col. Louis J. Bowler from M.M. Tozier, Information Officer, The White House. June 19, 1953. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration. Washington, DC.

<sup>317</sup> Letter to Douglas McKay, Secretary of the Interior from Romaine L. Poindexter. May 28, 1953. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration. Washington, DC.

the same rhetoric of the pro-terminationists without having any idea of the actual implications of termination.<sup>318</sup>

Virgil R. Lawson had every reason to be concerned with the repercussions of termination to his reservation. In 1953, the Coachella Valley County Water District levied a water tax of \$5.00 per acre per year. The charge had to be paid on all the lands owned by individuals who had canal water available, whether the land was developed or undeveloped. The Torres-Martinez Band of Mission Indians had approximately 11,000 acres of irrigable land in the Coachella Valley. Lawson feared, rightfully so, that the “Indian Bureau wants to get out of California at any cost. It would be reasonable to say that if this should happen, the majority of Indians would lose their lands through alienation of taxes. This could happen to any Indian in California if the Indian Bureau gets any of the withdrawal legislation passed that it has persisted in proposing without due regard to the welfare of the Indian.”<sup>319</sup> Lawson was aware that property taxes, along with the quest for lands and water, in California had increased due to the rapid growth of the suburban and urban populations in California. Desperate to curtail the inevitable destruction of his reservation and other reservations in Southern California, he maintained a constant stream of correspondence to the Commissioner of Indian Affairs; local representatives; and his congressman, John Phillips. In one letter, Lawson accused Senator Hugh A. Butler (R-Nebraska)<sup>320</sup> of trying to “railroad” H. R. 4985 (S. 335), the precursor of House

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<sup>318</sup> Letter to James B. Utt from Clarence Lobo. July 18, 1953. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration. Washington, DC.

<sup>319</sup> Letter to Hon. John Phillips, House of Representatives from Virgil R. Lawson, Spokesman Torres-Martinez Indian Reservation. July 20, 1953. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>320</sup> Hugh A. Butler (Republican, Nebraska) served in the United States Senate from 1941-1954. He was Chairman of the Committee on Interior and Insular Affairs in the 83rd Congress. He was a steadfast proponent for the termination of Indian federal trust lands.

Concurrent Resolution 108, through Congress without hearings or input from the Indian nations that it was purported to help.<sup>321</sup> Of course, the only response that Lawson received was a form letter from the recently appointed Commissioner of Indian Affairs Glenn Emmons:<sup>322</sup> “Your views on trusteeship responsibility are, or course, always appreciated by this Bureau. The policy of the Department of the Interior in regard to this matter is that Federal responsibility for administering the affairs of individual Indian tribes should be terminated as rapidly as the circumstances of each tribe will permit.”<sup>323</sup>

By May 1953, the questionnaire had been distributed, the results tabulated, and reports generated. The seventy-two questions were both politically and personally intrusive in nature, ranging from tribal factions and religion to the natural resources available on the reservation. All were meticulously analyzed. In Southern California, the questions that each tribe was required to answer varied from the number of political factions and localized conservative and advance social groups in the region to the accounting of tribal finances and assets and an “Appraisal of Competency.”<sup>324</sup> The questionnaire touched on the religious practices of individuals on the reservation and the relationship of religion, or lack thereof, to law and order. The most pivotal questions were number 64 the willingness indicated by individuals to assume full citizenship

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<sup>321</sup> Ibid.

<sup>322</sup> Dillon S. Myer, a controversial individual that led the War Relocation Authority (Japanese Concentration Camps) and later Commissioner of the Bureau of Indian Affairs did not recover from his failed attempts to prohibit hiring of attorneys by Indian nations.

<sup>323</sup> Letter to Virgil R. Lawson, Spokesman Torres-Martinez from Glenn Emmons, Commissioner of Indian Affairs. August 18, 1953. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>324</sup> See Appendix A

responsibilities, taxation, and so forth and number 65, the obstacles to assumption of full citizenship.<sup>325</sup>

In the report breaking down the Indian communities in Southern California, categorizations were used to distinguish the configuration of each reservation: organizations and internal groups among Indian tribes; sources of income of tribes and members; the state of land records on Indian reservations; law and order on reservations; and medium for communications. In one of the first observations they made about California Indians, Indian agents stated,

Ignorance breeds many ills. Maladministration, misunderstanding, and the dissemination of misinformation result when the channels of communication break down or are defective. The isolation of many reservations makes the transmission of developments in the Service of special importance. One of the major problems of the local agency administration is to diffuse knowledge of its policies and of other important facts to local personnel and other principally affected. Tribal leaders having a responsibility of conveying the news to their people should be kept advised of matters of importance to the Indians. Tribal councils offer an excellent medium of the transmittal of this information. Furthermore, by conference involving the council, the superintendents, and other government officials, an opportunity is afforded to become acquainted with Indian leaders and vice versa.<sup>326</sup>

Yet, the Sacramento Area Agency usually deferred to their superiors in Washington, D.C., concerning the type of information communicated to tribal leaders and members. Consequently,

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<sup>325</sup> See Appendix D for full list of the seventy-two (72) questions and Appendix E for tabulation of results from the following Southern California Indian reservations: Agua Caliente ( Palm Springs), Augustine, Barona, Cabezon, Cahuilla, Campo, La Jolla, Los Coyotes, Mesa Grande, Morongo, Pala, Rincon, Santa Ysabel, Soboba, and Torres-Martinez.; Congress, "Report with Respect to The House Resolution Authorizing the Committee on Interior and Insular Affairs to Conduct an Investigation of the Bureau of Indian Affairs Pursuant to House Resolution 89 (83D Congress)." pp.187-249.

<sup>326</sup> Ibid.

miscommunications illustrated in the report observations were due to the BIA's own mismanagement.<sup>327</sup>

The three major categories of organizations, sources of income, and law and order were meticulously, if not at times erroneously, documented for this report on the status of Indian reservations ready for termination. In 1952, the BIA was suspicious of all organizations functioning on Indian reservations and noted each faction in the report. The Indian reservations of Augustine, Cabezon, and Agua Caliente (Palm Springs) were categorized as having no organizations or political factions. Barona, Campo, La Jolla, Los Coyotes, Mesa Grande, Morongo, Pala, Rincon, Santa Ysabel, and Torres-Martinez were noted as having two political factions; and Cahuilla had three political factions on the reservation. The first political faction that the BIA was well aware of was the MIF, which had been a viable pan-Indian organization in Southern California for over thirty years. The other groups were anti-MIF organizations. At Cahuilla, the group was called the Indians of California, Inc.<sup>328</sup> The other anti-federation group was the Spokesmen and Committee Group. This faction later became the Tribal Councils of California. However, in 1952, the BIA neither cared what the name was nor wanted a name for this anti-federation, anti-termination organization that had evolved on Southern California Indian reservations since the IRA.

However, the BIA was interested in the finances of the tribal members of each reservation. The category of sources of income of tribes and members illustrated the economic status of each reservation. Agua Caliente (Palm Springs) derived its tribal income from the leasing of the tribal mineral springs bathhouse and tribal trailer park to non-Indians, operation of

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<sup>327</sup> See Appendix E

<sup>328</sup> Congress, "Report with Respect to The House Resolution Authorizing the Committee on Interior and Insular Affairs to Conduct an Investigation of the Bureau of Indian Affairs Pursuant to House Resolution 89 (83D Congress)."

a tollgate, and the leasing of tribal land. Members' income resulted from the tribal income and land rentals collected on their own allotments. The Augustine reservation tribal revenue consisted of right-of-way income and income for individuals derived from construction work and small crop farming ventures. The Barona Indian Reservation was different. The income originated from interest on funds deposited in the United States Treasury and from leasing grazing land on the old Capitan Grande Reservation, which had been purchased by the City of San Diego for the El Capitan Reservoir. Family income was derived from wages for farm and construction work. The Cabazon Indians did not give the BIA its statement regarding community income. Heads of families derived income from crops on their allotment assignments, from leasing allotments, and from wages for farm and construction work. Cahuilla's tribal income was derived from leasing twenty acres of tribal land to a non-Indian. Heads of families earned income from wages earned for farm and construction work and from livestock and crops. Campo did not give information for the tribe. Individuals derived income from construction, ranching, and common labor. Some individuals had agricultural income from assigned and tribal lands. At the La Jolla Indian Reservation, no regular source of tribal income existed. Heads of families' derived income from livestock and crops produced on their allotments and assignments and from wages for farm and construction work. Los Coyotes also showed no regular source of tribal income. Individual income was derived from livestock and crops produced on their assignments, from wages for farm, construction, and miscellaneous work.

The BIA presumed that the Indian reservations of Mesa Grande, Morongo, Pala, Rincon, and Santa Ysabel had no sources of tribal income. Individuals from Mesa Grande derived income from agriculture on their assigned lands (livestock grazing), from construction and ranch

labor, and from the sawmill. Morongo and Pala tribal members gained employment and income from farm wages, construction, livestock, and crops produced on their assignments and allotments. At Rincon, individuals' income came from employment at the naval depot and Camp Pendleton, farm work, construction work, and some agricultural crops produced on reservation lands. At Santa Ysabel, tribal members' income came from farm wages, construction, livestock, and subsistence gardens on their assignments. Soboba's tribal income was from the rental of fifty to sixty acres of tribal lands on a one-fifth share crop basis; individuals' income came from farm wages, construction, and livestock and crops produced on their assignments. The tribal income for Torres-Martinez came from rental and sand and gravel permits; individuals' income came from crops produced on their allotments and wages from farm and construction work. It was apparent in this survey that the BIA representatives concluded that the economic situations on the reservations were deficient, and the Bureau report illustrated to Congress that tribal affiliations and lands on the reservation had no real monetary value to the Mission Indians in Southern California.

In the 1953 survey report, results in the law and order category were prefaced by a statement by the Mission Indian agents concerning how law and order had been conducted since the implementation of the IRA:

Under the revised law and order regulations promulgated by the Department soon after the passage of the IRA, Indian Service officials are prohibited from controlling, obstructions, or interfering with the functions of the Indian courts. Many councils have adopted their own law and order codes for their reservations which, after Secretarial approval, supersede the general regulations. Indian judges, while not always meticulous in following the proper procedure, have usually been conscientious and able in

dispensing justice. Yet, there is room for improvement in this field. The remuneration of Indian judges and Indian police is very low. Their training in law and procedure is slight.<sup>329</sup>

The Indian agents reported that on all of the Indian reservations covered in the survey, from Agua Caliente (Palm Springs) to Torres-Martinez, “no special law-and-order development, regulation, or provisions” were present in Southern California. However, the BIA reports generated by Indian Superintendent Leonard Hill in the 1950s emphasized the lack of law and order on California Indian reservations unless there was a combination of religion and law. This perplexing observation contrasted with the reality that police and justice systems were in place on most of the Southern California Indian reservations.

The report revealed the extent to which the United States government through its BIA agents correlated religion with law and, especially, with order.<sup>330</sup> The focus on religion and religious affiliations probably originated during the reform movements<sup>331</sup> that focused on Indian

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<sup>329</sup> Ibid. pp. 136-138.

<sup>330</sup> The report for law and order only addressed religious affiliations on Southern California Indian reservations. Agua Caliente (Palm Springs)-the majority of tribal members is Catholic.  
Augustine-100 % Catholic  
Barona-100% Catholic  
Cabezon-50% Catholic and 50% Protestant  
Cahuilla-65 individuals Catholic and 10 individuals Protestant  
Campo-Tribal members are mainly Catholic  
La Jolla-140 Catholic, 25 Nazarenes, and 10 members of the Four Square Church  
Los Coyotes-95% Catholic and 5% Protestant of various denominations  
Mesa Grande-Mostly Catholic due to the Catholic Church being seven miles away (Santa Ysabel Mission)  
Morongo-18 Moravians, 18 Catholics, and 20 members of the Assembly of God  
Pala-100% Catholic  
Rincon-50% Catholic and 50% Protestant of various denominations  
Santa Ysabel-95% Catholic and 5% Protestant of various denominations  
Soboba-112 tribal members are Catholic and 1 family belongs to the Jehovah's Witnesses  
Torres-Martinez-130 tribal members are Catholic, 30 tribal members are Mormon, and 10 tribal members are of the Assembly of God.  
Ibid.

<sup>331</sup> For a more comprehensive analysis of the reform movements see: Friends of the Indian, *Proceedings of the Thirteenth Annual Meeting of the Lake Mohonk Conference of Friends of the Indian* (Lake Mohonk 1896). Elliott



country in post-bellum America. During and after the Civil War, an Indian reform movement composed of numerous organizations of Protestant clergy and laymen and women arose in response to the growing politicization of Indian service appointments. President Grant's peace policy provided for cooperation with religious groups in selecting Indian agents and in establishing a board of Indian commissioners to supervise the implementation of Indian policy. The U.S. Christian Commission, the American Missionary Association, and the Friends of the American Indian encouraged President Grant to involve missionary organizations in the selection of Indian agents, agency employees, and superintendents and administrators over American Indian tribes.<sup>332</sup>

The Commissioner of Indian Affairs Hiram Price<sup>333</sup> appointed Helen Hunt Jackson and Abbot Kinney, both Protestant reformers, to report on the state of Indians in California. In the subsequent 1883 Report on the Conditions and Needs of the Mission Indians of California, they labeled the Indians in Southern California "wretched wayside creatures." The report influenced how Mission Indian agents controlled the Indians under their supervision. One of the suggestions made by Hunt and Kinney was that a "fervent religious and practical teacher who should spend his time in going from village to village . . . and would sow the seed in the doctrine

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R. Barkan et al., "Race, Religion, and Nationality in American Society: A Model of Ethnicity: From Contact to Assimilation [with Comment, with Response]," *Journal of American Ethnic History* 14, no. 2 (1995). Robert H. Jr. Keller, *American Protestantism and United States Indian Policy, 1869-82* (Lincoln: University of Nebraska Press, 1983). Clyde A. II Milner, *With Good Intentions: Quaker Work among the Pawnees, Otos, and Omahas in the 1870s* (Lincoln: University of Nebraska Press, 1982). Robert H. Bremmer, *The Public Good: Philanthropy and Welfare in the Civil War Era* (New York 1980). Sherry L. Smith, *REIMAGINING INDIANS Native American Through Anglo Eyes 1880-1940* (New York and Oxford: Oxford University Press, 2000). For more on Helen Hunt Jackson see: Helen Hunt Jackson, *A Century of Dishonor: The Classic Expose of the Plight of the Native Americans* (Mineola: Dover Publications, 2003); Valerie Sherer Mathes, *Helen Hunt Jackson and Her Indian Reform Legacy* (Norman and London: University of Oklahoma Press, 1990); Valerie Sherer Mathes, *The Indian Reform Letters of Helen Hunt Jackson, 1879-1885* (Norman: University of Oklahoma Press, 1998).

<sup>332</sup> Paul Stuart, "Administrative Reform in Indian Affairs," *Western Historical Quarterly* 16, no. 2 (1985).p. 141.

<sup>333</sup> Robert M. and Viola Kvasnicka, Herman J., ed. *The Commissioners of Indian Affairs, 1824-1977* (Lincoln and London: University of Nebraska Press, 1979). p. 173.

of religion [Protestant] in the laws of life”<sup>334</sup> should be used to rehabilitate Southern California Indians. Thus, it was no wonder that the Bureau of Indian Affairs correlated religion with law and order.

After evaluating the report and validating that termination was an attractive option, the federal government believed that the concept of tribal self-rule or tribal government was more like socialism or communism than a quasi-sovereign nation instituted by the federal government. The United States government required that American Indians accept the political ideologies of the United States as presented by those individuals who creating the federal Indian policies. These members conveniently forgot that American Indians served in World War I, World War II, and the Korean War for the United States. Yet, Commissioner Myer agreed with many politicians and people who saw Indians only in terms of their inadequacies and of being a conquered people and made too many comparisons to the ideals of western civilization, European immigrants, and manifest destiny. Thus, even though Dillon S. Myer was no longer Commissioner of Indian Affairs, his categorization of American Indians as primitive beings whose reservation homelands were overpopulated poorhouses continued to define federal Indian policy.<sup>335</sup> The Bureau of Indian Affairs continued to follow Myer’s ethnocentric beliefs and his passionate disdain for the protection of federal lands, including the natural resources on many reservation lands in the western states. He vehemently encouraged the Indians of California, Oregon, Utah, Wisconsin, and elsewhere to terminate their federal trust status (or wardship), to relocate to cities, and to enter into his definition of self-determination. The new BIA Commissioner Emmons followed suit. On August 1, 1953, during the 83rd Congress, the House

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<sup>334</sup> Helen Hunt & Kinney Jackson, Abbot, "Report on the Condition and Needs of the Mission Indians of California," (Washington DC: Office of Indian Affairs, 1883). p. 11.

<sup>335</sup> Philp, *Termination Revisited American Indians on the Trail to Self-Determination, 1933-1953*.

of Representatives passed House Concurrent Resolution 108,<sup>336</sup> which ordered the Secretary of Interior to submit reports of the reservations ready for termination.

Ironically, seventy years after the 1883 Hunt/Kinney report, the unyielding attitudes of federal officials concerning assimilation prompted Congress to pass Public-Law 280 (PL 280).<sup>337</sup> Even though Congress had just passed House Concurrent Resolution 108, it now chose to give states more power through this new law. PL 280 withdrew federal criminal jurisdiction on Indian reservations and authorized states to assume criminal jurisdiction and to hear civil cases against Indians arising in Indian country. This law took immediate effect in six designated states, including California.

The federal government probably targeted California in PL 280 because in Southern California, members of several tribes concluded that the federal government would never offer adequate services in the areas of law enforcement and dispute resolution. Members of the MIF had organized its own police force and judiciary to challenge the BIA's authority.<sup>338</sup> Although this appeared to be advantageous to Southern California Indians, these Indian police officers

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<sup>336</sup> See Appendix C

<sup>337</sup> See Appendix F. Act of Aug. 15, 1953, Ch. 505, sec. 7, 72. Stat. 590  
Goldberg, *Planting Tail Feathers Tribal Survival and Public Law 280*.

<sup>338</sup> The Mission Indian Federation had a significant presence and influence as members of the Mission Indian Police force not always in a positive way. For more on Indian police action and the Bureau of Indian Affairs see Thorne, "Death of Superintendent Stanley and the Cahuilla Uprising, 1907-1912." This essay documents the death of Superintendent William Stanley during a melee at the Cahuilla Reservation in 1912 as a by-product of the Indians' non-negotiable demand for self-determination. Clashes between Indian Agency superintendents and reservation leaders ("captains") occurred at Morongo, Los Coyotes, Soboba, Mesa Grande, Campo, and other reservations in the Southern California Mission Indian Agency in the decade before World War I. Resilient, long-standing institutions like the fiesta and the captain system were viewed by the superintendents and their superiors in Washington, D.C. as blocking economic and moral progress. The struggle over political authority reflected broad-based disillusionment and frustration, and the desire to be free of Indian Agency interference. Primary grievances were the federal agency's failure to define boundaries and to provide permanent title to Southern California Indian lands. When the Mission Indian Federation formed in 1919, there had been more than a decade of concerted political activism regarding home ride in Southern California. and Thorne, "On the Fault Line: Political Violence at Campo Fiesta and National Reform in Indian Policy."

appeared to be as corrupt as their non-Indian counterparts. While acting as tribal police officers, tribal members perceived as friendly or as cooperating with the BIA received harsh treatment from the MIF police force; and many Southern California Indians found the MIF police to be as abusive as officers from the BIA.<sup>339</sup> Therefore, it was somewhat surprising when, with the introduction of PL 280, the leaders of the MIF continued its controversial legacy by adding its strong support to PL 280 and state jurisdiction.



Photograph 7. Southern California Mission Indian policemen. Two of the individuals in this photograph are the author's paternal great-grandfather Juan Leo and maternal great-uncle Ben LaChappa Pena. Photograph from the personal collection of Heather Marie Ponchetti Daly.

One of the biggest controversies concerning PL 280 was the absolute absence of consent to this public law from the majority of the Indians. Throughout California Indian country, Indian

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<sup>339</sup> Goldberg, *Planting Tail Feathers Tribal Survival and Public Law 280*, p. 8.

antagonism to PL 280 was due to the unilateral decision by the United States government to pass all law and order concerns to the states. Congress omitted a tribal consent requirement from PL 280 for the simple economic reason that it wanted to bring law and order to the reservations at reduced federal expense and dictated immediate transfer of jurisdiction to the states. When Congressman Wesley A. D'Ewart (R-Montana) inserted a tribal consent provision in the bill to obtain the support of the tribes in Montana, BIA Commissioner Dillon S. Myer was quick to veto that option:

It might be possible to pass a referendum in some of the reservations against action by the State, where they have a completely inadequate law and order code and completely inadequate court system and completely inadequate policing system, and we would recommend if we found that situation that they be included anyhow.<sup>340</sup>

According to Myer, asking for the consent of the Indians in the targeted states would be a waste of time and resources because the public laws were going pass with or without the consent of the American Indian governments. The fact that neither the U.S. government nor the BIA even pretended to consult Indian tribes about the transfer of jurisdiction to the states was considered a slight, if not an outright insult, which further inflamed opposition to PL 280.

Another major reason for the opposition to PL 280 was the fear that the State of California would operate to the disadvantage of the California Indians. The Indians in many instances preferred federal to state jurisdiction because the BIA, for all its faults, at least was a known entity. Tribes had dealt with the Bureau for decades without state interference. Many Indians feared (not without reason) that their people would be discriminated against in state courts and given longer sentences simply because they were Indians. They feared that state law

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<sup>340</sup> Ibid. p. 51. and Transcript of Hearings on H.R. 1063 Before the Subcommittee on Indian Affairs of the House Committee on Interior and Insular Affairs, 83d Cong., 1st sess. (1953).

enforcement officials would ignore crimes when Indians were the victims but act vigorously when whites were harmed. They also feared that tribal elders, especially in remote areas, were not sufficiently fluent in the language and customs of white America to cope with state jurisdiction.

As Goldberg described so well in *Planting Tailfeathers: Tribal Survival and PL-280*, PL 280 differed from earlier relinquishments of federal Indian jurisdiction in that it authorized every state to assume jurisdiction over Indians at any time. The original intent of PL 280 was to confer jurisdiction on California only; but by the time the bill came out of the Senate, the prevailing view was that “any legislation in the area should be on a general basis making provision for all affected States to come within its terms.” The Senate report of the bill in committee suggested Congress was concerned with making a general transfer of jurisdiction of legal services because of the lawless on California reservations and the accompanying threat to Anglos living nearby.<sup>341</sup> Thus, PL 280 was immediately enforced upon the tribes in the confirmed states without regard for the failure to include in the law provision for a tax base or subsidies to the states to support these newly acquired law enforcement obligations. In 1953, it did not matter that Congress reacted with ethnocentric blindness to the functional tribal governments in place on California Indian reservations. PL 280<sup>342</sup> passed with resounding fanfare as the next best thing for Indians. Then again, it was always the next best thing.

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<sup>341</sup> Ibid. pp. 48-52.

<sup>342</sup> Even with all the protests conducted by California's tribes, PL-280 is still in effect in the State of California. More than 50 years after PL-280 was put in effect, Southern California Indian tribes are still lobbying for the repeal of the law that gives jurisdiction of criminal offenses. In 2010, an open forum was held at the Soboba Band of Luiseno Indians and attended by over 200 tribal leaders and members to denounce PL-280 as a “throwback” to a different era and archaic in a new day for American Indians. Professor Carole E. Goldberg, a legal scholar at University of California Los Angeles agreed with the analysis. Goldberg studied law enforcement under PL-280 and concluded that there was disparity in performance views of law enforcement in reservations and performance ratings by reservation residents and state and county peace officers were wide in PL-280 jurisdictions but less in those that are not subject to it. Consequently, PL-280 has failed to protect California Indians and the most tribal

What to do now? It appeared, in a melodramatic way, that all was lost because House Concurrent Resolution 108 was now law, with California tribes being targeted for termination at the top of the list, and PL 280 gave the State criminal and civil legal jurisdiction on California Indian reservations. The pro-terminationists had won two significant battles. California's non-Indian population believed and accepted the rhetoric of "free the Indians from the BIA and make them first class citizens." So again, the Spokesmen asked this question: What to do now?

In December 1953, Rincon Tribal Chairman Max Mazzetti invited all the Spokesmen and Committee and their tribal councils to attend a special conference at the Rincon Indian Reservation. Mazzetti also invited members of the County Board of Supervisors and state legislators to discuss the ramifications of House Concurrent Resolution 108 and the effects of termination on California Indian country. At this meeting, they decided to form the California Indian Congress, which would be affiliated with the NCAI. They elected Erin Forest of Northern California its president.<sup>343</sup> This committee was composed of Indians from throughout California, not just Southern California, because many were aware of threat of this legislation.

On January 20, 1954, the Department of the Interior asked Congress to approve legislation to end the federal government's "parental" supervision over California Mission Indians. The *Los Angeles Times* reported that the bill allowed any California state agency to watch over land transactions involving elderly members of the tribes. (Many tribal elders only spoke their native language). Irrigation facilities on Indian lands were to be turned over either to the irrigation districts in which they were situated or to non-Indian landowners using the

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entities feel that it has outlived its usefulness. Victor Morales, "Southern California tribes call for repeal of P.L. 280," *Indian Country Today*, January 12, 2010 2010.

<sup>343</sup> Max Mazzetti, "Indian Tribal Councils Take Action Against Federal Termination, Public Law 280 Results and the Battle Continues," (RinconUnknown).

projects.<sup>344</sup> This part of the bill signified an almost immediate release of a critical natural resource, water, to the surrounding non-Indian communities. For the Indian reservations in the desert areas (i.e., Morongo, San Manuel, Agua Caliente (Palm Springs), and Torres-Martinez), this represented a menacing threat to their livelihood and lands. Even though the *Los Angeles Times* implied that the proposed California bill would help end years of dispute and unhappiness about land holdings around Palm Springs and elsewhere in Southern California,<sup>345</sup> that viewpoint was not shared by the Southern California Mission Indians.

The Mission Indians were also concerned with the “competency component” of the bill. This part of the bill concerned determining the percentage of competent Indians living on reservation lands. Competency included the ability to speak, read, and write English and the level of assimilation within non-Indian society. The more competent the Indian population, the more the federal government would cut continuing federal aid, which included Indian education and economic advancement. Thus, the implementation of House Concurrent Resolution 108 in California resulted in the loss of Indian schools (Sherman Indian Institute), the Indian police force, farm advisors, the Indian Health Service, Indian hospitals, traveling Indian doctors with no replacements from the State, and the right to hunt and fish<sup>346</sup> on tribal lands due to PL 280. To appease the Bureau, Ponchetti emphasized that the Mission Indians in Southern California were willing to live without federal trust protections and U.S. government assistance “if the federal

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<sup>344</sup> Times Staff Correspondent, "End of Control Over Mission Indians Asked," *Los Angeles Times* 1954.

<sup>345</sup> Ibid.

<sup>346</sup> Hunting and fishing rights on reservation lands were supposed to be protected from California Fish & Game laws. This did not happen; Indians were prosecuted for hunting and fishing on their own lands due to PL-280.



government would live up to its promise to raise the Indians to the point where he can get a fair shake in today's complex world.”<sup>347</sup>

Arthur L. Miller (R-Nebraska), a member of the Committee on Interior and Insular Affairs, highlighted in his report the difficulties of dealing with the various Indian populations and their needs. Miller observed in a limited fashion that in 1954 no adequate channel for the expression of overall Indian public opinion existed either in local communities or in the nation as a whole. He claimed that most of the Indians in California did not read or publish daily newspapers and were generally uninformed concerning the political climate and public issues. He maintained that Indians were non expressive in their political views and that tribal governments were a “passed belief” that never really existed. Miller along with the Committee on Interior and Insular Affairs, rejected Indian sovereign politics and dismissed tribal governments as nuisances. He complained in the report that the Bureau of Indian Affairs personnel were over worked, arguing that the logistics involved with organizing background materials for specific Indian groups would “overpower human capacity.” In Miller’s opinion, it was impossible and unrealistic to poll Indians’ opinions on issues involving themselves.<sup>348</sup> A. C. Miller was not alone in his analysis and opinions on American Indians. Miller and his contemporaries seemed to believe that American Indians were stuck in the past, unable to navigate the intricacies of American society. This report illuminated Congress’s belief that termination legislation would “play itself out” in Indian country. Congress would pass the

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<sup>347</sup> Richard C. Bergholz, "Indians Battle for Last Rights," *San Diego Evening Tribune* January 7, 1954 1954.

<sup>348</sup> Congress, "Report with Respect to The House Resolution Authorizing the Committee on Interior and Insular Affairs to Conduct an Investigation of the Bureau of Indian Affairs Pursuant to House Resolution 89 (83D Congress)." p.2.

legislation and BIA agents and state governments would enforce termination without Indian perspective, comment, or protest. How wrong they were!

In California, American Indian organizations published newspapers, pamphlets, and missives on a weekly or monthly basis. The Federated Indians of California published *The Smoke Signal*<sup>349</sup> in Northern California; the MIF published *The Indian* in Southern California. Both publications were Indian owned and operated. Indian leaders, such as Max Mazzetti (Rincon), used local and regional newspapers throughout California to express their concerns to the non-Indian and Indian publics on and off the reservations and to demand attention from the federal government. Therefore, Miller's statement that "to poll Indian opinion on issues involving themselves was impossible" illuminated more appropriately the failed Indian federal policy of negating the American Indian presence and twisting it into a problem to be solved by the Great White Father<sup>350</sup> than the reality of Southern California Indian opinion and activism.

The Spokesmen continued to articulate and demonstrate the detrimental the effects of termination for the Mission Indians. On January 9, 1954, the recently appointed Commissioner of Indian Affairs Glenn L. Emmons proposed legislation to "end federal wardship" of California Indians. According to Emmons, the bill would make the Mission Indians "first class U.S. citizens within five years after its enactment"<sup>351</sup> and would consequently set-up a formula for

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<sup>349</sup> *The Smoke Signal* was published by the Federated Indians of California (FIC), a Northern California pan-Indian organization founded in 1946. *The Smoke Signal* was published bi-monthly and was edited by Marie Potts (Mountain Maidu). The members of the FIC joined together in order to press their land claims case against the federal government before the Indian Claims Commission.

<sup>350</sup> Congress, "Report with Respect to The House Resolution Authorizing the Committee on Interior and Insular Affairs to Conduct an Investigation of the Bureau of Indian Affairs Pursuant to House Resolution 89 (83D Congress)."

<sup>351</sup> Frank Macomber, "Bill Asks End of U.S. Hold on State Indians," *San Diego Evening Tribune*, January 19, 1954 1954.

dividing benefits from the disposition of Indian lands and property. Emmons's "wishful thinking" prompted him to note that California Indian comments on the freedom bill were limited in number because of apparent lack of interest. Another apathetic Commissioner of Indian Affairs, Emmons underestimated the anti-termination zeal of the Mission Indians to defeat these freedom bills. He conceded, "It is believed the Indians through California are generally less favorable to the present bill."<sup>352</sup> Clearly, his concession was an understatement.

The Spokesmen were already arguing that the five-year plan failed to account for the care of indigent Indians. The County of San Diego refused to acknowledge a 1951 resolution by the California legislature that accepted responsibility for the care of indigent Indians. In fact, in 1954, the County of San Diego filed a court case against the State of California regarding the resolution and refused to distribute welfare benefits to the Mission Indians.

In late February 1954, tribal representatives from seventeen states traveled to Washington, D.C., on what a *Los Angeles Examiner* reporter described as a "dignified but angry warpath"<sup>353</sup> to attend hearings to oppose the termination bills concerning Indian country. Max Mazzetti led the California delegation. NCAI president Joseph R. Garry testified that the "bills would terminate Federal Services without insuring that the services would be provided by the states . . . this could mean a loss of homes and livelihood." Senator Arthur V. Watkins (R-Utah)<sup>354</sup> gave pro-termination arguments at the hearings. Watkins alleged that in "nine out of ten cases where Indians come in here and object to these bills it is because they don't want to begin

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<sup>352</sup> Ibid.

<sup>353</sup> John Madigan, "Indians Take Ward Battle to Capital Tribal Leaders Fear Aged will Lose Homes, Living," *Los Angeles Examiner*, February 28, 1954 1954.

<sup>354</sup> Watkins succeeded Senator A. Murdock who earlier fought to repeal the Indian Reorganization Act.

paying taxes.”<sup>355</sup> Watkins called the opponents to termination “distasteful.” Mazzetti was outraged with Watkins’s comments, quickly realizing that the Utah Senator was another powerful enemy who had vowed to disband not just Indian reservations but also Indian identity. It was time to create an ally in the State of California.

Hearings held by the California Senate Interim Committee on California Indian Affairs discussed the companion bills to House Concurrent Resolution 108, S. 2749 and H. R. 7322<sup>356</sup> in March 1954. The hearings began with a committee comprised of six members of the California Senate: Senators Fred Weybret (former chairman), Charles Brown (chairman), A. W. Way, Dale C. Williams, John A. Bohn (counsel and executive secretary), and Winnie I. Howell (secretary). This committee separated the problems of termination and federal withdrawal into two categories. The first focused on the impact upon Indians, with the main question being whether the State of California should give special aid to the Indians and, if so, to what extent. More important to the State of California was the second category, the impact upon the State and counties. Numerous factors concerned these representatives, including the potential loss of federal government subsidies paid to various school districts based on the number of American Indian children enrolled in the California public school system.

The Johnson O’Malley Act, a supplement to the IRA, had been passed on April 16, 1934. Education was one of the purposes of this legislation, its beneficiaries the individual states,

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<sup>355</sup> Madigan, "Indians Take Ward Battle to Capital Tribal Leaders Fear Aged will Lose Homes, Living."

<sup>356</sup> H.R. 7322 and S. 2749 were bills presented to Congress that focused entirely on the termination of federal trust on tribal lands. The Bill provided for the termination of Federal supervision over the property of Indian tribes, bands and groups in California and individual members. The actual Bill stated that "the purpose of this Act is to provide for the termination of Federal supervision over the trust and restricted property of Indian tribes and individual Indians in California, for the disposition of federally owned property acquired or withdrawn for the administration of the affairs of such Indians, and for a termination of Federal services furnished such Indians because of their status as Indians." Senate of the State of California, "Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs," (Sacramento 1954), p. 465.

territories, schools, and school districts that received compensation as a result of the provisions of the act. Congress had passed the legislation because it was advisable to enroll Indian students in public schools rather than to provide separate schools for them. These public schools received funds through the act for educating the Indian students. Thus, the act was one of the principal means for subsidizing education for Indian students in the United States because Indians did not contribute tax money for education in the same way the general non-Indian population did. With the implementation of the various freedom bills, the Johnson O'Malley education subsidy would end. In 1954, the State was unsure if the lack of federal Indian funding would have serious financial implications in the counties that had large Indian populations.<sup>357</sup>

The Johnson O'Malley Act also provided medical services and hospitalization, agricultural guidance and farm assistance, and construction and maintenance of roads, infrastructure, and water projects in Indian country. However, since the passage of House Concurrent Resolution 108, the Soboba Indian Hospital, a major medical facility dedicated to the health and welfare of Southern California Mission Indians, had closed. This had resulted in additional strain on state medical resources.

The loss of federal funding and the lack of viable natural resources on Southern California's Indian reservations concerned the state. Regardless, of the State of California's

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<sup>357</sup> A supplement to the Indian Reorganization Act, the Johnson-O'Malley Act of 1934, to subsidize education, medical attention, and other services provided by States or Territories to Indians living within their borders. This way of subsidizing costs for Indian students by the federal government had been going on in an "ad hoc" basis since 1890 up until the official Act was passed in 1934. The act came about as a federal aid program during the Indian New Deal of the 1930s to help offset costs of tax-exempt Indians making use of State-owned and funded schools, hospitals, and other services. It also helped to provide for Indians in rural areas, where it was more difficult for the Federal Government to provide education, medical attention, and other services to them. The Act consists of five sections.

Gary Sokolow, *Native Americans and the Law: A Dictionary (Contemporary Legal Issues)* (ABC-CLIO, 2000); Monroe E. Price, Clinton, Robert N., Newton, Nell Jessop, *American Indian Law: Cases and Materials* (Lexis/Nexis, 2003; repr., 4th). and Sharpes, "Federal Education for the American Indian."

concerns of how termination affected the state, the machinations and mechanics of termination progressed quickly. The Bureau took inventories of what was valuable on each reservation, recording the natural resources available on each reservation in California, including timber, minerals, and water. The disposition of natural resources located on certain Indian reservations, such as timber, water, and minerals, presented difficult technical, economic, social, and administrative problems for the State. One major problem was the reluctance and recalcitrance of some counties in California to recognize their responsibilities for indigent American Indians and to extend general welfare assistance to this segment of the population. Once termination was operational, Indians requiring such assistance in counties that refused to assist would become the obligation of the State. Thus, representatives of the State of California were not enamored with the speed and the problems associated with the transfer of property and federal responsibilities.<sup>358</sup>

As the outlook for the quasi-sovereignty of California Indian bands and tribes grew increasingly dim, the Indians in California dedicated themselves to fighting the worst provisions of termination and to continuing to approach and talk to congressional power brokers. They scheduled a meeting with Senator Clair Engle (D-California) and with seventeen other congressmen and senators to discuss tactics and strategies to delay and eventually stop termination. Senator Engle advised and informed the representatives of the California Indian Congress, which included all members of the Spokesmen and Committee Group, to get a

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<sup>358</sup> California, "Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs." Another ramification of the removal of federal trust in California Indian country is that the Federal Government had recognized common-law marriages between Indians. The State of California did not recognize common-law marriages and property inheritance a serious problem.

congressional resolution to refrain from being “terminated.”<sup>359</sup> In other words, to fight termination, the Indians had to get the State of California into the fight.

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<sup>359</sup> Mazzetti, "Indian Tribal Councils Take Action Against Federal Termination, Public Law 280 Results and the Battle Continues."

## CHAPTER FIVE

### WHAT DO WE DO NOW? THE FEDS, THE STATE, AND THE MISSION INDIANS: DIFFERENT WAYS TO COMBAT TERMINATION

*The big battle was with Senator Watkins, he was determined to terminate California, but we fooled them.*

Max Mazzetti (Luiseno, Rincon)

San Diego County and Southern California Indians in general felt the United States government had pushed them around for over a century in part because it considered California Indians to be passive and nonessential. In their battle against termination, these Indians wanted to dispel that belief forever.

Political forces in California initially favored the termination legislation when it passed in August 1953. By the early months of 1954, however, the Indians had forced the State to take a second look at how the federal withdrawal would affect California. In March 1954, the California State Senate adopted Senate Joint Resolution No. 4, which stated that the State was not prepared to take over control of the economic well-being of the many tribes within California boundaries. Later in the year, the California Senate held hearings to ascertain the feasibility of eliminating federal trust status for California Indian reservations. The two main questions were (a) what the repercussions for California's welfare state would be and (b) how much these Indians would cost. These hearings occurred eight months after the passage of Senate Joint Resolution No. 4; yet, regardless of all the testimony from both Southern and Northern California tribes, according to Max Mazzetti (Rincon), it was Senate Joint Resolution No. 4<sup>360</sup> that effectively saved Southern California tribes from termination because it validated the case of the opponents of termination against the federal government ideas for ending federal trust protections.

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<sup>360</sup> See Appendix G



The Spokesmen informed anyone who would listen about the inequities of termination. They wrote newspaper articles, opinion pieces, and gave interviews. Their most public figures were Steve Ponchetti and Max Mazzetti. Although Ponchetti conceded that the majority of Indians would be glad to see the Bureau of Indian Affairs “out of the picture,” he argued that the proposed California withdrawal bill, along with the Bureau of Indian Affairs, would destroy the remaining Indian rights and property, sending them “flying right out the window.”<sup>361</sup>

Ponchetti and the Spokesmen reiterated several reasons all Indians needed to reject House Concurrent Resolution 108. First, it neither resolved the problems of resurveys for Indian reservations nor clarified or protected water and mineral rights. The bill did not require the federal government to bring government-built housing up to health and safety standards before relinquishing its responsibilities. Unless these improvements were done, the majority of reservation housing would not pass county health and safety requirements. Thus, many Indians would face eviction because the housing on most reservations did not meet local county building codes. This oversight required the tribes to borrow from the government for housing repairs would leave many reservations deeper in debt in the form of government liens. These liens dated to 1933 and supposedly were related to expenditures by the federal government for operations and maintenance on the Indian lands. In the Pala area, one water lien totaled more than \$138,000. Moreover, House Concurrent Resolution 108 did not require the federal government to live up to its promise to educate the Indians.<sup>362</sup>

In a letter to Republican Senator Thomas H. Kuchel, California Governor Goodwin J. Knight asserted that the State of California supported the broad objectives of the termination

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<sup>361</sup> Bergholz, "Indians Battle for Last Rights."

<sup>362</sup> Ibid.

bills.<sup>363</sup> However, California Attorney General Edmund G. Brown found key elements of the termination bill objectionable. His objections did not arise from concern for the California Indian population but from the federal government pushing its responsibilities for the Indians onto the State. Brown also objected to the pacing of the bill: “In its present unworkable form California will have thrust upon its legal obligations which it simply cannot discharge because of the absence of administrative preparation for the turnover on the part of the Interior Department.”<sup>364</sup> In Section 9 (a) of the California bill, all Indian lands were to be tax exempt for five years after termination. Brown took extreme exception to this stipulation because “this provision will affect California property estimated to be worth some thirty million dollars . . . no comparable provision is contained in the six or seven other withdrawal bills.” Brown wanted an explanation about the “discrimination” against California regarding termination.

Thus, as a result, of Brown’s objections, representatives of the State of California felt they needed to develop an official statement concerning the “undue burden” termination would cast on the State and its political subdivisions. They argued that the obligation of the State to all its citizens, “including Indians,” required that the accomplishment of federal withdrawal be completed in an “orderly manner with as few dislocations and hardships as possible.”<sup>365</sup> Some of the questions<sup>366</sup> that the State of California presented to the federal government were intrusive and demanding, including the issues of finance, taxes, land, and natural and human resources.

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<sup>363</sup> Appointed to the U.S. Senate by Governor Earl Warren in 1953 to replace Senator Richard M. Nixon after he was elect Vice-President.

<sup>364</sup> California, "Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs." p.17.

<sup>365</sup> Ibid. p.21.

<sup>366</sup> See Appendix H

The questions ranged from the status of guardianship and heirship<sup>367</sup> to the issues of Indian marriages. However, the main concerns continued to be fiscal in nature, the most pressing of which concerned how much money the State would have to allocate to California Indians and how much money the State would lose if the federal government withdrew from California Indian affairs. The representatives were also concerned about what the extent of increased welfare benefits paid by the State to indigent Indians would be upon federal withdrawal and what the financial effects on local school districts would be when federal aid for Indian education was withdrawn. Thus, apprehension over expenses and just how much the Indians would cost the State of California was quite evident in the State Senate. Even the promise of tax revenue from saleable lands did not alleviate the legislators' skepticism over the federal government's decision to end federal trust protections. Still, they attempted to address the serious problems that termination presented to California Indian country as well as the State in general.

As early as March 1954, the California Senate Committee on California Indian Affairs concluded that the California termination bills were "simply unworkable"; they were impractical and unrealistic and would require the adoption of different organizational patterns if federal supervision over Indian affairs were to be terminated satisfactorily.<sup>368</sup> Their concerns echoed many of those that the Mission Indians, especially the Spokesmen and Committee Group, had expounded for years to the Bureau of Indian Affairs. United States Congressman Clair Engle (D-California) summed up his constituents revised reaction to terminating the Indians:

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<sup>367</sup> An extreme example was the heirship cases. There were over two thousand six hundred (2600) matters in heirship status. Attorneys were needed to conclude these cases within federal guidelines. Also troublesome was probate cases that occurred by deaths.

<sup>368</sup> California, "Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs."

Do you think as a legal matter the Federal Government can hand the people of California the Indians and tell them to look after them when that has traditionally been the Federal obligation? It would occur to me that a bill like this might need an act from the State Legislature to prevent a lawsuit that would go to the Supreme Court of the United States. I just have grave doubts as to whether or not the Congress of the United States can walk up and toss this out the window, so to speak, hand this obligation to local taxpayers of the State, without some ratifying or accepting legislation on behalf of the State of California. Have you given any consideration to that?<sup>369</sup>

For most of California's history, the State had treated American Indians as a nuisance to civilization. This had resulted in genocide, banishment, and then indifference when the U.S. government placed Indians onto federal trust reservation lands. Confronted by new circumstances, the California Senate Interim Committee used a report by an American anthropologist from the University of Chicago in an attempt to understand Indians and the new Indian problem. The main argument of the study was that the basic philosophy of the United States' approach to Indian policy centered on the idea that assimilation of the American Indian into the normal stream of American life was inevitable and that Indian tribes and communities would disappear. It concluded that idea of assimilation was an unwarranted assumption because the urge to retain tribal identity is strong and operates powerfully for many Indian groups. Therefore, most Indian groups in the United States, after more than one hundred years of Euro-American contact and strong external pressures, both direct and fortuitous, had not and would not become assimilated: "American Indians are as likely to gain strength in the decades ahead as they are to us it."

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<sup>369</sup> Ibid. p. 25.

The committee also gathered actual testimony from the people involved in the termination crisis, the Indians. The committee sorted Southern California Indian reservations into categories. The first category, Reservations with Allotted Land Where Commercial or Agricultural Enterprises Have Been Undertaken or Are Contemplated, included Augustine, Cabezón, and Torres-Martínez Reservations. The second category, Reservations with Allotted Land Where Limited Commercial Enterprises Have Been Undertaken, included Morongo, La Jolla, Pala, Rincon, Mission Creek, Pechanga, and Sycuan Reservations. The third category, Reservations with No Allotted land on Which Limited Agricultural Enterprises Are Undertaken, included Cahuilla, Soboba, Barona Ranch, Viejas (Baron Long), Santa Ynez, Pauma and Yuima, and San Manuel Reservations. The fourth category, Reservations with No Allotted Land with Grazing the Primary Use, included Campo, Cuyapaipe, Manzanita, Los Coyotes, Santa Ysabel, Inaja, Mesa Grande, San Pasqual, and Santa Rosa Reservations. The fifth category, Reservations Intermittently or Permanently Unoccupied, included Ramona, Capitán Grande, La Posta, Mission Reserve, Twenty-nine Palms, and Cosmit Reservations.<sup>370</sup> The Agua Caliente Indian Reservation, also known as Palm Springs Indian Reservation, was in a category of its own because of land issues with the City of Palm Springs. Much of the land lay within the City of Palm Springs and was extremely valuable for non-Indian commercial and residential purposes. Because the tribe was small, the Bureau of Indian Affairs categorized Agua Caliente as having the same problems as the municipality of Palm Springs.<sup>371</sup>

November 16–17, 1954, the State of California Legislature held a hearing in Sacramento about the status of the Mission Indians in Southern California. The state representatives meant

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<sup>370</sup> Ibid. p. 4.

<sup>371</sup> Ibid. p. 219.

for the purpose of these hearings purely to be ascertaining the opinions of the Native population in Southern California Indian country about termination. However, they gathered more than just termination opinions. Although the State's ulterior motive appeared to be access and availability of water resources, nevertheless, representatives from the tribes/bands that chose to attend testified on the conditions on their respective reservations and gave opinions on the proposed federal withdrawal. Tribal representatives expressed their complaints, fears, and views about tribal politics, enrollment, and other problems that reservation Indians faced. Thus, the intertribal feuds and fragmentation within tribal units managed to infiltrate the hearings regarding termination.

As stated previously, the Indian reservations categorized as Reservations with Allotted Land Where Commercial or Agricultural Enterprises Have Been Undertaken or Are Contemplated included Augustine, Cabazon, and Torres-Martinez, all located in the Coachella Valley in Riverside County and, by a special act of Congress, all beneficiaries of the Coachella Valley Act. Their water supply came from the Colorado River through the American Canal. Public Law 85-801 provided for allotments of irrigable land, construction of irrigation distribution systems, integration of reservation water works with the local water district and other provisions that guaranteed that the Coachella Valley Water District paid the federal government, not the Mission Indians, for the water.<sup>372</sup>

### **Tribal Representation and Hearing Testimony**

John A. Bohn, council and executive secretary to the State of California Senate, conducted the questioning of many of the tribal representatives from the Augustine Reservation.

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<sup>372</sup> Indian Affairs: Laws and Treaties. Vo. VI, Laws (Compiled from February 10, 1939 to January 13, 1971). Public Law 85-801 Washington: Government Printing Office. "An Act to provide for the construction of an irrigation system and drainage works for restricted Indian lands within the Coachella Valley County Water District in Riverside County, California, and for other purposes.

His questions to Tribal Chairwoman Margaret Andreas were not about termination. Instead, he wanted to know about the Augustine Reservation's water rights and access. Andreas testified that the BIA never discussed the availability of water from the American Canal, which ran through the center of the reservation. However, they did not have access because of the lack of irrigation ditches; therefore, all six members of the Augustine lived off the reservation. The BIA Sacramento Area Director once again deflected blame for the lack of communication and reiterated the benefits of the Coachella Valley Act and its ability to take care of the Augustine Indian Reservation.

Virgil Lawson, tribal spokesman, represented the Torres-Martinez Reservation and he opposed termination from the beginning. He reiterated that the Torres-Martinez Reservation consisted of 234 tribal members. Their land base consisted of 32, 000 acres, with 9,000 acres of which were submerged under the Salton Sea, leaving 11,000 acres of irrigable land. With the inevitability of termination, Lawson complained that the land boundaries were wrong because of erroneous Bureau surveys. He criticized the BIA for not disclosing detailed accounts of the reservation's tribal funds. Lawson demanded an audit from beginning to end. Due to the lack of disclosure, he stated that the Bureau "spent that money, ha[d] used it in various ways, and we have never had an accounting of the amount they have used on for what. We don't know whether anyone owes us or if we are in debt."<sup>373</sup>

State representatives also wanted to know exactly how the BIA served his particular reservation. Again, water was a major concern. Lawson presented the difficulties of working with local water districts and the lack of availability of water for irrigation because the water contracts were with the BIA and not with the tribe. Lawson also expressed his doubts about the

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<sup>373</sup> California, "Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs."

longevity of the Coachella Valley Act. With the implementation of termination, he said, “We don’t know what would happen to the public law already passed in our favor.”

Senator Brown summed up his opinions on the effectiveness of the Bureau of Indian Affairs, stating it was his observation that the federal government was doing absolutely nothing, especially given Leonard Hill’s comment that the worst thing that could happen to the Torres-Martinez Indians would be that they would have to sell their lands. That was the situation that Lawson and the anti-terminationists wanted to avoid at all cost.

As stated previously, the category of Reservations with Allotted Land Where Limited Commercial Enterprises Have Been Undertaken included Morongo, La Jolla, Mission Creek, Pala, Rincon, Pechanga, and Sycuan Reservations, all located in in Riverside and San Diego Counties. These reservations had minimal natural resources but some access to water, which contributed to problems with non-Indian squatters who encroached on reservation lands. A number of tribal governments in this category actively lobbied for self-determination and were familiar to the Bureau of Indian Affairs.

Representatives for the Morongo Reservation were Mrs. Jane Penn<sup>374</sup> and Mrs. Agnes Mills. These women presented seven issues to the committee: (a) degree of Indian blood, (b) tribal council operational laws, (c) indebtedness or liens against Indian lands, (d) land issues, (e) water and mineral rights, (f) unpaid judgment claims, and (g) proposed federal withdrawal. On the termination issue, Morongo proposed “that an impartial committee be set up to investigate the Indian-Federal Government relationship problem, it is difficult to comment briefly or give due stress to its importance. It is sincerely believed by the group that resentment does not lie in

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<sup>374</sup> Mrs. Jane Penn was the daughter of Capitan William Pablo, an individual who continuously fought the Office of Indian Affairs agents in the late nineteenth and early twentieth century. A manuscript of William Pablo “William Pablo: Man from Malki” will be published by Dr. Tanis C. Thorne.



the act of government withdrawal from Indian affairs but in the way it is proposed to be done.”<sup>375</sup>

The history of the origin of Indian reservations and purposely unratified treaties is well known. The relationships between the government and Indian is also known or partly known. A report included in the meeting transcripts an analysis that the American taxpayer is losing millions of dollars that have been sent to countries, not their own, to save the citizens of those countries from communism. Here in America where improved lands, now Indian reservations but will eventually become public lands open to all American citizens to live on and enjoy, the government is practicing a tight economy on these American citizens supposedly because it is Indian reservation land that they live on. It seems to be overlooked that Indian reservation land is an integral part of the American continent and any improvement of such lands and public works can and will be an asset to the United States and the American citizens of this Country.<sup>376</sup>

The Morongo representatives emphasized the importance of the land to Indian people. Yet, in Morongo, debate continued concerning the definition of “being Indian,” which has had relevance for future generations, especially the categorization of being a mixed-blood Indian. Morongo representative Agnes Mills probably exacerbated feuds within this tribe fractured with land and enrollment issues. Earlier, Penn had testified that as long as a person lived on the reservation and could prove their lineage, they were to be left to live their lives as Indians on the reservation. However, “others” of mixed blood should adhere to the blood quantum requirements. Mills, whose children were mixed blood, took exception, responding with racial political rhetoric. She told the hearing that Jane Penn lived off the reservation in Los Angeles, that “it wasn’t until a few years ago when she moved back to the Morongo Reservation, and

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<sup>375</sup> California, "Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs."

<sup>376</sup> Ibid. p. 240.

when she came she brought back a Negro as a husband; in fact two husbands.”<sup>377</sup> Her complaint rested on the type of blood quantum requirements (i.e., African American, American Indian, or white). This was a critical point of contention within the Morongo tribe. Unfortunately, this statement overshadowed Penn’s ultimate argument at the termination hearing: “The Indian wants to hold his land, his home. He feels that this is his right. . . . He does not want to be forced. He wants within reason and initiative the same sound healthy living conditions and privileges as any other American citizen. If he is to lose certain protective rights, he wants to know, what, when, and how. The Indian does not appreciate mystery concerning his future and security any more than anyone else does. In short, the Indian wants justice whether under the heading of American Indian or American citizen. The ‘Indian Problem’ is not unsolvable.”<sup>378</sup>

The tribal council of the La Jolla Indian Reservation did not represent the La Jolla Indians at the hearing. Instead, James Martinez, president of the MIF, and his nephew, Wallace J. Newman,<sup>379</sup> represented the La Jolla Band of Mission Indians. Martinez asserted that even though he was not an elected member of the tribal council, he represented “pretty nearly all my people that belong to my organization, although I belong to the La Jolla Reservation.”<sup>380</sup> Under questioning from John A. Bohn, council and executive secretary to the State of California

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<sup>377</sup> Ibid. p. 243

<sup>378</sup> California, "Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs." p. 241.

<sup>379</sup> Wallace J. Newman, a tribal member of the La Jolla Band of Mission Indians achieved fame and a sort of notoriety off the reservation. Newman coached football at Whittier College in Whittier, California a suburb of Los Angeles. He coached his most famous athlete Richard Milhous Nixon. Nixon and Newman became life-long friends and the pertinence of this friendship had positive ramifications for Indians when Nixon achieved the presidency. The author argues that it was Newman’s influence of the importance of American Indian culture that swayed Nixon’s decision to eliminate the termination legislation during his presidency.

<sup>380</sup> California, "Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs." p. 245.

Senate, Martinez was vague about just how many Southern California Indians were involved with the MIF or favored termination. Bohn asked, “You mentioned all the members of your federation agreed with you about this termination . . . now, at least insofar as this official testimony given is concerned, those people giving it are in disagreement with your position.” Martinez responded, “Yes, certainly they are; some of them are.”<sup>381</sup> However, what Martinez lacked in aptitude, Wallace J. Newman, a La Jolla tribal member who did not live on the reservation, countered through his own testimony. Bohn continued his questioning: “Those of you who propose immediate termination, how would you solve these problems, for example, of water rights, and water systems, sewers, and matters of surveys and roads?” Newman articulated that, in his opinion, the Indian problem was not confined to the State of California but included the whole United States. Newman believed that immediate termination would “bring a lot of injustice. However, one of the things that makes me tired is the assumption that most Indians are presumed to be incapable. I think they can take care of themselves.” Newman’s testimony lobbied for an outside organization, such as the Ford Foundation, entirely “outside the government and interested in profit enterprise to comprise a study of termination over a period of time and then report the findings to Congress.” However, when questioned further, Newman testified, “Yes, I am for termination.”<sup>382</sup>

The Pala Band of Mission Indians elected Robert Lavetto (spokesman), Juanita Ortega, and Catherine Trujillo to represent the wishes of the tribe at the hearing. The first issues Lavetto presented were the tribe’s concerns regarding water rights, mineral rights, the U.S. government liens on tribal lands, housing, and sewers: “We would like to have it all cleared up before any

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<sup>381</sup> Ibid.

<sup>382</sup> Ibid.

consideration to termination is given. The way the bill is now we strongly oppose it . . . the few who want to be released can get the release. There is nothing to stop them.”<sup>383</sup> Ortega illuminated the complicated issues of inheritance and heirship. Trujillo emphasized the problems with housing and the massive raw sewage problems on the reservation, which the Bureau of Indian Affairs usually ignored even when the problems were reported. Lavetto bluntly imparted his opinion concerning the treatment of the Indians: “I think the Indians with some officials should get together and they should listen to the Indians; otherwise it will never be straightened out . . . I think we are entitled to as much as we can get because we have been pushed around quite a bit.” Lavetto testified that his people were suspicious of government tricks and wanted to make sure that they not only received the lands with minerals but also receive the rights to those minerals.

Max Mazzetti, one of the original founders of the Spokesmen and Committee Group, was the spokesman for the Rincon Indian Reservation and submitted a statement on behalf of the residents and tribal members. Mazzetti was an active lobbyist in the efforts to thwart termination. He mainly testified about the problems on the Rincon Reservation and the fact that termination would not rectify any of these problems. Especially pertinent in 1954 was the U.S. government lien of \$138,000. Mazzetti quickly pointed out that House Concurrent Resolution 108 recommended that Indian reservations should form companies or, in the case of Rincon, establish their own immigration districts. Although this was a good idea, Mazzetti asked they were to get the money to establish an irrigation district or a corporation, as well as the \$138,000 Rincon owed the U.S. government. In other words, how was Rincon to get out of debt?<sup>384</sup>

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<sup>383</sup> Ibid. p.247.

<sup>384</sup> Ibid. p. 252,

Another point of contention presented to the California Senate was the squatter issue. Non-Indian squatters on Indian reservations continued to be a major problem for Indian tribes throughout the United States, and Southern California Indian country was no exemption. Mazzetti's statement illuminated the negligence of the Bureau of Indian Affairs regarding law and order on the reservation since implementation of PL 280 in California. In the case of Rincon, Oliver Johnson, a non-Indian, had filed numerous mining claims on over one thousand acres of reservation lands. Mazzetti asserted that he had contacted the Bureau of Indian Affairs many times to remove Johnson from the reservation and to prevent him and others like him from entering and filing claims on reservation lands. However, as of November 1954, the Bureau, bogged down with the termination legislation and its own bureaucracy, had not addressed the squatter situation or advised the tribe on the removal of the squatter from the reservation. Mazzetti complained about the ambiguities of PL 280 concerning the lack of definitions and clarifications regarding the issues of squatters and Indian hunting and fishing rights. Mazzetti contended that PL 280 was just another law that was detrimental to Indians.<sup>385</sup>

As for the Indians who requested immediate withdrawal, Mazzetti stated that was "alright if that is their view . . . then let the Secretary of Interior give these Indians complete withdrawal rights if they so desire." Mazzetti concluded his testimony by emphasizing that "many Indians feel they are not wards because these treaties<sup>386</sup> were never ratified making them such." He repeatedly stressed throughout his testimony the poor conditions on the Rincon Indian Reservation, stating that termination "would put the Indians in a bad way."<sup>387</sup>

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<sup>385</sup> Ibid. p.253.

<sup>386</sup> 1851-1852 Unratified California Treaties

<sup>387</sup> California, "Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs."p. 252.

Daniel C. Pico<sup>388</sup> represented the residents of the Pechanga Indian Reservation. He was succinct about what his tribe wanted from the termination legislation: Their “primary interest is to get land for the members . . . It would solve most of our problems if he<sup>389</sup> would give us our allotments with a patented fee and also the mineral and water rights; and we will pay the taxes to the State of California. We are more familiar with California law than federal law anyway.”<sup>390</sup> Pico’s testimony revealed that Pechanga did not have political and organizational ties to support or refute termination. Instead, Pechanga’s main concern was the allotment of land, with no concern about the ramifications of the loss of federal trust protection.

The Cahuilla, Soboba, Barona Ranch, Viejas (Baron Long), Santa Ynez, Pauma and Yuima, and San Manuel Reservations were included in the Reservations with No Allotted Land on Which Limited Agricultural Enterprises Are Undertaken category. The State considered these reservations limited in agricultural and natural resources. Family land consisted on individual properties whose boundaries most state and federal authorities considered ill-defined and confusing. The representatives of these reservations ranged from absence and disinterest to passionate support or opposition to termination, which was reflected in their testimonies.

Billy P. Salgado, spokesman, appeared and testified on behalf of the Cahuilla Indian Reservation. Although the Cahuillas opposed termination for several reasons, Salgado admitted that his tribe wanted to maintain the “tax free status as far as the land is concerned.”<sup>391</sup> Because

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<sup>388</sup> In the hearing transcripts Daniel Pico's name is misspelled as Peco. I used the correct spelling in the manuscript.

<sup>389</sup> Probably means the Secretary of the Interior.

<sup>390</sup> California, "Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs." p. 255.

<sup>391</sup> Ibid.p.256.

the Cahuilla Reservation was composed of family tribal properties, not allotments, termination would be problematic for the tribe. Salgado also expressed his frustration at Congress pushing through termination without Cahuilla consent and at the lack of information from the Bureau about all the particulars of the termination legislation. Salgado confirmed to the Senate the tribe's distrust that local and county (Riverside) services, if terminated, would be implemented on tribal lands: "We are rather reluctant in having the county maintain our roads for the simple reason that we have seen roads within the county which get very little maintenance on them, and we being in such a far-away place. We doubt very much if they would ever get them any better than what the road department of the bureau is doing today."<sup>392</sup>

Clara Helms represented the Soboba Indian Reservation as a tribal member, vehemently presenting Soboba's position and opinion on termination: "We of the Soboba Reservation, do not wish to have federal supervision terminated . . . We fear the loss of our homes and lands on account of taxation. We wish to have our lands free from taxation forever but in the vent this not to be, we wish to have our land and other problems satisfactorily settled before termination of federal supervision."<sup>393</sup> Helm's remaining testimony focused on heirship and the distribution of family lands, acknowledging that tribal family "law of the land" superseded allotted land, a situation that was in direct conflict with the termination legislation.

The Barona tribe was originally the Capitan Grande tribe (and is still considered by the U.S. government as the Barona Band of Mission Indians of Capitan Grande) before their lands were appropriated by the City of San Diego for the construction of the El Capitan Dam, all in the name of water for the citizens of San Diego. They now live on approximately 5,000 acres of land

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<sup>392</sup> Ibid.

<sup>393</sup> Ibid. p. 257.

purchased by the U.S. government near the town of Lakeside. Ames, the longtime leader for the Barona tribe, testified for himself as well as his people.

Spokesman Ramon Ames, in representing the tribal members of the Barona Indian Reservation, was forthright in his assessment of termination: “The majority of the people are opposed to any withdrawal bill until the government fulfills the nine points program.”<sup>394</sup> Ames continued that PL 280 was unfair because it deprived the Indians of their hunting and fishing rights and that there were many issues to confront before the implementation of termination. Ames told the Senate that Barona was in a unique situation. After the sale of their part of Capitan Grande and the purchase of the Barona lands, the Barona Indians had a surplus of money in Bureau of Indian Affairs accounts. However, according to Ames, the tribe had not received an accurate audit of their accounts for over ten years. They also needed accurate surveys of their exterior boundary lines because of non-Indian squatter issues. The tribe needed clarification of water and mineral rights and were concerned about the education of their children and the infrastructure of the reservation. Ames then targeted the Bureau of Indian Affairs, specifically the Indian agents and what, in his opinion, the tribe wanted: “We wrote Mr. Hill a letter and [he] has done nothing. He is against us Indians. We bought Barona. Why should we release it and not get any security. If I want to be free, I don’t have to depend on the reservation. I can’t see that the government is holding anybody. We can’t be free paying taxes. Treaties were made but they are not recognized . . . We don’t want to be free. We have supported ourselves. We have our reservation; we are making our living. We have \$34,000 set aside for our group.”<sup>395</sup>

After additional questioning by Bohn, Ames expressed his displeasure with the other group, the Conejos Band from Capitan Grande, who separated from Barona and purchased land

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<sup>394</sup> Ibid. p. 259.

<sup>395</sup> Ibid.



at Baron Long Ranch, and with the amount of money they received from the sale of Capitan Grande. Ames reiterated the failure of the local BIA Indian agents, especially Hill: “We shouldn’t have him in office.” However, the Barona tribe did not want to eliminate the Bureau before the promises made by the U.S. government to the California Indians were kept.

Sam Brown represented the Viejas Reservation (aka Baron Long) at the hearings. However, he did not testify about termination. Instead, he spoke about the bad financial management of the Bureau of Indian Affairs in Sacramento: “Ramon is pretty right . . . we went to Sacramento in February and asked Mr. Hill how much money we had left and he said, ‘I am sorry; but you have to see Mr. White . . . go to Washington, ask them; I don’t know.’”<sup>396</sup> Brown then noted that Viejas would do their best but would like a little help from the government.

Samuel J. Powell represented the people of the Pauma Indian Reservation. He testified that “as far as termination goes, I don’t think they should leave us where we are right now.”<sup>397</sup> Powell had allowed the San Diego Health Department to survey the Pauma Reservation. What the department found was unacceptable: The conditions on the reservation were 99% substandard. Sanitation did not meet state or county standards. Most problematic of all was the lack of water for the reservation. The United States government also had an \$18,000 lien on Pauma lands. However, it appeared by Powell’s testimony that neither he nor the tribe was ideologically against termination. The general opinion was that the Bureau of Indian Affairs should remain and solve these problems that do not meet state and local laws before terminating their responsibilities.

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<sup>396</sup> California, “Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs.” p.261.

<sup>397</sup> Ibid. p. 262.

Under the category of Reservations with No Allotted Land with Grazing the Primary Use category were the Campo, Cuyapaipe, Manzanita, Los Coyotes, Santa Ysabel, Inaja, Mesa Grande, San Pasqual, and Santa Rosa Reservations. Many of these reservations had large amounts of acreage that the government considered of low value because they offered little opportunity for agricultural development. Many individuals ran cattle on their family lands and had limited access to water. However, the State believed that some of the reservations had valuable homesite areas, which meant that they were close to non-Indian populations. From this category, representatives from Los Coyotes, Santa Ysabel, and Mesa Grande engaged in the termination debate.

Banning Taylor represented the Los Coyotes Indian Reservation. Taylor, an original member of the Spokesmen and Committee Group, was vehemently against termination and gave the reasons the people of his reservation were against federal withdrawal: “If the Indian Service should pull out of California I don’t see how the people at that reservation could pay the taxes on that land because you can’t just make a go of it.” Taylor testified that because work was scarce, many of the Los Coyotes Indians took seasonal transitory work off the reservation and then came back and chopped wood during the off-season: “It is very hard for them to make a living.”<sup>398</sup> During the hearing, Taylor did not testify to the extent of his opposition to termination.

Steve Ponchetti represented the Santa Ysabel Indian Reservation also represented most of the general council. Ponchetti, a founding member and president of the Spokesmen and Committee group stated that the main concern of the Santa Ysabel tribe was the taxation of the Santa Ysabel land base once the government terminated the federal trust protections: “Our reservation is approximately 15,000 acres. It is three reservations: Santa Ysabel 1, Santa Ysabel

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<sup>398</sup> Ibid.

2, and Santa Ysabel 3 . . . now the question is, since it is not productive land, we have been wondering what will happen to the title of the land?”<sup>399</sup>

Ponchetti also expressed concerns regarding education because the 1934 Johnson O'Malley legislation provided subsidized education for all Indians. His concerns were two-fold: If termination took effect in California, (a) what would happen to the education of Indian children and (b) how much would the inevitable tax increases be on non-Indian lands? Ponchetti did not address all the concerns the Spokesmen and Committee Group had presented throughout the previous four years, but he did introduce a new topic to the termination conversation, taxation, the rhetoric used for years by pro-termination politicians to “make Indians citizens.” However, Ponchetti created tension about possible tax increases for public school education to focus the committee, now confronted with tax increases to the general population of California, on the effects of losing federal funding. Thus, Ponchetti used a brilliant political tactic to garner attention to the ramifications of termination on the non-Indian population of California.

Delmar Nejo, spokesman, represented the Mesa Grande Indian Reservation. Whether dealing with internal tribal factionalism or with land ownership issues involving other reservations, this reservation was consistently in turmoil. The issue of termination was no different. The faction on the reservation that followed Nejo was against termination. However, the faction that consisted of members of the Ponchetti and the Lachusa families was pro-terminationist and members of the MIF. Even though Nejo, like most of the Indians in Indian country, despised the Bureau of Indian Affairs, he opposed termination. He believed that “it as [*sic*] the government’s mistake in the first place and we feel they should straighten it out rather

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<sup>399</sup> Ibid. p. 267.

than let us do it because, if not, we will be fighting among ourselves and if the government does it there won't be nearly as much trouble.”<sup>400</sup>

The San Pasqual Indian Reservation did not send an official representative from the tribal council to the hearing. Instead, a tribal member, Mary Matson, testified about the confusion of the composition of the San Pasqual Band, stating that the present San Pasqual Indian tribe was not the original band. The San Pasqual Indians had been removed from their agriculturally rich ancestral lands so that “the white people could have the best land and they moved us into the mountains.”<sup>401</sup> Matson contended that the tribe split into two groups, which she called the old and new bands. The old band was alienated from the new reservation lands. She claimed that the current San Pasqual Indian reservation was composed of individuals from Mesa Grande (both tribes are Diegueño), although she conceded that many San Pasqual Indians also moved to Mesa Grande. Matson believed that the tribal government was a “family affair” and that she had doubts about the election of the tribal chairwoman, Mrs. Wolf. Because San Pasqual did not address termination, it was unclear whether the tribal membership understood the consequences of the implementation of termination. Thus, this hearing revealed another example of tribal factionalism, although this time it concerned long-standing feuds, not political organizations or federal legislation.

John T. Meyers represented the Santa Rosa Indian Reservation. His opinion on termination was quite clear: “So far as termination of supervision over Indians is concerned . . . the Indians have used the department as a crutch for many years and for my own personal band I can't see what prolonging of this supervision is going to do in the way of benefit.” The people of

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<sup>400</sup> Ibid. p. 269.

<sup>401</sup> Ibid. p. 271.

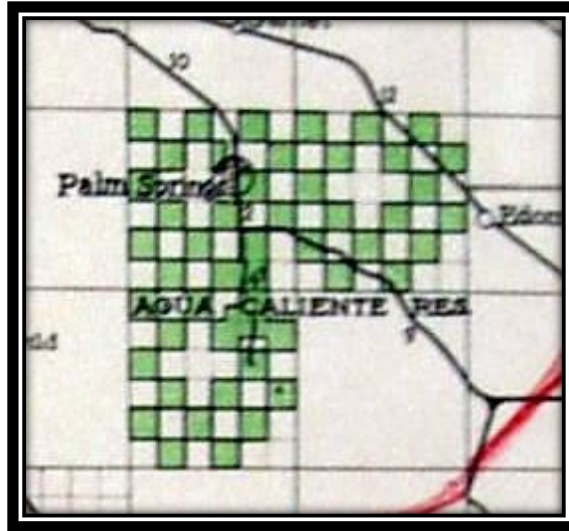
the Santa Rosa reservation were pro-termination; yet, as Meyer testified, due to small size of the reservation, the people wanted to maintain their lands as communal property. One of the main ideas of termination, along with appropriate rhetoric, was the elimination of the socialistic idea that Indian reservations represented. Therefore, Meyers' analysis of communal property was naïve. His request to have the Bureau of Indian Affairs fix the reservation's fencing and water issues was hypocritical based on his statement that the Santa Rosa tribe managed things "entirely on their own."<sup>402</sup>

In the category of Reservations Intermittently or Permanently Unoccupied were the reservation of Ramona, Capitan Grande, La Posta, Mission Reserve, Twenty-nine Palms, and Cosmit. These reservations presented problems for the State regarding the determination of rightful owners or heirs. Questions arose about the distribution of reservation assets: Should the land and its resources go to the municipalities or to the State, or should they become part of another federal trust program in the form of national forests?

As noted previously, Agua Caliente (Palm Springs) presented unique problems not found in any other reservation in the state. Agua Caliente consisted of approximately 31,128 acres, 15% of which was allotted. The acreage was divided into two-, five-, and forty-acre tracts. Approximately 6,500 acres lay within the Palm Springs city limits, including a checkerboard property allotted by the Bureau of Indian Affairs. That land was extremely valuable for commercial and residential purposes. According to the tribal chairperson, the reservation was valued at over \$10 million. Thus, because the tribe was small, the per capita resource value was high.

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<sup>402</sup> Ibid. p. 273



Map 2. Agua Caliente (Palm Springs) Checkerboard (Allotted) Indian Reservation. From National Archives and Records Administration, Record Group 75, Office of Indian Affairs-Mission Indian Agency, Washington, D.C.

Although numerous individuals had testified at the hearings, both Indians and non-Indians, the non-Indian testimony was particularly present in the case of Agua Caliente. Vyola Olinger, the first vice-president of the California Indian Congress and spokesperson of the Agua Caliente tribe, testified on behalf of the general council. Olinger presented the problems facing Agua Caliente with the implementation of termination, issues of land titles and the suspension title insurance on the tribal lands due to the precarious implications that termination presented. The lack of land development presented serious tax problems. Water rights had to be clarified, which was, as Olinger pointed out, very important because the tribe was located in the desert. Without water rights, the tribe could not properly develop its property. In combination with water rights were problems concerning flood control. For Agua Caliente, with its various stipulations involving local government entities and the general non-Indian population, the establishment of rights of way and easements on allotted lands for utilities, infrastructure, and flood control was vital. Another major concern was Agua Caliente business management: “You wouldn’t develop a business very hard, work strenuously at it and then let somebody who knows nothing about the business run it. Our people, I feel, have been under the government so long

they just don't know what in some cases is best for them. Sometimes, a lump sum of money seems more attractive than waiting a little while and receiving full value. These comments pertain and are pertinent strictly to tribal lands. Individuals will have to speak for themselves, I speak for the tribe.”<sup>403</sup> Olinger also wanted assurances that, upon termination, legal and technical help would be available from either the federal or the state government.

On a personal note, Olinger testified about non-Indians taking advantage of the Agua Caliente tribe: “There are people who have come in and developed and have been more or less like leeches, and . . . I don't believe they have given the Indians what they should have had.”<sup>404</sup> Olinger again emphasized that the federal or California state government should help in the case of termination; she did not care which government did so, just that that some government take responsibility. However, Olinger called attention to the fact that California Indians had never really dealt with the State of California and needed to become accustomed to the State's rules and regulations.

As previously stated, many non-Indians represented various interests at Agua Caliente and testified at the California Senate hearings. Among them was Zachary Pitts. Pitts represented the partnership of Harry and Zachary Pitts, the Indian Land Development Co., Inc., the Palm Springs Trailer Village, Inc., the City Manager of Palm Springs R.W. Peterson, and the City Attorney for Palm Springs J. Bunker. Pitts, initially was eager to express his company's concern for what “should be done for the best interests of the Indians.” In reality, his main concern was the financial consequences for his companies and for the first right of purchase of Indian lands. Previous testimony had established the detrimental consequences of the State's taxation of Indian

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<sup>403</sup> Ibid.p.283.

<sup>404</sup> Ibid. p. 285.

reservation lands, of which Pitt seemed eager to take advantage. Peterson, the Palm Springs City Manager, confirmed what the Indians already knew about the feelings of the government of Palm Springs:

The general consensus of the council is that the termination bill should be enacted, taking jurisdiction away from the Bureau of Indian Affairs within the State of California. The bill is endorsed as it envisions the orderly assumption of full title to the Indian lands, both tribal and allotted, in the Indians, and would allow them to develop their lands to the fullest extent without confinement of federal trust ownership and the danger of harm to the value of Indian lands. These views are general, as the city council has no specific objections to any portion of the bill, and endorsed it in its entirety.<sup>405</sup>

The City of Palm Springs Manager and Attorney accentuated that the “so-called” Indians were getting a “free-ride” off the taxes of the citizens of Palm Springs. Conveniently forgotten was the usurpation of Agua Caliente Indian lands throughout the early twentieth century to make Palm Springs a desert playground for the rich and famous.<sup>406</sup>

No representatives appeared for the following Indian reservations in Southern California: Cabezón, Sycuan, Santa Ynez, San Manuel, Campo,<sup>407</sup> Cuyapaipe, Manzanita, Ramona, Capitán Grande,<sup>408</sup> Mission Creek, and La Posta. Instead, Sacramento Area Director Leonard M. Hill

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<sup>405</sup> Ibid. p. 286.

<sup>406</sup> For more on Agua Caliente and the Palm Springs land issues see: Kray, "The Path to Paradise: Expropriation, Exodus, and Exclusion in the Making of Palm Springs." For the history of leisure and the invention of Palm Springs see: Lawrence Culver, *The Frontier of Leisure Southern California and the Shaping of Modern America* (New York: Oxford University Press, 2010).

<sup>407</sup> Sycuan, Santa Ynez, San Manuel, and Campo were all inhabited viable reservations.

<sup>408</sup> Capitán Grande Indian Reservation is vacant due to the construction of El Capitán Reservoir by the City of San Diego. The residents of this reservation were relocated to Barona Indian Reservation and Baron Long (Viejas) Indian Reservation.



made statements on behalf of the people of these reservations in his role as a Bureau of Indian Affairs agent. His main observations about these lands were that they were small, nonproductive, and very poor in quality. However, in the case of the Campo Indian reservation, Hill did not limit his reflections to the land; he commented on the people of Campo, speculating on the factionalism within the Campo tribe and commenting that they were a very disagreeable people:

Part of the people believe, along with the federation group, that the Indian Bureau should be out of their affairs, and another group, I believe, is more or less against the termination program. The people seem to be unable to get together to cooperate and arrive at any unity of opinion as to what should be done on any matter there. We have claims of fraud in elections and claims on the part of some people that the elected committee didn't represent the group, and it has made it very difficult for the Indian Bureau to work with the group and do what little has been done there in the last few years.<sup>409</sup>

Whether or not the tribal members of these reservations permitted Hill to speak for them has remained unknown; but because they did not represent themselves, the Indian agent acted on their behalf. Whether or not the missing tribal members were aware of Hill's statements regarding termination and their reservation status on their behalf has also remained unknown.

A few Indian and non-Indian organizations also sent representatives to the hearing to comment on termination in California. The American Friends Service Committee, an organization located in Northern California led by pro-terminationist Charles de Y. Elkus, noted that the organization had studied the Indian for decades and was concerned with "enhancing their

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<sup>409</sup> California, "Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs." p. 264.

[California Indians] participation in the life of the community of which they are a part as desirable and productive citizens.”<sup>410</sup> The American Friends claimed that they did not want to comment on the distribution and utilization of federal funds for tribes. However, they did recommend that federal and state governments give special attention to the special problems that California Indians faced in their assimilation into non-Indian community life. The American Friends ideology harkened to the early twentieth century reform organizations of assimilation and acculturation, again reinforcing the idea of the passivity of California Indians. This particular group supported termination and considered their actions benevolent and helpful to the California Indian population. However, in most cases, they applied this ideology indiscriminately, without any consideration for the individual tribes or for the differences between Northern and Southern California tribal entities.

The Federated Indians of California also voiced its opinion at the hearings. Whereas the American Friends generated a romanticized version of Indian communities in California, the Federated Indians revealed a more realistic viewpoint: “Very few understand the social structure of the communities surrounding them and the communities are just as ignorant of the Indians way of life; thus tending to bring about discrimination and prejudice.”<sup>411</sup> If termination was implemented, the education of the “Indian” was not the only issue. The Federated Indians contended that the communities bordering Indian reservations needed education as well, considering the decades of concentrated discrimination and prejudice directed at local Indian communities. The Federated Indians emphasized the “sad” fact that many Indians just wanted the elimination of the Bureau of Indian Affairs and its interference; they had no idea what the act

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<sup>410</sup> Ibid. p. 58.

<sup>411</sup> Ibid. p. 59.

of termination would do to their lands: “As far as land tenure is concerned, the Indians living on the reservations are living there very much as their ancestors lived. . . . They have never known or experienced the problems of living on taxable lands.”<sup>412</sup>

The Federated Indians, with their attorney Frederic A. Baker, constructed a resolution pertaining to the settlement of California claims cases before the relinquishment of authority and jurisdiction of the United States over the California Indians and their property. The resolution also included conciliatory language towards the State of California, noting that the State “has demonstrated a friendly and just attitude towards the Indians within its borders by just laws and caused us to feel that we may with propriety ask its Legislature to help us in all matters affecting our welfare.”<sup>413</sup> The resolution passed by the Northern California Federated Indians showed their anxiety about the status of the California claims cases as well as their intent to keep the State of California “cooperative” and “friendly” towards the Indians, since termination seemed inevitable. However, Baker, the attorney for the Federated Indians, claimed in a letter that he represented thousands of California Indians, not one of whom was in favor of returning to tribalism and tribal governments. Baker spoke of the enlightened laws and humanitarian interpretation of the laws that made California Indians citizens. In fact, however, Baker did not represent the thousands of Native Americans in Southern California who wanted to maintain their tribal governments.

During the debates at the California Senate hearings, the MIF maintained its stance to support termination and eliminate the Bureau of Indian Affairs. The letter<sup>414</sup> presented by the

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<sup>412</sup> Ibid.

<sup>413</sup> Ibid.

<sup>414</sup> Representatives of the Mission Indian Federation who signed the letter to the California Senate Interim Committee on Indian Affairs. Sam Brown, Trinada Majado, Juann Rodriguez, Robert Ardilla, Mary c. Matteson,

MIF at the hearings contained a regurgitation of the same arguments and rhetoric that the organization had used for years. The letter emphasized the organization's wide membership base, although previous testimony had demonstrated that not all were enamored with the MIF and had not joined the organization. The status of American Indians as "wards" and animosity towards the Bureau of Indian Affairs that was decades old comprised most of the MIF's arguments in support of termination. The MIF consistently expressed their desire for the abolishment of the Bureau of Indian Affairs and used the Cold War rhetoric that permeated government organizations in 1954 to achieve its ultimate goal and the fear of socialism and communism to advance their agenda: "The Indian Bureau policy has always been—and remains so at this hour here in California to force all Indians back into tribal life and to keep him a ward of the government, a system of state control. This is real communism and America has become justly alarmed. This accusation is not a fancied dream."<sup>415</sup> The MIF claimed that the "so called" Southern California Indian reservations were in appalling conditions of complete abandonment. The organization also claimed that the feelings of "all Indians" were unanimous in choosing termination and citizenship. As previously shown, such statements broadly stretched the truth. In addition, in none of their speeches or correspondence did the MIF ever address the real problems of taxation, heirship, water, and land issues.

Willis's testimony followed a letter sent to the hearing. He started by announcing that as counselor for the MIF, he was the de facto voice of the Mission Indians and that his services to

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Mrs. L.N. Spaletti, Mrs. Fannie Marcus, Don R. Pico, Eleanor F. Levi, Margaret F. Levi, William A. Levi, Faction of Torres Martinez Indian Reservation, Villana Hyde, Comodo Hyde, Marie C. Hill, Marge Moretti, Isabelle Schalde, Peter Grand, Ada Agearro, Pasiano Agulare, Agatha Culao, David Culao, and Ed Mindazce.

<sup>415</sup> California, "Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs." p. 81.

the Indians “have always been gratuitous,”<sup>416</sup> a claim that was blatantly false because the MIF paid Willis for his services. Bohn wanted a list of all members of the MIF and questioned Willis about membership requirements, membership cards, and dues. Bohn continuously interrupted Willis, wanting him to clarify what groups he represented. Willis conceded that he did not represent all that he claimed; however, he maintained that “the greatest number of Indians in California have no interest in reservations.”<sup>417</sup> One hundred percent of the populations living on Campo, La Jolla, and Pechanga Indian reservations were included in his evaluation. He claimed they were all MIF members and supported termination and the elimination of the Bureau of Indian Affairs. Bohn also badgered Willis about the structure of the MIF, asking whether it had a constitution, whether it was incorporated, and whether it had by-laws. Willis defensively answered that since the origination of the MIF, “nobody has questioned the authority that they assumed years ago to speak for the Indians; so there is no question about them being a genuine organization.”<sup>418</sup>

Following Willis’s testimony, Catherine Trujillo (Pala) immediately stated that Willis did not represent the Pala Indians. Agnes Mills (Morongo) clarified that Willis acted in the capacity of his contract with attorney Norman Littell, who she assumed was hired for the Court of Claims cases. However, Mills did not clarify whether Willis represented the general council of Morongo. The fracturing of tribes was also evident in Eleanor Levi’s (Torres-Martinez) statement that she spoke for the Indians “on the other side.” She first denied that Willis represented all the people of Torres-Martinez. Levi’s dispute focused on Virgil Lawson, who

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<sup>416</sup> Ibid. p.442.

<sup>417</sup> Ibid. p. 443.

<sup>418</sup> Ibid. p. 445.

had misrepresented her father, the previous tribal chairman, regarding the distribution of tribal funds. She also emphatically stated that she was a member of the MIF and noted that her father was a leader of the organization. Levi indicated that the tribe was split fifty-fifty anti-MIF and pro-MIF, thus challenging Lawson's statement, who also testified, that he represented the general council of Torres-Martinez.

Max Mazzetti (Rincon) also renounced Willis's testimony that Southern California Indian reservations had not held tribal elections since 1933: "We have approximately 19 reservations in San Diego County, all of which have elected councils." Mazzetti also did not accept Willis's claim that the Fort Yuma Indians supported the MIF. Dan Calac (Rincon) spoke after Mazzetti, claiming that the Rincon tribe was divided in its opinions on the MIF. He asserted that "there are a lot of people and this way we can't get along in the reservation." Calac claimed that he was the Capitán of Rincon, that he did not represent the MIF, and that the federation had nothing to do with termination. Calac vaguely expressed his support for termination in his support of the MIF. Banning Taylor (Los Coyotes), Billy Salgado (Cahuilla), Delmar Nejo (Mesa Grande), and Steve Ponchetti (Santa Ysabel) reiterated that they were the chosen representatives from their respective reservations and that Purl Willis and the MIF did not speak for them or their reservations. Sam Brown (Baron Long/Viejas) noted that his tribe was split fifty-fifty on organizational alliances and that he, as the Baron Long representative, was doing his best to support the wishes of the tribe.<sup>419</sup> However, his confusing and rambling testimony did not fully express the wishes of his tribe. Maybe, in this case, the splintered ideas concerning how the tribe dealt with federal policy change affected the way Brown represented his tribe.

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<sup>419</sup> Ibid.

The establishment of the California Indian Congress,<sup>420</sup> the solidification of a tangible political organization for the Mission Indians, was cultivated by the Spokesmen and Committee Group. This grassroots organization composed of members from Southern and Northern California Indian communities to fight termination used an article written by former Indian Commissioner John Collier to emphasize their displeasure and resistance to termination:

The mandatory termination of trust status and tax status of all California Indian restricted property, as proposed in the termination legislation is not in the best interests of the State of California or the California Indian. The proposal is an outright renunciation of the federal obligation and violates Indian rights. Most California Indians are extremely poor and their trust status lands low in value, but essential to their present way of life. Forced termination of the trust and tax exempt status of their properties will result in a rapid loss of their land through alienation and confiscation and reduce thousands of California Indians to homeless poverty.<sup>421</sup>

The California Indian Congress articulated their frustration with the Bureau of Indian Affairs not always functioning in the best interests of California Indians. Originally, the U.S. government had created the Bureau to assist and give guidance to Indians. However, these federal officials who repudiated the federal obligation, had stunned the Indians: “So it is today that we stand alone without experienced leadership and totally lacking in education, protesting proposed termination legislation. We have remained silent too long. We speak knowing full well that the proposed measures will eventually fractionate and decimate Indian communities

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<sup>420</sup> Members of the California Indian Congress included Erin Forrest (Pit River), Vyola Olinger, Glen Moore (Hoopa), Eileen W. Miguel (Agua Caliente-Palm Springs), Max Mazzetti (Rincon), Frank Treppa (Upper Lake), and Cruz Siva (Los Coyotes).

<sup>421</sup> California, "Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs." p. 64.

and erase forever a God-given right to exist as a race of people.” They requested that the State Interim Committee on Indian Affairs recommend the following actions regarding termination in California: (a) opposition to blanket legislation for California Indians and insistence on a withdrawal, if inevitable, based on economic and social development; (b) a detailed study of each California reservation and rancheria by a special commission exclusive of federal influence and inclusive of California Indian participation; (c) restoration of the federal Revolving Loan Fund to California Indians; (d) change in the status of assignment and allotment lands; and (e) analysis of the California Indian position without being rushed into federal ultimatums.

The California Indian Congress also expressed its views on Indian Affairs in California: In view of the fact that a previous California State Legislature had contributed immensely to termination and other predicaments by lobbying the United States Senate to reject the treaties with the Indians, the organization felt that the State of California owed them this consideration:

For over 100 years there has been no rush to assist Indians, why rush now? Haste in these proposals will never seriously alter the destiny of this world but will accelerate our extinction . . . We progressing rapidly and social and economic equality is in the near foreseeable future. It has been OUR fight against insurmountable odds and we demand the right to be our own emancipators. Certainly, no man in Congress today deserves this distinction. Indian languages are now being forgotten, as are Indian crafts, Indian customs, etc. The Indian landowner of tomorrow will demand the very program that those without honor would force upon us now.<sup>422</sup>

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<sup>422</sup> Ibid.



The California Indian Congress's ruthless judgment of the federal government and its reprimand to the State of California was a novel development. The Spokesmen and Committee Group also used effective tactics to illuminate the problems associated with termination.

### **Recommendations of the California Senate Committee**

The State Interim Committee on Indian Affairs acknowledged that the federal termination bills (H. R. 7322 and S.2749) were the result of a great deal of work by the Bureau of Indian Affairs, other federal organizations, and specific individuals within Congress. However, in its report, the committee argued that these bills in their present form were unacceptable to the State of California and were not workable. Although the reasons for the State's findings were numerous, the primary reason was that the federal government had fixed a termination date and made other provisions related to termination without solving the many problems preceding effective and equitable termination. The State of California quickly realized that funds were not available to meet the time schedule and resolve all the problems resulting from termination. The committee recognized that there could be only one result if Congress passed these bills in their present form: The State of California would inherit *all* the unsolved Indian problems upon the effective date of termination. Thus, the committee recommended that the State of California prepare for a continuing program of negotiations with the federal government about federal termination, noting that such negotiations must precede the passage of a termination bill rather than come after such passage. Otherwise, the State would have to bear the financial burden of the loss of federal trust protections and the American Indian population.<sup>423</sup>

In Max Mazzetti's opinion, the conclusions and recommendations of the California Senate Interim Committee, along with Senate Joint Resolution No. 4, saved Southern California

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<sup>423</sup> Ibid. pp. 27-28.

Indian reservations. After the hearings and testimonies of Northern and Southern California tribal members, the committee formulated its conclusions. The committee conceded that whether or not the United States government should terminate supervision over Indians in California was a decision “exclusively for the consideration of that body.” It was apparent to the committee that “with the passage of each year some federal service formerly furnished to or for the benefit of various Indians groups in California has been curtailed or discontinued. Many of the burdens theretofore assumed by the United States have become the responsibility of the State.”<sup>424</sup> Thus, the Indian problem, formerly the conundrum of the federal government, had become a major financial hindrance to the State of California. Therefore, in their report, the State representatives covered numerous characteristics of the relationships between the California Indian tribes, the United States government, and the State of California.

The first item covered in the report was the categorization of the State’s American Indian occupants. The committee categorized California Indians into two groups. The first group consisted of Indians of all degrees of blood. These individuals were in the same category as other American citizens residing in the State of California. They lived off-reservation, were non-organized, had little or no contact with the Bureau of Indian Affairs, and were integrated into various California communities in the same manner as citizens of other racial extractions. The second group consisted of Indians who resided on reservations, rancherias, or allotments or who had individual and immediate interest in the federal trust issue. Most of the Indians in this category had an interest in an individual parcel of land, either by virtue of an allotment direct from the federal government or by so-called assignment of property held in trust for the benefit of the tribe as a whole. The committee surmised, not surprisingly, that termination would directly affect the on-reservation group most of all.

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<sup>424</sup> Ibid. pp. 27-449

However, the most important aspect of these classifications was the acknowledgement of the common bond between both reservation and non-reservation Indians who had mutual, undivided interest in either lands or money held in trust<sup>425</sup> by the United States for the tribal groups to which they belonged.<sup>426</sup> An example of such an interest was the Californian claims cases. The foremost concern to the State was how the lands and money were going to be distributed and the problems that would arise because of inequities among the different tribal groups. In its conclusions, the State continuously reiterated that even though United States government classified Indians differently, the State of California was egalitarian in its treatment towards American Indians. The State maintained that, from the standpoint of services,<sup>427</sup> there was no distinction between Indians or persons of Indian extraction living on reservations and those living elsewhere in the State who owned property and conducted their affairs in the same manner as any other citizen.<sup>428</sup>

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<sup>425</sup> The United States Government guaranteed that money from sales or lease of lands, minerals, water, and other natural resources were always held in trust accounts is either reservations or individual members. This was a point of contention to the tribes/bands targeted for termination.

<sup>426</sup> California, "Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs."

<sup>427</sup> The services the State of California claimed were rendered to California Indians:

- a. Indian citizens of this State are entitled to and utilize school facilities in the same manner and to the same extent as non-Indians. Financing for these school facilities comes in part directly from the State of California and in part from local real property taxation.
- b. Welfare benefits to indigent Indians furnished by the political subdivisions of this State to Indians on the same basis and to the same extent as to non-Indian citizens.
- c. Old age and survivors' benefits are paid to the Indian citizens of this State in the same manner and to the same extent as those paid to non-Indians.
- d. Indians are entitled to other governmental services, such as police protection, the use of courts, the facilities of public defenders, district attorneys, legal aid societies, etc., to the same extent and in the same manner as non-Indian citizens.

<sup>428</sup> California, "Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs."

The State of California was quick to praise its proper attitude towards American Indians, claiming that it made no legal distinction in providing services to any class of its citizens, including Indians. The committee was gratified to find substantially no evidence of discrimination against Indians by public agencies of the State and its political subdivisions. The report stated that reports of discrimination were rare, and the committee condemned and deplored these few acts of racism.

However, not all of the claims in the report were accurate. The committee claimed that the State and local land taxes were the sole funding sources for Indian education. This statement was erroneous. Since the 1934 passage of the Johnson O'Malley Act, the federal government had been furnishing funds to the California public school system for every Indian student enrolled in elementary and high schools. Thus, termination of trust status would significantly increase the cost of education for the State of California.

The self-congratulatory attitudes that emanated from the committee report contrasted sharply to what occurred in the State's counties during the many transitions that took place during the termination era. Always contentious issues around welfare benefits to American Indians became more so, especially in counties with larger Indian populations, namely, Riverside and San Diego Counties. The refusal of the County of San Diego to provide welfare benefits made its way to the federal courts in *Acosta v. County of San Diego* (126 Cal. App. 2d 455). In 1951, Rosalie Acosta from the Pala Indian Reservation sued the County of San Diego because the county denied her welfare benefits. The County of San Diego contended that reservation Indians were not residents of the County for the purpose of obtaining direct county relief under the Welfare & Institutions Code. Judgment was entered for the plaintiff Acosta; however, the County of San Diego appealed. On July 7, 1954, the appellate court also found for the

respondent Acosta. The court concluded, “Indians living on reservations in California are citizens and residents of this state, it must therefore follow that under section 1, Amendment XIV of the Constitution of the United States they are endowed with the rights, privileges and immunities equal to those enjoyed by all other citizens and resident of the state.”<sup>429</sup> Most local governments throughout California opposed granting welfare benefits to Indians, citing the Snyder Act,<sup>430</sup> also known as the 1924 Indian Citizenship Act, that the federal government was the only entity responsible for reservation Indians. So, contrary to the committee’s conclusions, the criteria that granted welfare benefits to California Indians was not applied to the same extent to Indians as they were to non-Indian citizens.

The implementation of PL 280, discussed in chapter 4, made the committee’s evaluation of the Indians’ use of the State’s police protection, court system, and other legalities a moot point. The execution of PL 280 in California meant that the State now had jurisdiction over offenses committed by or against Indians in the areas of Indian country to the same extent that the State had jurisdiction over offenses committed elsewhere within the state. Criminal laws encompassed in the 1885 Major Crimes Act were also included in PL 280.

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<sup>429</sup> *Acosta v. County of San Diego* (126 Cal. App. 2d 455) For other court cases that addressed these issues see: *Oyama v. State of California*, 332 U.S. 633 [68 S.Ct. 269, 92 L.Ed 249]; *Takahashi v. Fish & Game Commission*, 334 U.S. 410 [68 S.Ct. 1138, 92 L.Ed. 1478]; *Peters v. Pauma School Dist. of San Diego County*, 91 Cal. App. 792 [267 P. 576]. For further analysis on the State of California and county resistance to grant welfare benefits to Indians see: Goldberg, *A Second Century of Dishonor: Federal Inequities and California Tribes*

<sup>430</sup> Section 13 of the Snyder Act titled Expenditure of Appropriations by Bureau stated that the Bureau of Indian Affairs shall direct, supervise, and expend such moneys as Congress may from time to time appropriate for the benefit, care, and assistance of the Indians throughout the United States. General support and civilization included education; for the relief of distress, and conservation of health; for industrial assistance and in advancement and general administration of Indian property. The Act also required that the Federal Government improve infrastructure, water sources, and to implement and repair housing. This Act also allowed the Bureau to hire non-Indian inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees. It specifically targeted the suppression of traffic in intoxicating liquor and deleterious drugs. U.S. Department of Health and Human Services, "The Snyder Act Public Law 67-85".

In numerous letters to the Bureau of Indian Affairs, members of the Spokesmen and Committee Group, Max Mazzetti, Steve Ponchetti, Banning Taylor, Cruz Siva, and Virgil Lawson lodged complaints against the local law enforcement agencies, charging them with disrespect, disdain, and indifference to Indian legal problems on the reservations. They directed their criticisms at the local sheriff's departments responsible for law and order. Calls made to the police went unanswered; requests for police intervention were ignored; and many times, the police did not even bother to hide their indifference if the call came from an Indian reservation. The San Diego County Sheriff's Department classified one such incident as a normal fight on the Rincon Indian Reservation and ignored calls for the police to come to the reservation because it "was believed to be not urgent."<sup>431</sup> The result of their inaction was a murder. Of course, the Sheriff's Department assured the Bureau of Indian Affairs that "Indian reservations are being given the same protection as non-Indian rural communities."<sup>432</sup>

Although PL 280 gave law and order jurisdiction to the State, the State still had to answer to the federal government. Even though Congress passed House Concurrent Resolution 108 and scheduled California Indians for termination, these Indians were still legally wards of the United States government. Although most Indian communities realized that local law enforcement would not protect them and might even discriminate against them, the committee's evaluations maintained the façade of civility towards California Indians that never existed.

The California Senate Committee also recommended that, to avoid injury to the affected California Indians, the federal government should implement various contingencies' before termination. These contingencies included (a) establishing lists of property owners; (b) engaging

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<sup>431</sup> Max Mazzetti, June 3, 1954 1954.

<sup>432</sup> Ibid.

in interim activities by the United States, including construction of roads, exterior surveys of trust properties, audits of provided trust funds, determination of water rights, and limitation of Bureau of Indian Affairs activities; (c) engaging in interim activities by the State of California, including a governor's commission on Indian affairs, orientation programs by the Department of Education, and assistance from successor Senate committees; (d) settling issues of voting and distribution of trust properties; (e) validating custom marriages for inheritance purposes; (f) decentralizing termination procedures; (g) and giving separate consideration to each reservation and Rancheria.

Thus, the advice given to Mazzetti to get the State involved resulted in showing the State of California that the overall concern was financial. The State noted that the imbalance in the financial relationship between the governments of California and the United States and that termination would jeopardize the federal funding upon which the State relied. In 1954, the State of California still received monies for education, hospitalization, forestry, and infrastructure from the federal government. Termination would eliminate these funds. Thus, in their analysis, representatives of the State complained that "neither the United States nor the Indians themselves are paying real property taxes on the lands held in trust by the United States for various Indian groups in this State. The State of California . . . is in the position of furnishing governmental services to the Indians who reside on these lands or have an interest therein without receiving tax benefits on the value of the holdings. This casts an unfair tax burden on the other real property taxpayers."<sup>433</sup> To show this, the State developed a table of taxes to be generated by Indian trust lands with the implementation of termination (see table 8).

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<sup>433</sup> California, "Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs." p. 451.

The six counties of Humboldt, Imperial, Inyo, Riverside, San Diego, and San Bernardino, comprised \$398,133, or 88%, of the projected tax dollars to be generated from Indian land. The prospective taxable Indian reservation trust lands in the other counties were negligible in terms of total revenue compared with the federal funding received for California Indians. Thus, the anticipated costs of providing for the basic problems concerning water resources, general access to roads, education, law enforcement, and welfare would exceed the tax money received from the federal trust properties.

The Senate Interim Committee hearings revealed to the State the major concerns and consternation of California Indians concerning the termination crisis. It established that each tribe had its own dynamics and ideas regarding U.S. Indian policies, as well as its own factions of political and social groups. In effect, the hearings confirmed the argument in Resolution No. 4 that termination would break the promises the federal government had made to American Indians that in exchange for lands the government would provide perpetual federal protection and other benefits. The wording of Resolution No. 4 showed the ambivalence and mistrust the State of California had for the termination legislation. The hearings emphasized that the State could depend on the resistance of some Indian tribal entities and groups within these Southern California societies.



Table 7: Estimated Taxes Levied on Indian Trust Land in California by Counties, Assuming Such Land to Be Assessable

County	Taxes (\$)	County	Taxes (\$)
Alpine	389	Modoc	7,012
Amador	101	Mono	230
Butte	2,025	Nevada	197
Calaveras	25	Placer	57
Colusa	972	Plumas	172
Del Norte	7,108	Riverside	239,551*
El Dorado	92	Sacramento	139
Fresno	354	San Bernardino	14,116**
Glenn	49	San Diego	65,456
Humboldt	45,646	Santa Barbara	159
Imperial	15,135	Shasta	2,820
Inyo	18,229	Sierra	31
Kern	272	Siskiyou	2,907
Kings	187	Sonoma	645
Lake	883	Tehama	48
Lassen	1,057	Trinity	1,847
Los Angeles	20	Tulare	9,814
Madera	592	Tuolumne	368
Mariposa	226	Yolo	187
Mendocino	15,217	Yuba	52
		Total	454,288

Source: Senate of the State of 451.

\*Includes \$194,464 for Agua Caliente (Palm Springs) Reservation

\*\*Includes \$3,642 for those parts of the Chemehuevi, Colorado River, and Fort Mohave Reservations located in California but excluded from the Termination Bill.

Note: Data in table derived from estimates supplied by county assessors and supplemented by gross estimates by the staff of the Bureau of Indian Affairs, September 1954.

Three months later after the hearings and Resolution No. 4, on February 3, 1955, Virgil Lawson (Torres-Martinez) sent a telegram to the BIA with his concerns about the local county government and welfare assistance, stating that the “Riverside County (Department) of (Public) Welfare has taken the stand that Indians with restricted trust title to their lands must place these lands up for sale, or be refused their old age assistance and other aid. The Indians will be

reduced to landless individuals by this destructive system unless federal protection is forthcoming. Once again we ask for protection without delay before more pensioners and indigents are cut off.”<sup>434</sup> Of course, when confronted, the Riverside Welfare Authorities denied the accusation. The director of the Riverside Welfare Department contended that the County of Riverside abided by the state welfare code and insisted that recipients who owned “real property”<sup>435</sup> needed to utilize the property “to its fullest extent” or to sell it. However, the Welfare Department asserted that if the Indian lands were in trust status, the County of Riverside would not insist on the disposition of said property as a condition on giving welfare aid.<sup>436</sup>

Mazzetti wanted answers from the Bureau on land issues. Along with concerns of welfare assistance, the BIA needed to address the status of allotted Indian owned lands. The BIA’s Sacramento office sent an alarming response to the spokesman of the Rincon Indian Reservation, explaining that the Bureau could sell allotted Indian lands to non-Indian buyers.

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<sup>434</sup> Memorandum to W.C.Straka , District Agent Riverside from Leonard M. Hill, Area Director. “Welfare Program of Torres-Martinez Reservation. August 3, 1955. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration, Pacific Region (Laguna Niguel)

<sup>435</sup> Real Property: Real or immovable property consists of:

1. Land;

2. That which is affixed to land;

3. That which is incidental or appurtenant to land;

4. That which is immovable by law; except that for the purposes of sale, emblements, industrial growing crops and things attached to or forming part of the land, which are agreed to be severed before sale or under the contract of sale, shall be treated as goods and be governed by the provisions of the title of this code regulating the sales of goods. California Civil Code - Section 658 :: Title 1. Nature Of Property

<sup>436</sup> Memorandum to W.C.Straka , District Agent Riverside from Leonard M. Hill, Area Director. “Welfare Program of Torres-Martinez Reservation. August 3, 1955. Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration, Pacific Region (Laguna Niguel)

The Bureau could advertise the sale of said lands at “not less than the appraised value.”<sup>437</sup> This included all Indian reservation tribal lands, not just allotted lands. Thus, if terminated, all reservation lands were in danger of becoming checkerboard land patterns like those in Agua Caliente (Palm Springs) and Torres-Martinez.

An intriguing side note to this correspondence was that Hill insisted that “no termination legislation has yet been introduced in the Congress and I believe . . . that such action will be delayed until the recommendation of the State of California is forthcoming. I am unable to predict and have not been informed as to when the State will take action.”<sup>438</sup> Hill clearly misrepresented the truth regarding the termination legislation, although his reasons for blatantly disregarding the passage of House Concurrent Resolution 108 in August 1953 have remained unclear.

Hill further informed Mazzetti that Governor Goodwin Knight<sup>439</sup> (R) appointed a governor’s committee on aid to Indians, which may have discussed Senate Joint Resolution No. 4. This letter from the BIA’s California Area Director was one of the first indications that the California congressional representatives were not enthralled with all of the ramifications of the termination legislation. Even though Hill’s analysis demonstrated the ease of selling Indian lands, his reticence about the State of California signaled doubts to the BIA about the probability of immediate implementation of termination in California, especially in Southern California.

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<sup>437</sup> Letter to Max Mazzetti, Spokesman Rincon Indian Reservation from Leonard Hill, Sacramento Area Director. February 24, 1955. Record Group 75. Central Classified Files. Mission Indian Files. National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>438</sup> Ibid.

<sup>439</sup> Goodwin Knight, California Governor (1953-1959). California State Library, "The Governors' Gallery," [governors.library.ca.gov](http://governors.library.ca.gov).

On April 15, 1956, the Rincon Indian Reservation hosted a special meeting for Indian tribal councils, individual Indians, and friends to “discuss a strategy to obtain favorable legislation to Indians of California.”<sup>440</sup> The agenda included several items:

1. The attendees were to confirm their views and decide on the type of legislation the Indians wanted concerning future problems facing the Indian people.
2. They were to discuss whether they favored repeal of House Concurrent Resolution 108 passed by Congress in 1953, which stated that the policy of Congress was to terminate federal responsibility as rapidly as possible.
3. They were to discuss whether they favored repeal of PL 280 and whether they could get loans to bring their houses up to the standards of the county building codes. As part of this item, they were to outline a concrete program of resolutions and letter and telegram campaigns aimed at Congress because the repeal of PL 280 was one of the hottest issues in Washington.<sup>441</sup>
4. They were to discuss opposition to blanket legislation, which most of the California Indians were, and whether Indians should have the right to accept or refuse legislation. Again, most Indians throughout the United States were asking for the right to consent or reject.
5. They discussed an upcoming meeting with the State to discuss acceptance or rejection of the termination program.
6. They were to discuss the eligibility of Indians, especially Indian veterans living on Indian reservations for long-term loans and actions to take on their behalf. These

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<sup>440</sup> Memorandum “Special Meeting for Tribal Councils, Individual Indians and Friends”. 1956. National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>441</sup> As of 2012 Public Law (P.L) 280 is still “good law” in the State of California.

Indian veterans were currently not eligible for such loans as other veterans were under the G.I. Bill of Rights.

7. They were to discuss Indians being cut from receiving needed aid in some of the counties, including the amount of red tape Indians had to go through when seeking urgent medical care.
8. They were to discuss the claims cases.<sup>442</sup>

Max Mazzetti, Robert Lavato, Henry Rodriguez, Thurman McCormick, and Martin Ardillo conducted a meeting at the Rincon Indian Reservation on Sunday, April 15, 1956, to write, discuss, and vote on the Indian policies that would benefit all or the large majority of Indians in Southern California. Numerous representatives from both the tribal and general councils of Southern California Indian reservations attended the meeting. The meeting minutes noted that representatives from every Indian reservation in Southern California attended. The meeting included observers from among the “many white friends” who supported the anti-terminationists.

The representatives voted unanimously to pass nine resolutions that promoted Mission Indian welfare. The resolutions demanded that the federal government heed the importance of the economic, physical, cultural, and social welfare of Southern California Mission Indians. Their referendum addressed law and order, land and natural resources, economics, health, and basic civil rights.

One of the more important demands included the repeal of PL 280.<sup>443</sup> According to Mazzetti, this law had not worked because local law enforcement, which included the county

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<sup>442</sup> Memorandum “Special Meeting for Tribal Councils, Individual Indians and Friends”. 1956. Record Group 75. Central Classified Files. Mission Indian Records National Archives and Records Administration Pacific Region (Laguna Niguel).

sheriff's departments, refused to respond to calls for assistance from Indian reservations and were deviant in their duties. In their indictment of county sheriff's departments, the representatives pointed to an incident that occurred on the Rincon Indian Reservation. Although a murder and felony assault transpired, the sheriff did not respond to the reservation until the following day.<sup>444</sup> Indians were afraid to sign complaints because the sheriffs refused to respond.

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<sup>443</sup> In December 1955, Therman McCormick, Spokesman-Rincon Indian Reservation and Dorothy Despierto, Tribal Secretary-Rincon Indian Reservation sent a letter to Dale M. Baldwin, Bureau of Indian Affairs Southern California Field Representative and requested that all data on the "authority" that the San Diego County Sheriffs' Office had on the the Rincon Indian Reservation and all reservations in the county? Baldwin responded and reiterated that P.L. 280 brought Indians residing on California Indian Reservation were now under the same system of law enforcement and civil jurisdiction as other citizens of the State and county. Baldwin emphasized that P.L. 280 had included limitations on how the law was applied on reservation lands, this included: 1) The State and State courts cannot take action that would effect of authorizing the alienation encumbrance or taxation of any trust or restricted property; 2) The State and courts cannot take action that would effect the regulation of the use of trust or restricted Indian property in a manner inconsistent with any Federal treaty, agreement or statute or with any regulations made pursuant thereto; 3) The State would not be permitted to regulate hunting, trapping, or gishing in any manner that would deprive the Indians of rights, privileges, or immunities afforded Indians by Federal treaty, agreement, or statute; 4) The courts of the State are not permitted to adjudicate the title to or the right to possession of trust or restricted Indian property; 5) The courts of the State would be required in civil proceedings to give full force and effect to all duly adopted tribal customs and ordinances insofar as these customs and ordinances were not inconsistent with any State civil law or general application to private persons or private property. According to Baldwin, the BIA's view of P.L. 280 considered that State and local law enforcement had the same authority in enforcement of its laws on Indian reservation lands located in the State of California. Baldwin's advised these concerned Indian leaders to tell "your people" to obey all state and county laws and that "conduct of your dances is governed by local law. The limitations of P.L. 280 outlined by Baldwin were repeatedly flaunted and broken by local law enforcement since its inception. Public Law 280 remains a controversial and hated statute in California Indian Country today.

Letter to Dale M. Baldwin, Field Representative from Therman E. McCormick, Chairman of Tribal Committee-Rincon Indian Reservation and Dorothy Despierto, Tribal Secretary-Rincon Indian Reservation. December 28, 1955. Record Group 75. Central Classified Files. Mission Indian Files. National Archives and Records Administration Pacific Region (Laguna Niguel).

Letter to Therman E. McCormick, Tribal Chairman-Rincon Indian Reservation from Dale M. Baldwin, BIA Field Representative. January 9, 1956. Record Group 75. Central Classified Files. Mission Indian Files. National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>444</sup> This pertained to the murder of Annie Teresa Morales on the Rincon Indian Reservation on May 18, 1955. Another individual George Paipa (the author's great, great uncle) was stabbed and mutilated during the attack on Morales and the non-Indian law enforcement refused to respond the urgent calls for assistance. Excuses were made by the Bureau of Indian Affairs (this is still federal trust land overseed by the Department of Interior) and local San Diego County law enforcement. The Chief Deputy, Sheriff W.H. Woods validated the Sheriffs Department actions due to the difficulty of obtaining convictions of Indians for disturbances on Indian reservations due to the refusals of

Many Indians were also afraid of being beaten by local law enforcement. Thus, without the law, they had nowhere to turn. They also accused the sheriff's departments of using the color of authority to harass Indians living on reservations, citing Sec. 2(b) of the law: "Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property." They charged the sheriff's departments of trying forcibly to coerce Indians to sell their lands by telling them they would not receive social security or welfare benefits, which did not comply with PL 280.<sup>445</sup>

The Mission Indians asked once again for the repeal of House Concurrent Resolution 108 because they wanted to develop their own lands and attempt to meet county and state housing and living standards on their own timetable. They wanted Congress to adjudicate tribal water rights and mineral rights to the bands, tribes, or individual Indians. On issues of health, the Mission Indians urgently requested Congress re-open the Soboba Indian Hospital, which had been located on the Soboba Indian Reservation in Riverside County. This was essential for Indians who needed medical care because many Indians reported they were refused admittance at several county hospitals. They also reported that often Indians died because they were accepted only when it was too late. Other concerns included the availability of bank loans to Indian tribes and individuals by the federal government and private enterprises because Indians living on the reservation could not get loans to develop their lands like those who lived off the reservation. In addition, they requested special attention on behalf of Indian veterans, many born and raised on

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the victims and elected leaders to testify against wrongdoers. Empty excuses to appease the Bureau of Indian Affairs and the passage of P.L. 280.

Letter to the Commissioner of Indian Affairs from the Sacramento Area Director . 1955. Record Group 75. Central Classified Files. National Archives and Records Administration Pacific Region (Laguna Niguel).  
Personal Recollection of Mr. Max Mazzetti. 2008.

<sup>445</sup> See Appendix F-Complete text of P.L. 280

the reservations, who, having returned from war could not get GI loans because they lived on federal trust lands. The Mission Indians also requested that all liens against Indian property be cancelled in accordance with the Leavitt Act,<sup>446</sup> July 1, 1932 (47 Stat. 564; 25 U.S.C. 5 386a), and that the money held in trust for them by the federal government be more easily accessed.

Lastly, the Mission Indians opposed any blanket legislation because each reservation, little or large, had its own particular problems. Those problems had to be addressed individually to benefit each band or tribe before termination. The federal trust status of the Southern California Indian reservation must also be terminated only at the consent of the Indians, not the non-Indian politicians.<sup>447</sup> The Mission Indians sent these resolutions to the Commissioner of Indian Affairs; the California congressmen; and other federal, state, and local representatives.

Mazzetti guaranteed that the Mission Indians remained in the news by writing and distributing his opinion articles to the local newspapers. He informed the Bureau that the Rincon Band of Mission Indians had passed Resolution I-56, which asked “for all assignments to be made into trust patents so that a person will have security to his or her land.”<sup>448</sup> Mazzetti notified Leonard Hill that he sent copies of the resolution to members of Congress and other “friends” that helped “our Indians on the various issues that termination presented.” He stated

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<sup>446</sup> The Leavitt Act by Act of Congress releases all Indian lands from further assessments for construction costs so long as such lands remain in Indian ownership. July 1, 1932. Indian Affairs: Laws and Treaties. Vol. VII, Laws (Compiled from February 10, 1939 to January 13, 1971). Washington: Government Printing Office. Produced by the Oklahoma State University Library  
URL: <http://digital.library.okstate.edu/kappler/>

<sup>447</sup> Meeting Minutes “Special Meeting on Indian Policy”. April 15, 1956. Record Group 75. Central Classified Files. Mission Indian Records. National Archives and Records Administration Pacific Region (Laguna Niguel).

<sup>448</sup> Letter to Leonard M. Hill BIA Area Director from Max Mazzetti, Vice Chairman Rincon Indian Reservation . April 16, 1956. Record Group 75. Central Classified Files. Mission Indian Records. National Archives and Records Administration Pacific Region (Laguna Niguel).



that the purpose of the meeting and the resolutions was to “set up an Indian Policy as to what we Indians in Southern California want in this legislation.”<sup>449</sup>

Even as the Rincon General Council passed Resolution I-56 and implemented Southern California Indian Policy, the Rincon tribal secretary Dorothy Despierto sent a letter to Congressman Edmond A. Edmondson (D-Oklahoma) to show that the oppressive tactics of the federal government and to seek his assistance with the intricacies of dealing with termination. Because the ramifications of termination presented numerous hardships in Southern California Indian Country, Despierto intended to present her complaints to someone outside California Indian country. Her appeal started in this way: “We California Indians are faced with many heart-breaking problems and we do not know which way to turn.” She gave many examples of the improper care at San Diego County hospitals and lackadaisical law enforcement by the San Diego County Sheriffs’ Office. However, because all these problems revolved around the passage of House Concurrent Resolution 108 and PL 280, she stated clearly that the “basic cause of our troubles out here in California was the passage of the above bills and we are in the dark and no one has ever explained to use just what position that these laws have placed us Indians.”<sup>450</sup>

The fears of loss of medical, legal, and education care combined with the threats of land loss and the loss of mineral and water rights again motivated Purl Willis of the MIF to contest the BIA’s treatment of Indians and to castigate those that opposed termination and tribal governments. He contacted the Commissioner of Indian Affairs Glenn Emmons about the grief

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<sup>449</sup> Ibid.

<sup>450</sup> Letter to Congressman Ed Edmonsens, U.S. House of Representatives from Dorothy Despierto, Rincon Tribal Secretary. April 15, 1955. Record Group 75. Central Classified Files. Mission Indian Records. National Archives and Records Administration Pacific Region (Laguna Niguel).

caused by Area Director Leonard Hill and other California Indian agents. In his usual confrontational manner, Willis charged that Emmons's staff in California planned on "selling off and giving away several thousands of acres of lands in the Palomar area of San Diego County known as the 'Mission Reserve.'"<sup>451</sup> He accused the BIA and the State of California of causing agitation and becoming a "real menace" to the Mission Indians. Willis lashed out at his old enemies, the "old fake Spokesmen and Tribal Committee" (Spokesmen and Committee Group), and contended that the tribal councils were antiquated and obsolete. He queried about the rumors of another termination bill negotiated between the BIA's California area director and the State of California, with input from various tribal councils throughout the state. Willis reiterated his claim and false hope that Indian reservation tribal councils were extinct. For a non-Indian who claimed that he supported Indian sovereignty and rights and yet, as an individual, was ostracized from many reservations, this was a bold statement. Willis maintained that he only championed Indian causes, yet he was ready to eliminate tribal sovereign governments, although his motivation (perhaps money or land) has remained unknown. However throughout the termination legislation, he remained a pro-terminationist.

On the national academic level, anthropologist Sol Tax from the University of Chicago studied Indian reservations and determined that termination was a problem not unlike that of a parent/child relationship or of communities/colonies "under the rule of benevolent powers."<sup>452</sup> Tax argued that paternalistic relationships placed American Indians in the role of wayward children and the federal government in the role of the parent that had the "power to decide what

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<sup>451</sup> Letter to Glenn Emmons, Commissioner of Indian Affairs from Purl Willis, Mission Indian Federation. April 26, 1956. Record Group 75. Central Classified Files. Mission Indian Records-Rincon. National Archives and Records Administration, Washington D.C.

<sup>452</sup> Sol Tax, "The Freedom to Make Mistakes," *America Indigena* XVI, no. 3 (1956).

the other one should do for *his own good*.”<sup>453</sup> Tax contended that the termination of Indian reservations was the result of the conviction of non-Indians that Indians and their cultural heritage would eventually disappear because the Indians wanted to assimilate into the white world.<sup>454</sup> Tax concluded that American Indians had every reason to be anxious about federal Indian policies and to distrust the Bureau of Indian Affairs.

As the strategizing continued in California, the presidents of the intertribal<sup>455</sup> organizations throughout the United States held the first national intertribal meeting in Washington State to discuss the many issues of termination. After the meeting, the council contacted the Commissioner of Indian Affairs and officially agreed with the Bureau of Indian Affairs on a number of issues, such as the need for improvements in Indian health, education, and economic opportunities. However, the group restated that the implementation of most termination programs occurred “without warning to officials of the tribes that are affected and without their consent.”<sup>456</sup>

Ample evidence existed to support the council’s land concerns. A bill presented to Congress stipulated that all mortgages of trust or restricted and non-trust or unrestricted property executed by Indians including mortgages of trust or restricted land “shall be filed or recorded in

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<sup>453</sup> Sol Tax, "A Positive Program for the Indians," *American Indian* 8(1958). pp. 171-174.

<sup>454</sup> Ibid.

<sup>455</sup> The Inter-Tribal Organizations included: All-Pueblo Council, Minnesota Chippewa Tribes, Affiliated Tribes of the Northwest, Confederated Tribes of Nevada, Arizona Inter-Tribal Council, North Dakota Inter-Tribal Council, Western Washington Inter-Tribal Council, and the California Indian Congress.

<sup>456</sup> Letter to Glenn Emmons, Commissioner of Indian Affairs from John C. Rainer, Chairman-All-Pueblo Council, Ed M. Wilson, Vice-Chairman-Minnesota Chippewa Tribes, Joseph R. Garry, President-Affiliated Tribes of the Northwest, Walter Voorhees, Chairman-Confederated Tribes of Nevada, Clarence Wesley, President-Arizona Inter-Tribal Council, Martin T. Cross, President-North Dakota Inter-Tribal Council, Vyola Olinger, President-California Indian Congress, Tandy A. Wilbur, Vice-Chairman-Western Washington Inter-Tribal Council. April 25, 1956. Record Group 75. Central Classified Files. National Archives and Records Building, Washington D.C.

accordance with the laws of the State in which the property is located.”<sup>457</sup> The specific wording of the bill indicated that Indian mortgagors were subject to the state criminal and civil laws applicable to mortgaged property in the same manner as any other citizen. The mortgages authorized the seizure or repossession of mortgaged property in accordance with state laws, even though the property was on allotted land or on an Indian reservation. The United States consented that the States could repeal any part of their constitutions that disclaim jurisdiction over Indian lands if the people of those states voted to adopt constitutional amendments to change their constitutions.<sup>458</sup> Thus, the loss of federal trust protections of all Indian lands, both allotted and reservation, terrified those Indian tribes scheduled as termination ready.

The anti-terminationists, the Inter-Tribal Council, and the California Indian Congress reiterated the claims of many tribal officials throughout Southern California that this was “piecemeal termination” by administrative action without the consent or consultation of tribal authorities. The California Indian Congress’s participation demonstrated their intention to defend their lands and sovereign rights in a much broader context on the national stage, not only in the region and in the state. Of course, Commissioner of Indian Affairs Emmons’s response included claims of disbelief that his agents failed to communicate properly the ramifications of termination within the individual states. He defended the Bureau’s tactics and argued that all matters pertaining to termination were “certainly discussed with tribal officials and tribal members on a very wide scale.”<sup>459</sup> Emmons’ completely disregarded the Council’s and, by

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<sup>457</sup> Ibid.

<sup>458</sup> BILL “To provide for the termination of the trust status of Indian-owned chattels, and for other purposes”. Record Group 75. Attorney General Warren Files. National Archives and Records Building. Washington D.C.

<sup>459</sup> Commissioner Bureau of Indian Affairs Glenn L. Emmons, June 11, 1956 1956. Letter to John C. Ranier, All-Pueblo Council from Glenn L. Emmons, Commissioner, Bureau of Indian Affairs. June 11, 1956. Record Group 75. Central Classified Files. National Archives and Records Administration Washington D.C.

proxy, the reservation Indians' concerns about the Indian lands in jeopardy and mocked the Council's assertion that Indian lands were "slipping out of Indian ownership at such a rapid rate that Indian officials of allotted reservations are greatly concerned."<sup>460</sup> He hoped that his letter to Representative Sidney R. Yates (D-Illinois) would alleviate Indian concerns.

However, Emmons motivations have remained unclear. Yates was a "die-hard" liberal Democrat, more interested in the humanities and arts than in American Indian federal policy. Emmons cited his speech at Estes Park, Colorado, on April 23, 1956, that addressed President Eisenhower's Indian policy pronouncement calling for full consultation by the federal government with the Indian people. He described attempts to consult as being rather unrealistic and cynical. Emmons then attempted to clarify his interpretation of the meaning of consultation and what was important. "First, it involves making a sincere and warmly sympathetic effort to learn just what the Indian people have on their minds and in their hearts. Secondly, it means providing them with a complete and unhampered opportunity for an expression of their views. Thirdly, it means giving the fullest possible consideration within the limitations of law and policy, not to every individual Indian's opinion, but to the clear consensus and those views which are obviously supported by a majority segment of the tribal population."<sup>461</sup> Although Emmons claimed consideration for tribal customs and traditions, he continued to work with pro-terminationists, including Senator Arthur V. Watkins, a vocal proponent of termination within the Senate whose goal was assimilation and acculturation of Indians into what he termed

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<sup>460</sup> Ibid.

<sup>461</sup> Letter to John C. Ranier, All-Pueblo Council from Glenn L. Emmons, Commissioner, Bureau of Indian Affairs. June 11, 1956. Record Group 75. Central Classified Files. National Archives and Records Administration Washington D.C

“civilization.” Emmons wanted and valued voluntary Indian action for self-termination of federal trust protections.

Almost all of these negotiations for self-termination included the specter of the claims cases. Congressional representatives, including Watkins<sup>462</sup> and agents associated with the Bureau of Indian Affairs, used the judgments from the claims cases to force termination on specific tribal communities. As Commissioner of Indian Affairs, Emmons had the opportunity to take a new approach and actually consider American Indians’ ideas about how they wanted to conduct business in their communities. Instead, he remained a static, confrontational voice that defended the bureaucracy of the Bureau of Indian Affairs. Thus, the correspondence continued between the numerous departments within the Bureau of Indian Affairs; elected officials on the local, state, and federal levels; and tribal leaders, regarding the status of the Southern California Indians who supported an Indian-created American Indian policy.

### **1957 and Beyond**

By 1957, the fight against termination was in full swing on both sides of the issue. The rhetoric of “real” citizenship, patriotism, socialism, and communism was a significant argument for the pro-terminationists. As the cartoon in figure 1 shows, American Indians were equated with communism, as far as the media and non-Indian public were concerned. Authors of many of the letters published by the *San Diego Union* and the *San Diego Union Tribune* believed that the Indian reservations were communistic in nature. The San Diego newspapers published many letters to the editor that accused American Indians as communists and many of them issued calls for the “social, political, and educational who are seeking an eye-opener to communism for the

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<sup>462</sup> Watkins managed the termination of the Uintah-Ouray Utes. For more on Watkins and the Utes in the State of Utah see: Metcalf, *Termination's Legacy The Discarded Indians of Utah*.

American public will find it in the First American.”<sup>463</sup> The quotation from this particular letter written by a non-Indian contended the segregation of “our Indians” into a mold of communal living eliminated all individuality. If the goal of termination included the creation of self-determination, why did the white populace in San Diego County and elsewhere used terminology of possession and language that labeled American Indians as property?

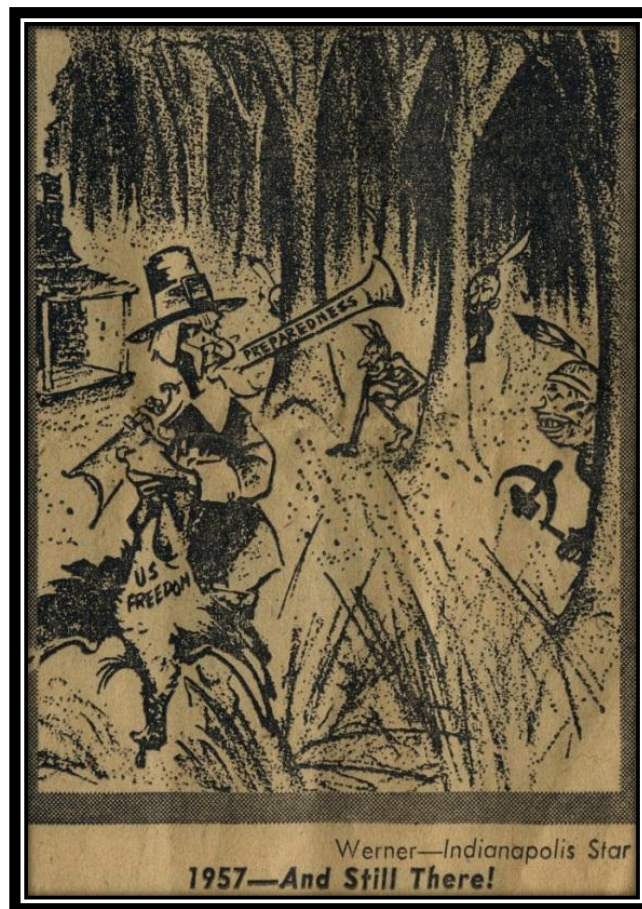


Figure 1. Cartoon from the *Indianapolis Star*, “1957—And Still There!” Records of the Bureau of Indian Affairs, Record Group 75; National Archives and Records Administration, Washington, D.C.

Nationally, a point-counterpoint argument occurred between Senator Arthur Watkins (R-Utah) and Sol Tax, University of Chicago, on the value of termination. Watkins used rhetorical

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<sup>463</sup> Winona Adams, "Traits of Communism Seen in Our Indians," *San Diego Union* 1954.

language in his argument that permeated the termination debate. Watkins's article, "Termination of Federal Supervision: The Removal of Restrictions over Indian Property and Person," maintained that the termination program followed a course in the "footsteps of the Emancipation Proclamation" that "these people shall be free."<sup>464</sup> Watkins had espoused "freedom and emancipation" for Indians throughout the termination debate. However, the evidence presented in his articles, numerous letters, and speeches demonstrated that Watkins relied on his religious convictions<sup>465</sup> about the Indians' place in society. He either believed that all Indians were fit for termination despite evidence that proved otherwise or was unconcerned about the status and welfare of the American Indian population. Watkins also used his congressional authority to coerce cooperation from Indian tribes and threats to advance his agenda; thus, his actions demonstrated that he did not believe in giving Indians the right to choose their own course of freedom.

Sol Tax also analyzed the termination debate. In his paper, "The General Problem of Indian Termination," he abstained from using Watkins ideological rhetoric and succinctly argued that the word *termination* was used as a symbol:

To its proponents it represents a great reform in Indian affairs. To its opponents it represents a dangerous trend. Those Congressmen and members of the Indian Bureau who have recently been proponents of termination see it as a way to free Indians from control by a federal bureau and give them a n opportunity to integrate with the rest of the country. Indians and others who have been opposing this recent trend in Indian affairs,

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<sup>464</sup> Arthur V. Watkins, "Termination of Federal Supervision: The Removal of Restrictions over Indian Property and Person," *Annals of the American Academy of Political and Social Science* 311, no. American Indians and American Life (1957).

<sup>465</sup> For more on Watkins Mormon ideology see: Metcalf, *Termination's Legacy The Discarded Indians of Utah*.



view termination or “withdrawal” as a symbol of everything bad: the breaking of treaty rights, the loss of land, and the destruction of the Indian as a distinct people.<sup>466</sup>

Tax asked the same questions that Indians in California and other states had asked for years:

- Does the termination program provide for an adequate economy?
- Will the program allow the people of a community to run their own affairs?
- Does it protect civil rights?
- Does it provide for needed services to the community?
- Can a community maintain its own way of life under the program?
- Does the program allow the people of the community a voice in deciding the destiny of their own community?

Tax addressed the money issues that the federal government had in dealing with nation’s Indians and the need to separate the needs of Indian communities and the way the money was used. He questioned the stopping of government subsidies for Indian health and education. Farmers received large subsidies from the federal government yet were permitted to run their farms and make their own mistakes. Tax ended his presentation by expounding on the need for the federal government to stop frightening Indians with threats to dissolve the symbolic relationship between the Federal government and Indian communities. He called for the extension of government subsidies for Indian health and education, the removal of traditional over administration by the Bureau of Indian Affairs, and the right for Indian tribal councils to decide their own destinies.

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<sup>466</sup> Sol Tax, ""Termination" vs. the Needs of a Positive Policy for American Indians," in *Central States Anthropological Society* (Madison, Wisconsin 1957).

On the national level, termination generated levels of resistance from all areas: Congress, academia, and, of course, Indian country. Termination exacerbated the factionalism already present in the Indian communities on Southern California reservations. In 1957, one year before the passage of the Rancheria Act,<sup>467</sup> members of one of the factions on the Santa Ysabel Indian reservation wanted the census rolls from 1894 and 1897 to determine tribal affiliations for land. An ongoing problem in Southern California Indian country was the issue of tribal enrollment status. The pro-termination faction used enrollment status in their attacks against anti-terminationists and tribal chairs Steve Ponchetti<sup>468</sup> and Delmer Nejo,<sup>469</sup> asserting that they were not members of their respective reservations. In the mid-twentieth century, it was rare to be a full-blooded Indian from one reservation, especially in Southern California. Kinship groups were prevalent on all reservations from one tribal group to another. This created situations in which some Mission Indians could be enrolled in more than one reservation, depending on the tribal member's blood quantum and the Indian reservation's blood quantum requirements. Enrollment inspired struggles for land and resources, especially when the "termination of the

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<sup>467</sup> The 1958 California Rancheria Act Public Law 85-671 (72 Stat. 619) allowed for the termination of forty-one (41) rancheria lands. It called for the distribution to individual Indians the assets of the reservation or rancheria, including allotted and unallotted lands, or for the sale of such assets and the distribution of the proceeds of the sale, or conveyance of such assets to a corporation or other legal entity organized or designed by the group or for the conveyance of such assets to the group as tenants in common. All Indians who received a portion of the assets became ineligible to accept any more federal services. Indian Affairs: Law and Treaties. Vol. VI, Laws (Compiled from February 10, 1939 to January 13, 1971). Washington: Government Printing Office.

<sup>468</sup> The Mission Indian Federation claimed that Steve Ponchetti was from Mesa Grande and not Santa Ysabel.

<sup>469</sup> The Mission Indian Federation claimed Delmer Nejo was not an enrolled member of Mesa Grande because he was born off the reservation. That is a fact; however, he was adopted into the tribe and became a tribal member.

Bureau of Indian in this state means ending restrictions on lands held in trust by the Federal Government and giving full title for these to the Indians.”<sup>470</sup>

Another round of intertribal factionalism occurred on the Rincon Indian Reservation. A group identifying itself as “enrolled members of the RINCON INDIAN COMMUNITY of San Diego County” protested against the “Mazzetti gang.”<sup>471</sup> This faction accused Mazzetti and his committee (probably the Spokesmen and Committee Group) of manipulating the Rincon General Council and breaking the law by repudiating PL 280. The group alleged that Mazzetti and his committee controlled the Indian committees and planned to grab tribal lands by instituting a new enrollment “as he wants.” The faction called for these matters to be placed under state law. The group appealed to Commissioner Emmons to investigate tribal matters on the Rincon Indian Reservation, as well as the entire Mazzetti family, and to take more of interest in what occurred on Southern California Indian reservations.<sup>472</sup> This correspondence was a notable highlight during termination because members of this faction wanted these matters under state law and emphasized their group’s separation from the anti-terminationists. This group possibly had members of the MIF involved and was pro-termination, yet they called for Bureau intervention to solve the Mazzetti problem. In the case of Rincon, the anti-terminationists were in power on

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<sup>470</sup> Letter to Orlando Garcia, Superintendent, Bureau of Indian Affairs-Riverside Area Office from Innocenco LaChappa and Winslow Couro, Tribal Members of Santa Ysabel Band of Mission Indians. September, 1956. Record Group 75. National Archives Pacific Region (Laguna Niguel) Mission Indian Agency.

<sup>471</sup> Letter to Glenn Emmons, Commissioner of Indian Affairs from the Rincon Indian Community. March 7, 1957. Record Group 75. Central Classified Files. Mission Indian Records-Rincon. National Archives and Records Administration.

<sup>472</sup> Ibid.

Members of the Rincon Indian Community that signed the statement and petition: Rebecca Ardiea, David Calac, Alex Calac, Horman Calac, Joaquin Calac, Jemas F. Calac, Jose C. Calac, Frank Castro, Lorraine Hyde, Vienna Hyde, Corpertina Kolb, Edward M. Mendoza, Raymond Virgil Orosco, Irene Turner.

the tribal council; and Mazzetti had campaigned for almost a decade against termination, using all the propaganda tools available to fight the legislation outside and inside his tribal community.

A Southern California philanthropic organization called the Friends Committee on National Legislation (The Friends) had continuously questioned termination. In 1957, in agreement with the Indian Rights Association,<sup>473</sup> they proceeded with campaigns to protest the legislation, sending articles and letters to U.S. government legislative bodies. The Friends issued statements about “our 400,000 Indian Brothers”<sup>474</sup> and immediately condemned President Eisenhower’s Bureau for being “either intent on closing down reservations as rapidly as possible or . . . saving a few dollars at the expense of Indian health and welfare or both.”<sup>475</sup> *The Christian Century*, an American Indian Rights<sup>476</sup> publication, published a scathing article, “Why Indians Need Land,” in which the author accused members of Congress of using such deceptively high sounding terms as “freeing the Indians, providing for their emancipation or making them full citizens to simply end protection of Indian lands.”<sup>477</sup> The argument stated that any rapid loss in

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<sup>473</sup> *The Christian Century*, a protestant journal publication worked at times in conjunction with The Indian Rights Association led by John Collier to illuminate Indians in American society.

<sup>474</sup> Pamphlet “Our 400,000 Indian Brothers” Friends Committee on National Legislation. 1957. Record Group 75, CCF 1940-1957, Riverside Area Office. National Archives Building, Washington DC.

<sup>475</sup> Ibid.

<sup>476</sup> Indian Rights Association Creed: As a non-sectarian and non-partisan organization supported by the voluntary contributions of its members and friends: Seeks to promote the spiritual, moral and material welfare of the Indians and to protect their Legal Rights; Maintains close contact with Indians and reservation conditions; keeps in close touch with Governmental Indian Affairs; conducts field studies to get facts for presentation to the public, to Congress and to the Indian Bureau; Cooperates with Church Boards, Educational and Welfare Agencies doing work for or among Indians; Helps to arouse and form public opinion in support of justice for Indian people through its bulletin, INDIAN TRUTH, and other publications, by public addresses and by the volunteer work of Board members. Lawrence E. Lindley, “Why Indians Need Land,” *The Christian Century* 1957. . Record Group 75, CCF 1940-1957, Riverside Area Office. National Archives Building, Washington DC.

<sup>477</sup> Ibid.

Indian ownership of land is in no sense just an “academic concern”; it is also a practical concern. The author correctly surmised that most Indian groups did not own enough land to support half their tribal members, yet most tribes have managed to do so. Therefore, every acre of Indian-owned land was needed for the support of Indian people. Termination would result in loss of lands and thus, for many, extreme poverty and dependence on welfare.

Lindley, general secretary of the Indian Rights Association, reemphasized that most Indians were strongly attached to their lands, “as is natural and right, and feel insecure and destitute without it.”<sup>478</sup> Lindley reiterated that when non-Indians disrupt American Indian society by accelerating the alienation of their land, they aggravate social and economic problems for the nation, as well as for the Indians.

While these organizations conducted operations to arouse and form public opinion in support of justice for Indian people, Southern California Indians attempted to keep termination at bay. The California Indian Congress held a conference entitled Termination for California Indians: When and How?<sup>479</sup> The Rancheria Act<sup>480</sup> was a year away, and Indians from Southern and Northern California Indian communities gathered once again to discuss termination within a local context. Long-time anti-terminationists Steve Ponchetti (Santa Ysabel), Virgil Lawson

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<sup>478</sup> Ibid.

<sup>479</sup> Agenda “Termination for California Indians: When and How?”. April 28, 1957. Record Group 75. Central Classified Files. Mission Indian. National Archives and Records Building, Washington D.C.

The Conference was sponsored by the Friends Committee on Legislation, the California Indian Congress—Vyola Olinger, President, Max Mazzetti, Southern California Vice-President, Catherine Trujillo, Chairman, Pala Indian Reservation, Thurman McCormick, Chairman, Rincon Indian Reservation, and Virgil L. Lawson, Chairman, Torres-Martinez Reservation. Cooperating organizations included: American Friends Service Committee on Indian Affairs, California Federation of Women’s Clubs Committee on Indian Affairs, Indian Center, Inc., Los Angeles, San Diego County Association on Indian Affairs, Southern California Council of Protestant Churches, and the United Church Women of Southern California.

<sup>480</sup> The 1958 California Rancheria Act Public Law 85-671 (72 Stat. 619) Indian Affairs: Law and Treaties. Vol. VI, Laws (Compiled from February 10, 1939 to January 13, 1971). Washington: Government Printing Office.

(Torres-Martinez), Max Mazzetti (Rincon), and Catherine Trujillo (Pala) presented their views in speaking at the event. The agenda encompassed the major complications, difficulties, and implications of the passage of House Concurrent Resolution 108, especially its effects on the California Indian population. Every Indian community was apprehensive and needed such a forum to voice their opinions, statements, and strategies for their future.

In 1957, another shift occurred in federal, state, and Indian relationships in California, although it was not a huge pendulum shift. This shift concerned with the State of California and its relationship with tribes in Northern and Southern California. The State of California, at first enamored with termination and the possibility of a taxable Indian land base, had realized in 1954 that the financial obligations of a maintaining a large American Indian welfare state was less than an optimum solution. The wording in the bill to provide for the termination of the trust status of Indian-owned chattels and, for other purposes, for the component that called for constitutional changes to acquire the financial obligations for the California American Indian population was intolerable.

As the State conducted extensive investigations with both Northern and Southern California Indians, it was also preparing for the immediate termination of selected California Indian groups on rancherias. The Indians on these rancherias, which were mainly located in Northern California, desired immediate termination and did not want to wait for the enactment of H. R. 7322 and S. 7249.<sup>481</sup> This request led to the passage of H. R. 8072, which replaced H. R. 2838, H. R. 2824, H. R. 6364, and H. R. 2576.<sup>482</sup> On August 8, 1957, Representatives James

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<sup>481</sup> Letter to Hon. Bob Wilson, House of Representatives from W. Barton Greenwood, Acting Commissioner Bureau of Indian Affairs. July 26, 1957. Record Group 75, CCF 1940-1957, Riverside Area Office. National Archives Building, Washington DC

<sup>482</sup> Ibid.

Boyd Utt (R-Santa Ana) and Bernice Frederic Sisk (D-Fresno) introduced a bill prepared by the California State Senate Interim Committee on Indian Affairs for the termination of federal supervision specifically for California Indians to the House of Representatives Subcommittee on Indian Affairs. A conference was held at the San Bernardino Valley College on December 1, 1957, sponsored by the Congress of California Indians, the American Friends Service Committee, and the San Bernardino Valley College Community Education Division. Fifty-four tribal leaders from fifteen Indian tribes in Southern California met to discuss their resistance to the termination bill. They blasted the bill as being hazy on water rights and on the division of land.<sup>483</sup> Various Indian spokespersons pointed out the importance of clearly defined water rights provisions. Land was always a divisive issue, yet the termination bill failed to explain how and when land divisions would commence or how taxes would affect land holdings.

Of course, proponents of termination argued in favor of the revised termination bill. Purl Willis, the counselor for the MIF, said the “bill touched nearly every right of the Indian.”<sup>484</sup> He questioned the advisability of working with and for tribal and intertribal organizations on the basis of anthropological studies (in this case, probably the work of Alfred Kroeber and John Harrington) that indicated that the California Indian did not have clearly defined tribal entities, merely mutual cultural patterns. Willis’s argument suggested the desperation of the Southern California pro-termination movement and was clearly the “beginning of the end” of the influence the MIF had in Southern California Indian country. Grassroots political groups that emerged to protect their land base and Willis’s credibility thwarted the expectation of a decade earlier that

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<sup>483</sup> Times Correspondent, "Federal End to Indian Supervision Attacked Spokesmen Blast Propsed Bill as Hazy on Water Rights and Division of Land," *Los Angeles Times* 1957.

<sup>484</sup> Ibid.

the termination of federal trust protection would quickly eliminate the reservation system in Southern California, and the MIF had declined with each passing year.

In Southern California Indian country, talk of terminating the reservations stalled and eventually disappeared by the mid-1960s. In May 1958, the Department of Interior proposed bills adding lands to the Pala and Pauma Valley Indian Reservations. Pala was to receive 708.5 acres; Pauma Valley, 136.5 acres. The addition of these lands supposedly satisfied land requirements from the original trust patents signed in the late nineteenth century. Thus, H. R. 12707 and S. 3923 were introduced on May 27 and 29, 1958, by Congressman Utt and Senator Murray, respectively, to add certain public lands in California to the Pala Indian Reservation, Pauma Indian Reservation, and the Cleveland National Forest.<sup>485</sup>

Termination eventually arrived in California with the passage of the 1958 Rancheria Act (P.L. 85-671 (72 Stat. 619), which terminated not all but thirty-one rancherias in Northern California and one reservation in Southern California.<sup>486</sup> Not included in the 1958 Rancheria Act were Southern California Indian reservations, with the exception of Mission Creek Indian Reservation located in Riverside County, an uninhabited Indian reservation.

After House Concurrent Resolution 108 passed in 1953 and between the years 1955 to 1958, numerous rancherias and reservations located in Northern and Central California, named in the Rancheria Act, contacted the Bureau of Indian Affairs to requested federal termination. The Bureau conveyed to the congressional delegates from the various regions that, in 1956, the people on the rancherias and reservations “under consideration” had been informed concerning

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<sup>485</sup> Letter to Maurice Magante, Spokesman Pauma Band of Mission Indians from John L. Pappan, Acting Field Representative-Bureau of Indian Affairs-Riverside Area Field Office. July 23, 1958. National Archives Pacific Region (Laguna Niguel) Mission Indian Agency Records.

<sup>486</sup> Committee on Interior and Insular Affairs, *Information on Removal of Restrictions on American Indians A Memorandum and Accompanying Information from the Chairman of the Committee on Interior and Insular Affairs, House of Representatives, to Members of the Committee*, 2d, November 2, 1964 1964.



the implementation of termination and that all favored the legislation. The Bureau further claimed that “more than half of the 32 groups” had contacted individual congressional delegates and reaffirmed the desire to terminate federal trust protections.<sup>487</sup>

Thus, the Southern California exemption from termination was strikingly different from what occurred nationally. Many of the reservations originally listed in House Concurrent Resolution 108 in Alabama, Texas, Northern California, South Carolina, Oregon, Wisconsin, Oklahoma, and Utah were eventually scheduled for termination. Table 9 shows the evolution of the termination of federal trust status throughout the United States. The first tribal entities terminated were located in Alabama, Oregon, Texas, and Utah. The Oklahoma tribes scheduled for termination deferred their change of federal trust status until the settlement of the claims cases. The forty-one Indian rancherias scheduled for termination included Alexander Valley, Auburn, Big Sandy, Big Valley, Blue Lake, Buena Vista, Cache Creek, Chicken Ranch, Chico, Cloverdale, Cold Springs, Elk Valley, Guideville, Graton, Greenville, Hopland, Indian Ranch, Lytton, Mark West, Middletown, Montgomery Creek, Mooretown, Nevada City, North Fork, Paskenta, Picayune, Finoleville, Potter Valley, Quartz City, Redding, Redwood Valley, Robinson, Rohnerville, Ruffeys, Scotts Valley, Smith River, Strawberry Valley, Table Bluff, Table Mountain, Upper Lake, and Wilton. The Mission Creek Indian Reservation in Southern California was added through an addendum to the Rancheria Act.

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<sup>487</sup> Excerpt from Bureau of Indian Affairs Sacramento. California Monthly Report for November 1956. Record Group 75, CCF 1940-1957, Sacramento Area Office. National Archives Building, Washington DC; Excerpt from Bureau of Indian Affairs Sacramento. California Monthly Report for December 1956. Record Group 75, CCF 1940-1957, Sacramento Area Office. National Archives Building, Washington DC

Table 8. Evolution of Termination of Federal Trust Status

Tribe	Date of termination act	Date of termination	Population	Land (acres)
Alabama & Coushatta (Texas)	6/23/1954 (68 Stat. 768)	7/1/1955	450 (est.)	3,200
41 rancherias (California)	8/18/1958 (72 Stat. 619)	7/11/1962	198	1,496
Catawba Indians (South Carolina)	9/21/1959 (73 Stat. 592)	7/1/1962	631 (final roll)	3,388
Klamath (Oregon)	8/13/1954 (68 Stat. 718)	8/31/1961	2,133 (final roll)	966,984
Menominee (Wisconsin)	6/17/1954 (68 Stat. 250)	4/30/1961	3,270 (final roll)	233,881
Ottawa (Oklahoma)	8/3/1956 (70 Stat. 963)	Proclamation deferred until claims settled*	630	519
Paiute (Utah)	9/1/1954 (68 Stat. 1099)	3/1/1957	232 (est.)	42,839
Peoria (Oklahoma)	8/2/1956 (8/2/1956)	Proclamation deferred until claims settled*	640 (final roll)	0
Uintah & Ouray Ute Mixed Blood (Utah)*	8/27/1954 (68 Stat. 868)	8/27/1961	490 (final roll)	199,474
Western Oregon Indians	8/13/1954 (68 Stat. 724)	8/18/1956	2,903 (est.)	13,597
Wyandotte Tribe (Oklahoma)	8/1/1956 (70 Stat. 895)	Deferred by litigation over cemetery**	1,154 (final roll)	2,051
Totals			12,731	1,467,429

Source: From Letter to Dr. Sophie D. Aberle, Executive Director Commission on the Rights, Liberties, and Responsibilities of the American Indian from Commissioner of Indian Affairs. June 16, 1962. Record Group 75, CCF 1940-1957, National Archives Building, Washington, D.C.

\*Senator Arthur V. Watkins argued and eventually succeeded in the termination of the Paiute Indians of Utah and the Uintah & Ouray Mixed Bloods of Utah. For further examination on the termination of the Paiutes and Mixed Blood Utes see: ..and The Ute Partition Act (1954), as of 2012, is still in effect for the Mixed-Blood Utes. The federal court dismissed *Felter v. Kempthorne*, the attempt by the Mixed-Blood Utes to overturn termination.

\*\*Although tribal claims determination or other litigation has delayed formal terminations of trusteeship of this tribe, it has been completed in most respects and tribal members are no longer receiving Bureau aid.

The Rancheria Act stipulated the rules for the distribution of land and assets on the Indian rancherias in California. Congress sanctioned that the lands, including minerals, water rights, and improvements located on the lands and other assets of the rancherias and reservations lying

“wholly within the State of California shall be distributed in accordance with the provisions of the Act . . . When such distribution is requested by majority vote.”<sup>488</sup> However, the condition for a majority vote did not apply to the rancherias and reservations named in Section 1 of the act of August 18, 1958, because tribal governments no longer existed, due to termination, to make or vote on decisions for communal tribal actions. Other Rancheria Act requirements included conveyances<sup>489</sup> that authorized the Secretary of Interior, “without consideration to Indians,” to convey (sell or transfer) federal trust lands to other entities, either in the private or public domain, that is not needed for the administration of Indian affairs in California.<sup>490</sup> With the ratification of the Rancheria Act, the long repudiated IRA was revoked from all rancherias and reservations cited in the act.

Why would the State of California approve the termination of Northern and Central California rancherias and reservations after the passage of Senate Joint Resolution No. 4? The answer to this perplexing question centered on the important issue of taxation of Indian lands. Taxation progressed in the state of California with the distribution of property made under the provisions of the Rancheria Act: “Such property and any income derived therefrom by the distribution shall be subject to the same taxes, State and Federal, as in the case of non-

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<sup>488</sup> The Act of August 18, 1958 (72 Stat. 619). As Amended. An Act to Provide for the Distribution of the Land and Assets of Indian Rancherias and Reservations in California and for other Purposed. As Amended August 11, 1964 (This Text Substitutes the Amendments for the Original Text). August 11, 1964. Records of Bureau of Indian Affairs. Record Group 75, CCF 1940-1957, National Archives Building, Washington DC

<sup>489</sup> The transfer of property from one person or entity to another

<sup>490</sup> The Act of August 18, 1958 (72 Stat. 619). As Amended. An Act to Provide for the Distribution of the Land and Assets of Indian Rancherias and Reservations in California and for other Purposed. As Amended August 11, 1964 (This Text Substitutes the Amendments for the Original Text). August 11, 1964. Records of the Bureau of Indian Affairs. Record Group 75, CCF 1940-1957, National Archives Building, Washington DC

Indians.”<sup>491</sup> The Bureau visited and assessed the property of the targeted or offered rancherias and evaluated how each reserve would “benefit from termination.”<sup>492</sup> Peter Walz, Acting Assistant Director, noted that most of the rancherias had “valuable home sites” located near lucrative areas in the region and that members of the rancherias would be cooperative with all provisions of the act.<sup>493</sup> Walz was “most impressed by the favorable location of most of these rancherias. They are not the isolated Indian communities we usually see when we go to a reservation. When the land is platted and comes into individual ownership, each plot will have considerable value as a desirable home site area near roads and communities.”<sup>494</sup> The Bureau fastidiously observed the rancheria locations and the ways in which how these locations could benefit the county and the state. Hence, when the major component of termination, the transference of federal trust Indian lands from trust to private property status, became reality on Central and Northern California rancherias and reservations, with it came state and local land taxes.

The anti-termination factions in Southern California had fought for decades to prevent the implementation of the termination bills, especially the threat of taxation and loss of lands to tax liens. Yet, in the end, the rancherias listed in the Rancheria Act had consented to termination of federal trust protection of their tribal properties. The Bureau of Indian Affairs required each adult rancheria tribal member to sign a resolution, stating that the United States transferred fee

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<sup>491</sup> Ibid.

<sup>492</sup> Ibid.

<sup>493</sup> See Appendix H and Appendix I  
Memorandum to Assistant Commissioners and Branch Chiefs from Peter F. Walz, Acting Assistant Commissioner.  
Re: P.L. 85-671 The Rancheria Act. August 25, 1958. Records of Bureau of the Indian Affairs. Record Group 75,  
CCF 1940-1957, National Archives Building, Washington DC.

<sup>494</sup> Ibid.

title to individuals and relinquished federal trust protections. The general councils of the rancherias signed this document, and the United States government scheduled them for termination.

While the Bureau of Indian Affairs concentrated its efforts of termination on the Central and Northern California rancherias and reservations, the United State government essentially left Southern California Indian reservations alone. Although Max Mazzetti stated that the bitter struggle of California Indians existence where thousands had perished because of unprovoked war, massacre, disease, and famine was a poignant and pathetic story. However, the fight to stop the termination of federal trust protections in Southern California Indian reservations was a story of determination, resolution, and heart.

## CONCLUSION

### **WITH A WHIMPER, NOT A BANG: VICTORY AGAINST TERMINATION AND IN CABEZON V. THE STATE OF CALIFORNIA**

*You know the Lord has ways of changing things. Someday Native Indians may be running the country!*

Southern California Indian reservations conducted business as usual after the passage and implementation of the Rancheria Act. This, in effect, meant dealing with the normal operations of living on an Indian reservation. Because the Bureau of Indian Affairs dealt with the requirements of the Rancheria Act, it shifted its attention away from Southern California regarding termination. Although the threats of termination appeared to be over in Southern California Indian country, especially for the tribes that were politically active, it did not fade for other tribal entities that were uninhabited or overlooked. Tribes that refused or ignored their representation at congressional, state, and local hearings throughout the termination crisis found that, in 1964, they were gain targets of the Bureau of Indian Affairs in another round of eliminating federal trust status protection. The tribes affected in Southern California were La Posta (uninhabited), Mission Creek (added later in an addendum to the original Rancheria Act), Pauma-Yuima, Ramona (uninhabited), San Manuel, San Pasqual, Santa Ynez, and Twenty-nine Palms (uninhabited).<sup>495</sup> Every Indian reservation on the list, with the exception of Pauma-Yuima, did not participate in the hearings regarding termination and either allowed the Bureau of Indian Affairs to speak on their behalf or voted for termination to allow the State of California access to taxable lands. Thus, termination eventually arrived in Southern California, just not in the way originally planned or envisioned by the United States Government.

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<sup>495</sup>Memorandum to Associate Commissioner from Chief Tribal Operations Officer re: Rancheria Extension Act. October 26, 1964. Records of Bureau of the Indian Affairs. Record Group 75, CCF 1940-1957, National Archives Building, Washington DC.

While the Rancheria Act eliminated federal trust protections and taxation and sales decimated the Northern and Central California tribal land bases, Southern California Indians continued to work and live on and off the reservations, even amid the continued threats to the federal trust status. Poverty continued to be prevalent on most Indian reservations, which again prompted many American Indian men and women to leave the reservations to find work to support their families. Contrary to popular belief, these individuals paid all taxes except state property taxes. In 1964, Max Mazzetti, along with Erin Forrest, was invited and attended the Poverty Conference conducted by Hubert Humphrey and then Commissioner of Indian Affairs Phileo Nash. The following year, Mazzetti attended another meeting that addressed the war on poverty. President Johnson's war contributed to the creation of education, housing, water, and infrastructure grants for Indian reservations. At this meeting, Mazzetti met with Sargent Shriver, Director of the War on Poverty. Director Shriver advised him concerning how to get these programs started on California Indian reservations. This included training tribal members in the preparation of government grants and proposals because these were individuals aware of tribal needs.

Mazzetti also continued to complain about the housing situation on Indian reservations and the refusal of banks to loan to Indians living on the reservation because they lacked collateral (land).<sup>496</sup> That problem was soon resolved with the creation of new housing programs. By 1969, the Department of Housing and Urban Development implemented a program granted housing specifically tailored for Indians living on the reservations.

On July 8, 1970, President Nixon addressed termination in a special message on Indian affairs to the United States Congress: "The first Americans-the Indians-are the most deprived and most isolated minority group in our nation. On virtually every scale of measurement-

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<sup>496</sup> Personal Note from Mr. Max Mazzetti.

employment, income, education, health-the condition of the Indian ranks at the bottom. This condition is the heritage of centuries of injustice . . . Even the federal programs which are intended to meet their needs have frequently proved to be ineffective and demeaning.”<sup>497</sup>

Nixon’s speech demonstrated that the tales of the American Indian were more than stories of prolonged failure. Nixon wanted to establish the relevance of American Indians because of their “endurance of survival, of adaptation, and creativity in the face of overwhelming obstacles” and stated that it was time for the inefficiency of the United States government and the Bureau of Indian Affairs to end. Nixon stated that the policy of forced termination was systematically wrong. He criticized the premise of termination for being erroneous in both function and implementation. Nixon explained that the erroneous construct of termination implied that the federal government had taken on a trusteeship responsibility for American Indian communities as an “act of generosity toward a disadvantaged people and that it can therefore discontinue this responsibility on a unilateral basis whenever it sees fit.” Nixon continued that the unique status of American Indians did not rest on acts of generosity or benevolence but that the “special relationship” between American Indians and the federal government involved solemn obligations entered into by the United States government with various American Indian nations and tribes through written treaties (both ratified and unratified treaties that were repeatedly broken by the United States government) and formal and informal agreements. Nixon reiterated that the Indian people throughout the United States were removed from ancestral lands, forced to relocate to the West, and eventually surrendered their tribal lands territories after Congress passed numerous pieces of legislation to make land available to its citizens. Nixon did not delve into the fact that the relinquishment of these lands included force and violence. In exchange for these lands,

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<sup>497</sup> President Nixon, Special Message on Indian Affairs. July 8, 1970. [www.epa.gov/tribal/pdf/president-nixon70.pdf](http://www.epa.gov/tribal/pdf/president-nixon70.pdf)



Indians were relegated to reservations and rancherias, usually marginalized and located on the periphery of civilization. The United States government promised to provide basic community services, including healthcare, education, and trust status for Indian reserves that were supposedly supposed to “allow Indian communities to enjoy a standard of living comparable to that of other Americans.” Nixon argued that the extremes in federal Indian policy so prevalent in both paternalism and termination were unacceptable: “Only by clearly rejecting both of these extremes can Federal Indian policy work . . . Thus, self-determination among Indian people can and must be encouraged without the threat of eventual termination”<sup>498</sup>

Nixon’s attitude and empathy towards American Indians was a strict departure from past United States presidents, especially concerning California Indian country. A major factor for this outlook could have been his relationship with his football coach and mentor from Whittier College, Wallace J. Newman,<sup>499</sup> who just happened to be a Luiseno Indian from the La Jolla Indian Reservation in San Diego County. Newman had also testified at the 1954 California hearings and had supported termination.

President Nixon endorsed an enlightened self-determination Indian policy. His administration increased the budget of the Bureau of Indian Affairs by 214% and requested an all-agency budget increase of \$1.2 billion for Indian Affairs in 1973, an increase of \$300 million in two years. The U.S. government doubled the funds allocated for Indian health in Southern California. These funds were used to establish the Indian Health Council<sup>500</sup> and the clinic

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<sup>498</sup> Ibid.

<sup>499</sup> For more on Wallace J. Newman see: Ray Canton, *The Chief: Stand Up and Be Counted A Tribute to Wallace J. Newman* (Whittier, CA: Whittier College, 1980).

<sup>500</sup> The Indian Health Council, Inc. is a consortium of nine tribes: Inaja-Cosmit, La Jolla, Los Coyotes, Mesa Grande, Pala, Pauma, Rincon, San Pasqual, and Santa Ysabel.

located on Rincon Indian Reservation. This first Indian health clinic located consisted of a three-room house with two dental chairs. Personnel were a part-time doctor, a part-time dentist and a registered nurse, Esther Calac.<sup>501</sup> In addition, President Nixon intervened on behalf of American Indians in land disputes. He proposed, and Congress passed, legislation that strengthened existing tribal governments, restored previously terminated tribal status, set the foundation for terminated tribes to be restored to federal trust status, and provided funding for tribal commercial development.

Ironically, Richard M. Nixon has been vice-president of the United States when House Concurrent Resolution was passed. Yet, as president, he contributed the most to Indian affairs. Thus, to many California Indians, President Nixon was the first and only president to pursue a positive American Indian agenda. These moves endeared him to many in Indian country and to life-long Democrats, including Max Mazzetti, Steve Ponchetti, and the author's family, which voted for a Republican the first and only time when they voted for Richard Nixon.

In 1975, Congress passed the Indian Self-Determination and Education Assistance Act,<sup>502</sup> signed into law by President Gerald R. Ford. Since the inception of the United States, tribal governments had been under siege and had usually succumbed to federal Indian policies. This act endeavored to rejuvenate tribal governments throughout Indian country. It authorized the Bureau of Indian Affairs to create grants to operate programs in conjunction with the federal government, including work and other programs to create commerce opportunities on Indian reservations. The Indian Education Assistance Act also amended the Johnson O'Malley Act to give the Indian community a stronger voice in approving the use of funds for Indian children in

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<sup>501</sup> Esther Calac contributed as one of the first medical professionals to work for Indian Health. Her son Daniel J. Calac, M.D. from Pauma Indian Reservation currently is the Chief Medical Officer at the Indian Health Clinics located in Rincon and Santa Ysabel.

<sup>502</sup> S.1017, Approved January 4, 1975, is Public Law 93-638 (88 Stat. 2203)

the public school system: "The enacted of this legislation marks a milestone for Indian people. It will enable this Administration to work more closely and effectively with the tribes for the betterment of all the Indian people by assisting them in meeting goals themselves have set."<sup>503</sup> This particular legislation might very well have set up the goals resulting in the creation of commerce on California Indian reservations in the form of gaming.

In the early 1980s, tribal governments on some Southern California Indian reservations, including but not limited to Barona, Morongo, Rincon, and Cabezón, started high-stakes tribal bingo operations. These bingo games offered prizes in excess of the State of California gaming limits. Citing PL 280, several officers from the various county sheriff's offices either threatened to close tribal bingo games or actually conducted raids at the bingo halls on the reservations. This occurred at the Barona Indian Reservation in 1981, ordered by San Diego County Sheriff John Duffy. On June 25, 1981, the San Diego County Sheriff informed the Barona tribal council that the bingo ordinance of San Diego County prohibited tribal bingo. The Sheriff's Department further informed the tribe that the enforcement of the ordinance extended to entry on Indian Territory to cite or arrest the participants in the bingo operation. The Barona tribe sought injunctive and declaratory relief against Sheriff Duffy on the grounds that the sheriff was without lawful authority to enforce the state or county laws regarding bingo on the Barona reservation.<sup>504</sup> Unfortunately for Barona, summary judgment<sup>505</sup> was entered for the County of San Diego on

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<sup>503</sup> Gerald R. Ford: "Statement on Signing the Indian Self-Determination and Education Assistance Act," January 4, 1975. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws>

<sup>504</sup> Barona Group of Capitan Grande Band of Mission Indians, Plaintiff-Appellant v. John Duffy, the Sheriff of San Diego County, California, Plaintiff-Appellant. 694 F. 2<sup>nd</sup> 1185 (1982)

<sup>505</sup> A court order ruling that no factual issues remain to be tried and therefore a cause of action or all causes of action in a complaint can be decided upon certain facts without trial. A summary judgment is based upon a motion by one of the parties that contend that all necessary factual issues are settled, and therefore need not be tried. The motion is

March 26, 1982. Barona appealed and the Ninth Circuit Court reversed the decision of the lower court on December 20, 1982. The court ruled that PL 280 did provide some applicability of state law over on-reservation activities. It granted states civil jurisdiction over Indian reservations in words that the State might misconstrue in general application of effective law. However, the Ninth Circuit Court construed that states had jurisdiction only over private civil litigation in state court involving reservation Indians.<sup>506</sup> Thus, a state could not impose general civil/regulatory laws on the reservation. However, the law conferred on certain states, including California, full criminal jurisdiction over offenses committed by Indians on the reservation. Thus, whether the state and county laws applied to the tribe's bingo enterprise was dependent on whether the laws were classified as civil/regulatory or as criminal/prohibitory. The court decided that the stated purpose of the tribal bingo ordinance was to collect money "for the support of programs to promote the health, education and general welfare" of the Barona tribe. The intent to better the Indian community "[was] as worthy as the other charitable purposes to which bingo proceeds are lawfully authorized under the California statute."<sup>507</sup> According to the appellate court, although the Barona bingo operation did not fully comply with the letter of the statutory scheme, that being a charitable or religious organization, its tribal ordinance concerning what the proceeds

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supported by declarations under oath, excerpts from depositions which are under oath, admissions of fact, and other discovery, as well as a legal argument (points and authorities), that argue that there are no triable issues of fact and that the settled facts require a summary judgment for the moving party. The theory behind the summary judgment process is cut down on unnecessary litigation by eliminating without trial one or more causes of action in the complaint. The pleading procedures are extremely technical and complicated, and are particularly dangerous to the party against whom the motion is made. Legal-Dictionary.com

<sup>506</sup> See *Bryan v. Itasca County*, 426 U.S. 373, 385, S. Ct. 2102, 2109, 48 L.Ed.2d 710 (1976)

<sup>507</sup> *Barona Group of Capitan Grande Band of Mission Indians, Plaintiff-Appellant v. John Duffy, the Sheriff of San Diego County, California, Plaintiff-Appellant*. 694 F. 2<sup>nd</sup> 1185 (1982) For more on how gaming began in Indian Country see *United States v. County of Humboldt*, 615 F.2d 1260 (9<sup>th</sup> Cir. 1980) and W. Dale Mason, *Indian Gaming Tribal Sovereignty and American Politics* (Norman: University of Oklahoma Press, 2000).

from the bingo operation would do for tribal member fell within the general tenor of the permissive intent of the bingo ordinance in the County of San Diego.

Around the same time of Barona's fight with the County of San Diego, the Cabezon Indians also entered into the foray of tribal bingo and card clubs. This fight forever altered California Indian country, if not all of Indian country. In this case, local law enforcement in Indio, California, raided the Cabezon bingo and card hall, shut down the operation, and arrested more than one hundred employees and customers, citing the tribe was violating a City of Indio ordinance that prohibited poker games. The legal machinations began with the City of Indio, Riverside County, which claimed that Cabezon violated the City's local ordinances and laws, which were applicable on federal trust lands. Cabezon sued in federal court, which ruled in favor of the City of Indio in May 1981.<sup>508</sup> The Ninth Circuit Court of Appeals once again reversed the district court's ruling on December 14, 1982. The court held that the City of Indio's attempted annexation of Cabezon tribal lands overreached its authority and, thus, the City's ordinances did not apply to Cabezon.<sup>509</sup> Yet, the Barona and Cabezon rulings did not keep local law enforcement from charging tribal officials for breaking the local anti-gaming laws; and outside forces continued to maintain that under current PL 280, local and state laws controlled gambling restrictions in Indian country.

The lawsuits continued throughout the mid-1980s. The Morongo band of Mission Indians joined with Cabazon and filed suit against Riverside County in the Federal District Court for the Central District of California. The tribes sued for declaratory judgment that the County's ordinances did not apply on tribal lands and for an injunction to prevent the County of Riverside from enforcing their local laws. The State of California quickly entered the litigation, backing

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<sup>508</sup> Cabazon Band of Mission Indians v. City of Indio 694 F.2d 634.

<sup>509</sup> Ibid.

the County. When the lower court ruled in favor of the tribes, the County of Riverside appealed. The Ninth Circuit Court of Appeals affirmed the lower court's ruling, stating that "the federal and tribal interests at stake here outweigh the State's interests . . . California's bingo statute is civil/regulatory in nature and does not apply under Public Law 280, on the Indian reservations . . . bingo games are not contrary to the public policy of the state."<sup>510</sup> The State of California appealed, and the U.S. Supreme Court granted a writ of certiorari<sup>511</sup> on June 21, 1987.

Indian gaming attracted attention in California. Congressman Norman Shumway (R-California), who represented the Fourteenth District in Northern California, contested tribal rights to sovereignty and gaming. Conveniently overlooking and ignoring broken treaties, stolen lands, and termination, Shumway asserted, "Indian communities have taken unfair advantage of the unique jurisdictional status of their reservations by establishing large-scale gambling operations . . . The Indian nations' unique position in the federal system . . . have made the Indians a separate, unaccountable segment of society who claim many rights but deny accountability for commensurate responsibilities."<sup>512</sup> Other lawmakers also argued against Indian gaming. Nevada representatives also added their disapproval for California Indian gaming because it was a direct threat to Nevada gaming operations.

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<sup>510</sup> *Cabazon Band of Mission Indians v. County of Riverside*. 783 F.2d 906 (1987)

<sup>511</sup> A writ of certiorari is an order a higher court issues in order to review the decision and proceedings in a lower court and determine whether there were any irregularities. When a court issues a writ or certiorari it is referred to as "granting certiorari", or 'cert.' When the U.S. Supreme Court orders a lower court to transmit records for a case for which it will hear on appeal, it is done through a writ of certiorari. Certiorari is the common method for cases to be heard before the U.S. Supreme Court since it has specific jurisdiction over a very limited range of disputes. [Uslegal.com/definitions](http://Uslegal.com/definitions)

<sup>512</sup> Hearing Before the House Committee on Interior and Insular Affairs, "Indian Gambling Control Act: On H.R. 4566 (To Activities within Indian Country, and for Other Purposes), 98<sup>th</sup> Congress, 2d Session, pp. 322-23 (June 19, 1984) Washington D.C.: U.S. Government Printing Office 1984.

Arguments to the U.S. Supreme Court from the State of California contended that PL 280 gave California civil and criminal jurisdiction over Indian tribes located within the borders of California. Furthermore, the gambling laws of California were *criminal prohibitory* and thus were included under PL 280. The State then argued to apply the Organized Crime Control Act (OCCA)<sup>513</sup> to Indian gaming in California because the act authorized the application of state and local gambling laws to Indian lands. Obviously, Cabazon did not agree and argued that “the analysis of this case must begin with the well-established principle that absent express congressional authorization, states have no jurisdiction over Indian tribes on reservations.” The appellees contended that PL 280 conferred no jurisdiction on California that would allow the State to regulate Indian gaming. The tribes emphatically rejected the State of California’s OCCA application to tribal gaming because the statute “does not give appellants jurisdiction to enforce their civil regulatory laws on the reservation.” It also addressed the local ordinances against card clubs and asserted that the Cabazon card club “is identical in all respects to hundreds of other card room operating elsewhere in California, including at least five others in Riverside County.”<sup>514</sup>

The United States Supreme Court ruled on *California v. Cabazon* on February 25, 1987. The six-to-three decision rejected the State of California’s arguments and position and handed the Indians in California a significant victory in the face of formidable arguments from the State. The Supreme Court held that tribes have “attributes of sovereignty over both their members and their territory” and that “tribal sovereignty is dependent on, and subordinate to, only the Federal

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<sup>513</sup> Organized Crime Control Act is a Congress initiative for law enforcement against organized crime. It aims to eliminate organized crime by establishing new penal prohibitions and by providing enhanced sanctions and new remedies to deal with the unlawful activities of those engaged in organized crime.

<sup>514</sup> Brief of Appellants, *California v. Cabazon Band of Mission Indians*

Governments, not the States.”<sup>515</sup> On PL 280, the Court concluded that “California regulates rather than prohibits gambling in general and bingo in particular . . . we conclude that Pub. L. 280 does not authorize California to enforce the California penal code regarding gambling on the Cabazon and Morongo lands.” The Court rejected the State of California’s application for state jurisdiction under the OCCA, stating, “There is nothing in OCCA indicating that the States are to have any part in enforcing federal criminal laws or are authorized to make arrests on Indian reservations that in the absence of OCCA they could not affect.” Above all else, the Court mandated that the State “is to proceed in light of tradition of Indian self-government, including its overriding goal of encouraging tribal self-sufficiency and economic development.”<sup>516</sup> Although the ruling was not the end of continued political maneuvering between the federal, State of California, and tribal governments, it did change the course of economic, political, and social/cultural development in California Indian country.

In the twenty-first century, Indian gaming is a multibillion dollar operation. Casinos are on almost every reservation in Southern California. Gaming tribes include Agua Caliente (Palm Springs), Barona, Cabazon, Campo, Jamul, Morongo, Pala, Pauma, Pechanga, Rincon, San Manuel, San Pasqual, Santa Ysabel, Santa Ynez, Soboba, Sycuan, and Viejas. Incongruously, the major beneficiaries of *California v. Cabazon* consist of tribes that did not participate against termination or that voted for termination and, thus, for becoming a “real” part of the state of California. During the course of termination, San Manuel, Santa Ynez, and Pechanga either refused to participate in the many state and federal hearing regarding the loss of federal trust

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<sup>515</sup> *California v. Cabazon Band of Mission Indian et al.*, 400 U.S. 202 (1987)

<sup>516</sup> *Ibid.*



protections of their lands. Pechanga voted to terminate federal trust of their lands in Riverside County. Now, these three Indian-owned casinos garner large profits for their tribal members.

Indian gaming, of course, has not solved many of the problems prevalent in California Indian country. The major gaming tribes have thrived with economic self-sufficiency, and their tribal members have become wealthy in the process. However, other nongaming tribes or ones located in extreme rural areas far from major freeways and population centers have continued to experience poverty on their reservations. Although revenue sharing from gaming to nongaming tribes helps, many tribes have continued to depend on government-sponsored work programs.

The ghosts of termination still exist in California Indian country. The family feuds that originated during the implementation of the IRA, the termination crisis, and the fragmentation of Indian communities have continued, driving relationships between families and individuals who sided with either the MIF or the Spokesmen and Committee Group. The subject of termination is a topic that many elders do not want to discuss if they supported the pro-termination faction. The younger American Indian generation that grew up during the casino years does not comprehend the fragility of maintaining federal trust status during upheavals in Congress. Thus, congressional plenary power is still a very real threat in Indian country.

The chosen narrative of reformers, anthropologists, journalists, historians, and the Mission Indians of Southern California themselves consisted of accounts of the “poor, pathetic California Indian[s]” that could not take care of their own affairs and would eventually become extinct. That did not happen! Southern California Mission Indians, both men and women, educated themselves, worked, and provided for their families. They also became politically aware, more so even than their non-Indian counterparts. They joined political organizations to monitor and voice their opinions on the newest fad in federal Indian policy. Termination forced

ordinary individuals on Indian reservations to fight for their tribal lands and for their way of life. Due to the work of the anti-terminationists, termination in Southern California ended with a whimper, not a bang. The legislation to eliminate federal trust protection and get out of the Indian business evaporated with the implementation of other federal Indian policies. Although not as well-known as Sitting Bull, Crazy Horse, or Chief Joseph, Max Mazzetti, Steve Ponchetti, Banning Taylor, and Virgil Lawson demand the same respect as heroic figures in Indian country. If it were not for the “blood and guts” work of these individuals from different reservations and different descent (Cupeno, Diegueno, Luiseno, and Cahuilla), Southern California Indian country would indeed be extinct.

## APPENDIX A

Sacramento Area

Document D

### *27. Appraisal of Competency*

*General:*

A. Most of the Indians of California have been managing their affairs independently of the Bureau for some time. Generally, those who are considered in the “ward” category will be able to manage their individual affairs. There will be needed for assistance in providing adequate means of managing tribal or community affairs.

B. Services by the Bureau of Indian Affairs to individuals have been the decrease for some time. The California Indians have been educated in public schools for the past 20 years. With assistance, they have been receiving in extension and soil conservation work has been primarily through State agencies. They know how to seek work and how to manage away from the reservation. Most of them spend at least a part of the year earning their living outside of their reservations.

It is our opinion that all groups in California are ready for complete withdrawal of Bureau responsibility, assuming that these responsibilities and services will be transferred to the Indians themselves, local or State governments, or to other auspices and that safeguards provided in the pending California withdrawal bill was retained. One band that may require some priority for further staff attention is the Agua Caliente Band; this is considered necessary because of the large values involved and because of present litigation.<sup>517</sup>

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<sup>517</sup> Congress, "Report with Respect to The House Resolution Authorizing the Committee on Interior and Insular Affairs to Conduct an Investigation of the Bureau of Indian Affairs Pursuant to House Resolution 89 (83D Congress)." pp. 25-6.

## APPENDIX B

### MISSION INDIAN AGENCY RESERVATION ACREAGE AND POPULATION

RESERVATION	ACREAGE	NO. ENROLLED
<b>RIVERSIDE COUNTY:</b>		
Augustine	615.64	16
Cabazon	1,520.48	29
Cahuilla	18,251.86	105
Mission Creek	2,560.62	21
Morongo	31,723.58	304
Palm Springs (Agua Caliente)	31,127.67	50
Pechanga	4,155.00	222
Ramona	520.00	--
Santa Rosa	11,092.60	50
Soboba	4,550.01	127
Torres-Martinez	3,0267.46	201
<b>SAN DIEGO COUNTY:</b>		
Campo	15,010.00	136
Capitan Grande	14,925.05	21
Barona	5,005.00	57
Baron Long	1,608.00	78
Cosmit	80.00	--
Cuyapaipe	5,320.00	3
Inaja	840.00	32
Laguna	320.00	5
La Jolla	8,329.12	234
La Posta	3,879.08	3
Los Coyotes	25,049.63	85
Manzanita	4,320.00	66
Mesa Grande	5,963.11	231
Pala	20,509.79	214
Pauma	250.00	64
Rincon	2,313.61	187
San Pasqual	1,343.44	9
Santa Ysabel	9,759.47	253
Sycuan	640.00	38
<b>SAN BERNARDINO COUNTY:</b>		
Twenty-Nine Palms	161.21	--
San Manuel	652.63	43
<b>TOTALS</b>	<b>262,564.06</b>	<b>2881<sup>518</sup></b>

<sup>518</sup> Memorandum Mission Indian Agency statistics of Mission Indians by County. Riverside Office. 1938; Records of the Bureau of Indian Affairs, RG-75, National Archives Pacific Region (Laguna Niguel)

## APPENDIX C

### *Actual Text:*

House Concurrent Resolution 108

83<sup>rd</sup> Congress, First Session

August 1, 1953

“WHEREAS, It is the policy of Congress, as rapidly as possible, to make the Indian within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to the end their status as wards of the United States, and to grant them all of the rights and prerogatives pertaining to American citizenship; and

WHEREAS, the Indians within the territorial limits of the United States should assume their full responsibilities as American citizens:

Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is declared to the sense of Congress that, at the earliest possible time, all of the Indian tribes and the Individual members thereof located within the States of California, Florida, New York, and Texas, and all of the following named Indian tribes and individual members thereof, should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Oregon, the Menominee Tribe of Wisconsin, the Potawatamie [sic] Tribe of Kansas and Nebraska, and those members of the Chippewa Tribe who are on the Turtle Mountain Reservation, N. Dak. It is further declared to be the sense of Congress that, upon the release of such tribes and individual members thereof from such disabilities and limitations, all offices of the Bureau of Indian Affairs in the States of California, Florida, New York, and Texas and all other offices of the Bureau of Indian Affairs whose primary purpose was to serve any Indian tribe or individual Indian freed from Federal supervision should be abolished. It is further declared to be the sense of Congress that the Secretary of the Interior should examine all existing legislation dealing with such Indians, and treaties between the Government of the United States and each such tribe, and report to Congress at the earliest practicable date, but not later than January 1, 1954, his recommendations for such legislation as, in his judgment, may be necessary to accomplish the purposes of this resolution.

[Signed:]

Lyle O. Snader,

Clerk of the House of Representative J. Mark Trice, Secretary of the Senate”<sup>519</sup>

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<sup>519</sup> Harold; Jackson Farley, Vernon; DeMers, Stephen; Keith, George; Bergan, K.W.; Frechette, James; Wright, A.H.; Powers, Maurice; Onsrud, Carlyle, "Study on Termination of Federal Supervision on Indian Reservation" (paper presented at the Governors' Interstate Indian Conference, Missoula, Montana, 1961).

## **APPENDIX D**

### **QUESTIONNAIRE SUBMITTED TO THE FIELD AGENCIES OF THE INDIAN BUREAU BY THE HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE— MAY 15, 1953**

#### **California<sup>520</sup>**

1. Number of political factions?
2. Names and size of political factions listed?
3. Number of localized conservative and advanced social groups?
4. Names and size of such groups listed?
5. Arrangements for cooperation with local county, state, or city governments listed (number)?
6. Evidence of trend toward greater assumption of responsibility for own welfare and self-government listed (number)?
7. Evidences of trend toward less assumption of responsibility for own welfare and self-government listed (number)?
8. Council members succeed themselves?
9. Close ties of blood or marriage between councilmen and tribal employees?
10. Are tribal resources leased or assigned to council members or their close relatives?
11. Character requirements necessary for membership in tribal council?
12. Are these requirements enforced?
13. Average percentage of Indians of voting age participating in tribal elections in the last 2 years?
14. How many Indians of voting age?
15. How many Indians are registered voters in Local County which includes reservation?
16. How many persons adopted into tribe since 1934?
17. How many persons otherwise added to roll since 1934?
18. How many persons have been removed from the roll since 1934?
19. Total membership of tribe at present time?
20. How many of the above have not resided on reservations or immediate vicinity during the last 6 months?
21. Percent of adults with no fixed family names?
22. Percent of adults having no fixed post-office addresses?
23. Date of latest tribal roll?
24. Copy of most recent roll furnished?
25. Copy of 1934 roll furnished?
26. Has the tribe taxed members during the last year?
27. Sources of income for the tribe listed?

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<sup>520</sup> Congress, "Report with Respect to The House Resolution Authorizing the Committee on Interior and Insular Affairs to Conduct an Investigation of the Bureau of Indian Affairs Pursuant to House Resolution 89 (83D Congress)." pp. 187-249.

28. Sources of income for the heads of families listed?
29. Tribal economic position improved since 1934?
30. When has the tribal government had an accounting of its finances?
31. Total assets of the tribe?
32. Total assets of the tribe per capita?
33. Analysis of various assets of tribe presented?
34. Number of business enterprises currently operated by tribe?
35. List of business enterprises currently operated by tribe with description presented?
36. Number of employees in each such business enterprise given?
37. Number of other organizations among tribesmen?
38. Number of members in each such organization given?
39. Description of each such organization given?
40. Percentage of heads of families having land under assignment or lease?
41. Percentage of tribal lands not under assignment or lease to heads of families?
42. Number of standard assignments since 1934?
43. Number of exchange assignments?
44. Number of acres transferred from allotment to tribal status since 1934?
45. Handling of income from sub-marginal lands discussed?
46. Deficiencies in regard to land records (number)?
47. Map furnished showing details of land status on reservation?
48. Evidence furnished that individual tribal ordinances have developed in accordance with State laws (number)?
49. Handling of domestic relations by tribe discussed?
50. Handling of crime in the tribe discussed?
51. Provisions for dealing with adult and child delinquencies listed?
52. Names of religious affiliations and size of each?
53. Copy of tribal code of law and order furnished?
54. Table of records inventory filled out and returned?
55. Places listed where tribal documents may be found?
56. Full details regarding extent of such materials given?
57. Full minutes kept by tribal council?
58. Major deficiencies and needs in regard to tribal records listed?
59. Suggestions for improvement in keeping of tribal records given?
60. Deficiencies in records of births, marriages, deaths, and diseases listed?
61. Suggestions for improvement in keeping of such records given?
62. Attitudes of individual tribesmen regarding release from wardship given?
63. Preponderance of attitudes cited favorable to early release?
64. Willingness indicated by individuals to assume full citizenship responsibilities, taxation, etc.?
65. Obstacles to assumption of full citizenship listed?

66. Items to be considered in connection with removal of Federal control listed?
67. Peculiarities of the situation of this tribe listed?
68. How Indians came to have contracts with lawyers explained?
69. Factors regarding this tribe's assimilation listed?
70. Resume of past efforts by Indian Bureau toward assimilation given?
71. List of council resolutions and ordinances since June 30, 1951, requiring superintendent's review with action taken indicated?
72. List of council resolutions and ordinances since June 30, 1951, requiring approval of Secretary of Interior, submitted with action taken indicated?



## APPENDIX E

### CHART 2: INDIAN TRIBAL GOVERNMENTS—TABULATION OF RESULTS OF A QUESTIONNAIRE SUBMITTED TO THE FIELD AGENCIES OF THE INDIAN BUREAU BY THE HOUSE INTERIOR AND INSULAR AFFAIRS COMMITTEE— MAY 15, 1953

(Southern California Indian Reservations: Agua Caliente-Torres-Martinez)

Reservation	Question									
	1	2	3	4	5	6	7	8	9	10
Agua Caliente (Palm Springs)	0	No	0	No	Yes 2	No	No	Yes	No	No
Augustine	0	No	0	No	No	No	No	Yes	No	No
Barona	2	Yes	0	No	Yes 3	No	No	No	No	No
Cabazon	0	No	0	No	Yes 3	No	No	Yes	No	No
Cahuilla	3	Yes	0	No	Yes 4	Yes 1	No	Yes	No	?
Campo	2	Yes	0	No	Yes 3	No	No	Yes	No	No
La Jolla	2	Yes	0	No	Yes 5	Yes 2	No	?	No	No
Los Coyotes	2	Yes	0	No	Yes 6	Yes 1	No	Yes	No	No
Mesa Grande	2	Yes	0	No	Yes 4	No	No	No	No	No
Morongo	2	Yes	4	Yes	Yes 6	Yes 1	No	?	No	No
Pala	2	Yes	2	Yes	Yes 3	Yes 2	No	No	No	No
Rincon	2	Yes	0	No	Yes 5	Yes 3	No	No	No	No
Santa Ysabel	2	Yes	2	Yes	Yes 5	Yes 2	No	No	No	No
Soboba	2	Yes	2	Yes	Yes 5	Yes 2	No	No	No	No
Torres-Martinez	2	Yes	0	No	Yes 3	Yes 2	No	No	No	No

	Question									
	11	12	13	14	15	16	17	18	19	20
Agua Caliente (Palm Springs)	No	No	50	28	5	1	50	11	85	25
Augustine	No	No	100	6	0	0	3	9	7	2
Barona	No	No	100	40	35	1	24	4	60	29
Cabazon	No	No	73	14	3	0	9	9	22	14
Cahuilla	No	No	45	70	30	0	24	17	85	57
Campo	No	No	100	40	9	0	23	24	89	42
La Jolla	No	No	52	170	35	2	36	20	212	100
Los Coyotes	No	No	62	64	8	5	28	14	80	20
Mesa Grande	Yes	?	40	75	?	1	69	23	300	250
Morongo	No	No	27	205	56	0	108	45	280	90
Pala	Yes	Yes	85	160	136	0	?	25	175	80
Rincon	No	No	60	125	75	2	73	26	226	70
Santa Ysabel	No	No	55	150	20	0	93	23	250	100
Soboba	No	No	65	96	30	3	58	118	118	59
Torres-Martinez	No	No	65	125	5	0	65	176	176	88

(Continued)

Reservation	Question									
	21	22	23	24	25	26	27	28	29	30
Agua Caliente (Palm Springs)	0	0	1952	Yes	Yes	No	Yes	Yes	Yes	Monthly
Augustine	0	0	1952	Yes	Yes	No	Yes	Yes	Yes	?
Barona	0	0	1952	Yes	No	No	Yes	Yes	Yes	?
Cabazon	0	0	1952	Yes	No	No	No	Yes	Yes	Annual
Cahuilla	0	0	1952	Yes	No	No	Yes	Yes	Yes	?
Campo	0	0	1952	Yes	No	No	No	Yes	Yes	Annual
La Jolla	0	0	1952	Yes	No	No	No	Yes	Yes	?
Los Coyotes	0	0	1952	Yes	No	No	No	Yes	Yes	Annual
Mesa Grande	0	0	1952	Yes	No	No	No	Yes	Yes	None
Morongo	0	0	1952	Yes	No	No	No	Yes	Yes	Annual
Pala	0	0	1952	Yes	No	No	No	Yes	Yes	Annual
Rincon	0	0	1952	Yes	No	No	No	Yes	Yes	Annual
Santa Ysabel	0	0	1952	Yes	No	No	No	Yes	Yes	Annual
Soboba	0	0	1952	Yes	No	No	Yes	Yes	Yes	Annual
Torres-Martinez	0	0	1952	Yes	No	No	Yes	Yes	Yes	Annual

	Question									
	31	32	33	34	35	36	37	38	39	40
Agua Caliente (Palm Springs)	\$10,000,000	\$117,637	Yes	1	Yes	Yes	0	No	No	0
Augustine	\$12,526	\$1,789	Yes	0	No	No	0	No	No	0
Barona	\$148,675	\$2,036	Yes	0	No	No	0	No	No	?
Cabazon	\$450,032	\$20,454	No	0	No	No	0	No	No	0
Cahuilla	\$200,000	\$2,464	No	0	No	No	0	No	No	100
Campo	\$75,000	\$740	No	0	No	No	0	No	No	?
La Jolla	\$86,135	\$406	No	0	No	No	0	No	No	100
Los Coyotes	\$279,930	\$3,499	No	0	No	No	0	No	No	100
Mesa Grande	\$60,750	\$202	No	0	No	No	0	No	No	?
Morongo	\$267,488	\$955	No	0	No	No	0	No	No	?
Pala	\$400K	\$2,290	No	0	No	No	0	No	No	100
Rincon	\$200K	\$1,180	No	0	No	No	0	No	No	100
Santa Ysabel	\$80K	\$320	No	0	No	No	0	No	No	100
Soboba	\$96,338	\$816	No	0	No	No	0	No	No	100
Torres-Martinez	\$1,506,076	\$8,557	No	0	No	No	0	No	No	?

(Continued)

Reservation	Question									
	41	42	43	44	45	46	47	48	49	50
Agua Caliente (Palm Springs)	0	0	0	0	No	No	Yes	?	No	Yes
Augustine	100	0	0	0	No	No	Yes	No	No	No
Barona	?	0	0	0	No	Yes	Yes	No	No	No
Cabazon	100	0	0	0	No	Yes	Yes	No	No	No
Cahuilla	?	0	0	0	No	Yes	Yes	No	No	No
Campo	75	0	0	0	No	Yes	Yes	No	No	No
La Jolla	?	0	0	0	No	Yes	Yes	No	No	No
Los Coyotes	?	0	0	0	No	Yes	Yes	No	No	No
Mesa Grande	?	0	—	0	No	No	Yes	No	No	No
Morongo	?	0	0	No	No	Yes	No	No	No	No
Pala	?	0	0	No	Yes	Yes	No	No	No	No
Rincon	?	?	0	No	Yes	Yes	No	No	No	No
Santa Ysabel	?	0	0	No	No	Yes	No	No	No	No
Soboba	?	0	0	0	No	Yes	Yes	No	No	No
Torres-Martinez	?	0	0	0	No	Yes	Yes	No	No	No

	Question									
	51	52	53	54	55	56	57	58	59	60
Agua Caliente (Palm Springs)	No	Yes	No	Yes	Yes	Yes	Yes	No	No	No
Augustine	No	Yes	No	Yes	Yes	No	No	No	No	No
Barona	No	Yes	No	Yes	Yes	No	Yes	No	No	No
Cabazon	No	Yes	No	Yes	Yes	No	Yes	No	No	No
Cahuilla	No	Yes	No	Yes	Yes	No	Yes	No	No	No
Campo	No	Yes	No	Yes	Yes	No	Yes	Yes	No	No
La Jolla	No	Yes	No	Yes	Yes	No	No	Yes	No	No
Los Coyotes	No	Yes	No	Yes	Yes	No	No	No	Yes	No
Mesa Grande	No	Yes	No	Yes	Yes	No	Yes	No	No	No
Morongo	No	Yes	No	Yes	Yes	No	Yes	Yes	No	No
Pala	No	Yes	No	Yes	Yes	No	Yes	No	No	No
Rincon	No	Yes	No	Yes	Yes	No	Yes	No	No	No
Santa Ysabel	No	Yes	No	Yes	Yes	No	Yes	No	No	No
Soboba	No	Yes	No	Yes	Yes	No	Yes	No	No	No
Torres-Martinez	No	Yes	No	Yes	Yes	No	Yes	No	No	No

(Continued)

Reservation	Question									
	61	62	63	64	65	66	67	68	69	70
Agua Caliente (Palm Springs)	No	Yes	No	No	Yes	Yes	Yes	No	Yes	No
Augustine	No	Yes	No	No	No	Yes	Yes	No	Yes	No
Barona	No	Yes	No	No	No	Yes	Yes	No	Yes	No
Cabazon	No	Yes	No	No	No	Yes	No	Yes	Yes	No
Cahuilla	No	Yes	No	No	No	Yes	Yes	Yes	Yes	No
Campo	No	No	?	?	Yes	Yes	Yes	Yes	Yes	No
La Jolla	No	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No
Los Coyotes	No	Yes	No	No	No	Yes	Yes	Yes	Yes	No
Mesa Grande	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Morongo	No	Yes	No	No	No	Yes	Yes	No	Yes	No
Pala	No	?	No	No	No	Yes	Yes	Yes	Yes	No
Rincon	No	Yes	No	No	No	Yes	Yes	Yes	Yes	No
Santa Ysabel	No	Yes	No	No	No	Yes	Yes	Yes	Yes	No
Soboba	No	Yes	No	No	No	Yes	Yes	Yes	Yes	No
Torres-Martinez	No	Yes	No	No	No	Yes	Yes	No	Yes	No

	Question	
	71	72
Agua Caliente (Palm Springs)	Yes	No
Augustine	No	No
Barona	No	No
Cabazon	No	?
Cahuilla	No	No
Campo	No	No
La Jolla	No	No
Los Coyotes	No	No
Mesa Grande	No	No
Morongo	Yes	No
Pala	Yes	No
Rincon	Yes	No
Santa Ysabel	No	No
Soboba	Yes	Yes
Torres-Martinez	Yes	No

Note: Pechanga Indian Reservation was not included in this questionnaire survey.<sup>521</sup>

<sup>521</sup> United States Government. Committee on Interior and Insular Affairs, "Report with Respect to the House Resolution Authorizing the Committee on Interior and Insular Affairs to Conduct an Investigation of the Bureau of Indian Affairs Pursuant to House Resolution 89 (83d) Congress," ed. Department of Interior (Washington D.C.1957?).

## APPENDIX F

### PUBLIC LAW 83-280 (18 U.S.C. § 1162, 28 U.S.C. § 1360)

#### 18 U.S.C. § 1162. STATE JURISDICTION OVER OFFENSES COMMITTED BY OR AGAINST INDIANS IN THE INDIAN COUNTRY

(a) Each of the States or Territories listed in the following table shall have jurisdiction over offenses committed by or against Indians in the areas of Indian country listed opposite the name of the State or Territory to the same extent that such State or Territory has jurisdiction over offenses committed elsewhere within the State or Territory, and the criminal laws of such State or Territory shall have the same force and effect within such Indian country as they have elsewhere within the State or Territory:

<i>State or Territory of</i>	<i>Indian country affected</i>
Alaska	<b>All Indian country within the State, except that on Annette Islands, the Metlakatla Indian community may exercise jurisdiction over offenses committed by Indians in the same manner in which such jurisdiction may be exercised by Indian tribes in Indian country over which State jurisdiction has not been extended.</b>
California	All Indian country within the State.
Minnesota	All Indian country within the State, except the Red Lake Reservation.
Nebraska	All Indian country within the State
Oregon	All Indian country within the State, except the Warm Springs Reservation.
Wisconsin	All Indian country within the State.

(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof.

(c) The provisions of sections §1152 and §1153 of this chapter shall not be applicable within the areas of Indian country listed in subsection (a) of this section as areas over which the several States have exclusive jurisdiction.

**28 U.S.C. § 1360. STATE CIVIL JURISDICTION IN ACTIONS TO WHICH INDIANS ARE PARTIES**

(a) Each of the States listed in the following table shall have jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over other civil causes of action, and those civil laws of such State that are of general application to private persons or private property shall have the same force and effect within such Indian country as they have elsewhere within the State:

<i>State of</i>	<i>Indian country affected</i>
Alaska	All Indian country within the State.
California	All Indian country within the State.
Minnesota	All Indian country within the State, except the Red Lake Reservation.
Nebraska	All Indian country within the State
Oregon	All Indian country within the State, except the Warm Springs Reservation.
Wisconsin	All Indian country within the State.

(b) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall confer jurisdiction upon the State to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.

(c) Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to this section.

**25 U.S.C. § 1321. ASSUMPTION BY STATE OF CRIMINAL JURISDICTION**

(a) *Consent of United States; force and effect of criminal laws*

The consent of the United States is hereby given to any State not having jurisdiction over criminal offenses committed by or against Indians in the areas of Indian country situated within such State to assume, with the consent of the Indian tribe occupying the particular Indian country

or part thereof which could be affected by such assumption, such measure of jurisdiction over any or all of such offenses committed within such Indian country or any part thereof as may be determined by such State to the same extent that such State has jurisdiction over any such offense committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country or part thereof as they have elsewhere within that State.

*(b) Alienation, encumbrance, taxation, and use of property; hunting, trapping, or fishing*

Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof.

**25 U.S.C. § 1322. ASSUMPTION BY STATE OF CIVIL JURISDICTION**

*(a) Consent of United States; force and effect of civil laws*

The consent of the United States is hereby given to any State not having jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country situated within such State to assume, with the consent of the tribe occupying the particular Indian country or part thereof which would be affected by such assumption, such measure of jurisdiction over any or all such civil causes of action arising within such Indian country or any part thereof as may be determined by such State to the same extent that such State has jurisdiction over other civil causes of action, and those civil laws of such State that are of general application to private persons or private property shall have the same force and effect within such Indian country or part thereof as they have elsewhere within that State.

*(b) Alienation, encumbrance, taxation, use, and probate of property*

Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute, or with any regulation made pursuant thereto; or shall confer jurisdiction upon the State to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.

*(c) Force and effect of tribal ordinances or customs*

Any tribal ordinance or custom heretofore or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the State, be given full force and effect in the determination of civil causes of action pursuant to this section.

## **25 U.S.C. § 1323. RETROCESSION OF JURISDICTION BY STATE**

### *(a) Acceptance by United States*

The United States is authorized to accept a retrocession by any State of all or any measure of the criminal or civil jurisdiction, or both, acquired by such State pursuant to the provisions of section [1162](#) of title 18, section [1360](#) of title 28, or section 7 of the Act of August 15, 1953 (67 Stat. 588), as it was in effect prior to its repeal by subsection (b) of this section.

### *(b) Repeal of statutory provisions*

Section 7 of the Act of August 15, 1953 (67 Stat. 588), is hereby repealed, but such repeal shall not affect any cession of jurisdiction made pursuant to such section prior to its repeal.

## **25 U.S.C. § 1324. AMENDMENT OF STATE CONSTITUTIONS OR STATUTES TO REMOVE LEGAL IMPEDIMENT; EFFECTIVE DATE**

Notwithstanding the provisions of any enabling Act for the admission of a State, the consent of the United States is hereby given to the people of any State to amend, where necessary, their State constitution or existing statutes, as the case may be, to remove any legal impediment to the assumption of civil or criminal jurisdiction in accordance with the provisions of this subchapter. The provisions of this subchapter shall not become effective with respect to such assumption of jurisdiction by any such State until the people thereof have appropriately amended their State constitution or statutes, as the case may be.

## **25 U.S.C. § 1325. ABATEMENT OF ACTIONS**

### *(a) Pending actions or proceedings; effect of cession*

No action or proceeding pending before any court or agency of the United States immediately prior to any cession of jurisdiction by the United States pursuant to this subchapter shall abate by reason of that cession. For the purposes of any such action or proceeding, such cession shall take effect on the day following the date of final determination of such action or proceeding.

### *(b) Criminal actions; effect of cession*

No cession made by the United States under this subchapter shall deprive any court of the United States of jurisdiction to hear, determine, render judgment, or impose sentence in any criminal action instituted against any person for any offense committed before the effective date of such cession, if the offense charged in such action was cognizable under any law of the United States at the time of the commission of such offense. For the purposes of any such criminal action, such cession shall take effect on the day following the date of final determination of such action.

## **25 U.S.C. § 1326. SPECIAL ELECTION**

State jurisdiction acquired pursuant to this subchapter with respect to criminal offenses or civil causes of action, or with respect to both, shall be applicable in Indian country only where the enrolled Indians within the affected area of such Indian country accept such jurisdiction by a majority vote of the adult Indians voting at a special election held for that purpose. The Secretary of the Interior shall call such special election under such rules and regulations as he may



prescribe, when requested to do so by the tribal council or other governing body, or by 20 per centum of such enrolled adults.<sup>522</sup>

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<sup>522</sup> Goldberg, *Planting Tail Feathers Tribal Survival and Public Law 280*. 00,92-93.

## APPENDIX G

### **SENATE JOINT RESOLUTION NO. 4—MEMORIALIZING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO REFRAIN FROM TERMINATING FEDERAL CONTROL AND PROTECTION OF INDIAN RESERVATIONS**

Adopted in the Assembly March 31, 1954 and in the Senate April, 1954

Whereas, There are presently before the Congress of the United States three bills, S. 2749, S. 2515, and H.R. 7322, which would affect Indian tribes, bands, groups, and individual members thereof in California by abolishing the Bureau of Indian Affairs of the Department of the Interior, by removing federal guardianship, and by terminating supervision over Indian property; and

Whereas, The American Indians conveyed their property to the United States Government in exchange for the promise of perpetual federal protection and certain other benefits; and

Whereas, The Federal Government set aside certain ancestral homelands of the American Indians for their perpetual use and enjoyment; and

Whereas, Federal control and protections of Indian reservations has served to prepare the American Indian for transition to a different way of life by continuing on the reservations a culture deeply cherished by the Indians and at the same time permitting tribal members to leave a reservation when they so desire; and

Whereas, There are 117 separate Indian reservations in California upon which 40 tribes of American Indians reside; and

Whereas, These tribes vary widely in their educational level, and social and economic development and many of them would suffer greatly if federal control and protection of their reservations was terminated; and

Whereas, The State of California is not prepared to take over control and protection of the Indians within its boundaries with the results that termination of federal protection will mean that many tribes that are not sufficiently developed economically to fend for themselves will suffer greatly; and

Whereas, Federal control and protection of the Indians should be gradually withdrawn as each tribe reaches the proper cultural development to assume responsibilities for its members; and

Whereas, The Legislature of the State of California has not and does not seek to terminate federal control and protections of the Indians; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California jointly, That the* Legislature of the State of California respectfully memorialized the President and the Congress

of the United States to continue federal control and protection over the American Indians within California; and be it further

*Resolved*, That the Secretary of the Senate of the State of California is authorized to transmit copies of this resolution to the President of the United States, the President of the Senate, the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States.<sup>523</sup>

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<sup>523</sup> California, "Progress Report to the Legislature by the Senate Interim Committee on California Indian Affairs." p. 19.

## **APPENDIX H**

### **QUESTIONS PRESENTED TO THE FEDERAL GOVERNMENT FROM THE STATE OF CALIFORNIA REGARDING THE CALIFORNIA INDIAN TERMINATION BILLS**

1. Is the State of California going to assume guardianship of the Indians or does federal withdrawal conclusively establish that they are competent to conduct their own affairs in the same manner as other citizens of this State?
2. What will be the exact financial effect on local school districts when federal aid for the education of Indians is withdrawn?
3. What will be the extent of increased welfare benefits, if any, required to be paid by the political subdivisions of California to indigent Indians upon federal withdrawal?
4. What additional expenses, if any, for hospitalization and medical benefits will be incurred by the political subdivisions of California upon federal termination?
5. Are the roads on and traversing Indian reservations completed and of such a standard as could be accepted for maintenance by local and state highway departments?
6. Are the irrigation and water projects constructed for Indian use economically feasible when operated without federal aid or are there apt to be wholesale foreclosures on the land subjected to liens for these purposes?
7. Should the State of California agree to real property tax exemptions for Indians over 50 and under 21 years of age?
8. Can the Indian tribes in California prepare the tribal rolls within six months from the effective date of the act are adequate funds available to accomplish this result?
9. Are the rules and regulations for eligibility for tribal enrollment already established by the Secretary of the Interior in such a clear manner as to permit adoption and if not so established how long it take after the effective date of the act to provide such rules?
10. Have rules and regulations of general applicability been adopted to provide the circumstances under which tribal or other property not occupied by tribal members will be allocated to actual occupants or otherwise.
11. Do the Indian tribes and members have sufficient funds and legal assistance to formulate and decide upon plans for the disposition of tribal property? If assistance is to be provided by the Department of Interior, are funds available and is assistance from the department in this manner acceptable to the Indians?
12. Are funds available for the preparation of maps and the conducting of surveys in the event an Indian tribe desires a division of tribal land into individual parcels?

13. What provisions have been made and funds allocated for the disposition of the heirship cases now affecting California Indians. This would appear to be particularly pertinent as to lands which will be freed from restraints on alienation five years from the effective date of the act and which will become taxable. Thus, it is conceivable that a given parcel would be taxable and salable except for flaws in the title created by heirship problems and before such flaws are removed, the equity in the property could be lost.
14. How shall real and personal property held by the Federal Government for the benefit of the "Indians of California" be distributed?
15. How is the personal property such as funds from the sale of timber, etc., held by the Federal Government for the benefit of certain tribes be distributed?
16. What legislation needs to be adopted by the State of California to validate Indian marriages of all types?
17. What relation does the validation of Indian marriages have to the pending heirship cases?
18. As to land owned by Indians over 60 years of age and as to land owned by Indians determined by the Secretary of the Interior to be unable to conduct their own affairs, what is the effect of a statutory restriction against alienation without the consent of the State of California and what agency of the State is competent to make these determinations? What are the rules for determining inability to conduct their own affairs, i.e., is the normal test of incompetency to be used subject to the same rules of evidence, etc.?
19. What is the constitutional effect of Federal prohibition against state taxation of land within the State?
20. What will be the exact cost to the State of California by the provisions of Section 9, Subdivision D prohibiting further expenditure of federal funds for Indians in California?
21. What water rights or cases involving water rights are now existing involving Indians, which will affect the State of California and in what manner and through what agency are these matters to be processed?
22. What are the financial and other effects, if any, excluding protections of reservations from the applicability of the act as provided in Section 28?rawal conclusively establish that they are competent to conduct their own affairs in the same manner as other citizens of the State.
23. What will be the exact financial effect on local school districts when federal aid for the education of Indians is withdrawn?
24. What will be the extent of increased welfare benefits, if any, required to be paid by the political subdivisions of California to indigent Indians upon federal withdrawal?

25. What additional expenses, if any, for hospitalization and medical benefits will be incurred by the political subdivisions of California upon federal termination?
26. Are the roads on and traversing Indian reservations completed and of such a standard as could be accepted for maintenance by local and state highway departments?
27. Are the irrigation and water projects constructed for Indian use economically feasible when operated without federal aid or are there apt to be wholesale foreclosures on the land subjected to liens for these purposes?
28. Should the State of California agree to real property tax exemptions for Indians over 50 and under 21 years of age?
29. Can the Indian tribes in California prepare the tribal rolls within six months from the effective date of the act are adequate funds available to accomplish this result?
30. Are the rules and regulations for eligibility for tribal enrollment already established by the Secretary of the Interior in such a clear manner as to permit adoption and if not so established how long it take after the effective date of the act to provide such rules?
31. Have rules and regulations of general applicability been adopted to provide the circumstances under which tribal or other property not occupied by tribal members will be allocated to actual occupants or otherwise.
32. Do the Indian tribes and members have sufficient funds and legal assistance to formulate and decide upon plans for the disposition of tribal property? If assistance is to be provided by the Department of Interior, are funds available and is assistance from the department in this manner acceptable to the Indians?
33. Are funds available for the preparation of maps and the conducting of surveys in the event an Indian tribe desires a division of tribal land into individual parcels?
34. What provisions have been made and funds allocated for the disposition of the heirship cases now affecting California Indians. This would appear to be particularly pertinent as to lands which will be freed from restraints on alienation five years from the effective date of the act and which will become taxable. Thus, it is conceivable that a given parcel would be taxable and salable except for flaws in the title created by heirship problems and before such flaws are removed, the equity in the property could be lost.
35. How shall real and personal property held by the Federal Government for the benefit of the "Indians of California" be distributed?
36. How is the personal property such as funds from the sale of timber, etc., held by the Federal Government for the benefit of certain tribes be distributed?

37. What legislation needs to be adopted by the State of California to validate Indian marriages of all types?
38. What relation does the validation of Indian marriages have to the pending heirship cases?
39. As to land owned by Indians over 60 years of age and as to land owned by Indians determined by the Secretary of the Interior to be unable to conduct their own affairs, what is the effect of a statutory restriction against alienation without the consent of the State of California and what agency of the State is competent to make these determinations? What are the rules for determining inability to conduct their own affairs, i.e., is the normal test of incompetency to be used subject to the same rules of evidence, etc.?
40. What is the constitutional effect of Federal prohibition against state taxation of land within the State?
41. What will be the exact cost to the State of California by the provisions of Section 9, Subdivision D prohibiting further expenditure of federal funds for Indians in California?
42. What water rights or cases involving water rights are now existing involving Indians, which will affect the State of California and in what manner and through what agency are these matters to be processed?
43. What are the financial and other effects, if any, excluding protections of reservations from the applicability of the act as provided in Section 28?<sup>524</sup>

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<sup>524</sup> Ibid. pp. 21-23.

## **APPENDIX I**

### **THE RANCHERIAS VISITED IN PREPARATION FOR TERMINATION UNDER THE 1958 RANCHERIA ACT**

Auburn Rancheria: 24 people, 40 acres—Mrs. Violet A. Rey, Chairman. Used primarily for homesites. On the outskirts of the small town of Auburn. Easy access from highway #40. Mrs. Rey was anticipating the passage of the Rancheria Bill and gave the impression that she would be very cooperative in carrying out its provisions.

Chico Rancheria: 26 people, 25 acres. Access from Highway 99E. Adjacent to the State College. Valuable homesites.

Clear Creek (Redding): 34 people, 31 acres—on the outskirts of the town of Redding. Good homesite within the expanding limits of the community.

Crescent City (Elk Valley): 60 people, 100 acres—On outskirts of town. Easy access from Highway 99. Sam Lopez, Chairman, does not like the Senate amended version of the bill, but didn't know what the amendments were. The Norris family living here are the northern representatives of the Indians of California, Inc. Mrs. Norris wants the Rancheria to have the benefits of the bill.

Smith River: 82 people, 163 acres—Mrs. Sylvia Green, Chairman. Highway 99 cuts thru Rancheria. Some lots have ocean frontage. Chairman favors the legislation. Rancheria on the outskirts of the town of Smith River.

Rohnerville: 40 people, 15 acres. Two miles off Highway 101. Considerable road construction needed to get to Rancheria. Desirable homesites overlooking village.

Table Bluff: 39 people, 20 acres. Six miles off Highway 101. In ocean flats dairy country. More an Indian community by itself than the other Rancherias we saw.

Redwood Valley: 56 people, 80 acres. Good land near town. Individual wells on all assignments. Some orchards.

Pinoleville: 107 people, 96 acres. On the outskirts of Ukiah within the expanding community. Some grapevines.

Guidiville: 32 people, 243 acres. Four miles from Ukiah. Good homesite land.



Hopland: 100 people, 2070 acres. Mr. Arthur Knight, Chairman. Valley and hillside land. The largest Rancheria in the legislation. Some grape vineyards and orchards. Mr. Knight favors the legislation.

Lytton: 9 people, 50 acres. Mrs. Myers, assignee. Two families share this land. Adjacent to highway. The assignees want title as soon as possible.

Alexander Valley: 9 people, 54 acres—Fair homesite location.

Graton: 7 people, 15 acres. Some timber. Not on main highway. A stopping off place for itinerant California Indians. A rough element congregates here occasionally.

Mark West: 35 acres—off in the hills. No residents.

Middletown: 21 people, 108 acres. On State Road 29. Surrounded by built up agricultural area.

Big Valley: 104 people, 102 acres—Near a thriving community. Some pear orchards. Bad social conditions among the Indians. Frontage on Clear Lake.

Scotts Valley: 32 people, 57 acres. In the Clear Lake resort area. Half mile off State road 29.

Robinson: 45 people, 88 acres. On State Highway 29. In Clear Lake resort area.

Upper Lake: 69 people, 561. Frank Treppa, Chairman. He favors the legislation. Surrounded by resort improvements.

Rancherias not in Legislation:

Trinidad: Adjoining the Redwood Highway. Some timber.

Resighini: Off Highway 101 two miles. Fenced pastures. Grass land subject to flooding by Smith River.

Laytonville: Two miles Highway 101.

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- Heizer (Robert Fleming) Papers
- C. Hart Merriam Papers BANC MSS/80/18
- Records of the Department of Anthropology
  - \_\_\_\_\_Constance Goddard DuBois Papers
  - \_\_\_\_\_John P. Harrington Papers
  - \_\_\_\_\_Zephyrin Engelhart Papers
  - \_\_\_\_\_Alice C. Fletcher Papers
  - \_\_\_\_\_John C. Merriam Papers
  - \_\_\_\_\_John Collier Papers
  - \_\_\_\_\_Charles de Elkus Papers
  - \_\_\_\_\_Phileo Nash Papers

Braun Library, Southwest Museum of the American Indian, Los Angeles, California

- The Charles Fletcher Lummis Collection
- The John Peabody Harrington Collection

California State Archives, Sacramento, California

- Legislator Records
- Earl Warren Papers 1924-1953
- Goodwin J. Knight Papers 1953-1959

Charles E. Young Research Library, Special Collections Department, University of California, Los Angeles, California

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- C.C. Pierce Collection

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