



UNITED STATES  
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS  
SACRAMENTO AREA OFFICE  
2600 COTTAGE WAY  
SACRAMENTO, CALIFORNIA 95825

Memorandum

AUG 14 1973

To: Commissioner of Indian Affairs  
Attention: Roderick Riley

From: Area Director, Sacramento, California

Subject: Services to California Indians

Specific reference is made to the memorandum of January 16, 1970, to the Commissioner from the Assistant Secretary, Public Land Management on the subject "Adherence to our long-standing policy of not furnishing special Bureau of Indian Affairs services to off-reservation Indians." Reference is also made to various conversations concerning that policy as it should specifically apply to the California situation.

To properly and factually cast the present situation of the California Indians, it is of paramount importance to bear in mind the fact historically, California Indians have received much less consideration than Indians of other states. With few exceptions, no appreciable land base was ever authorized for Indian bands or tribes of the state. In the 1850's when the Federal Government was engaged in negotiations with Indian tribes in the central and western parts of the United States and ratifying the resultant treaties, the discovery of gold in California had caused the migration westward to assume the proportions of a stampede. Federal Indian Law (P. 200) states the situation clearly:

"Soon this newly admitted state was faced with the familiar problem of keeping available for preemption purposes an ample supply of public land.

"A familiar solution was quickly decided upon. Congress appropriation \$25,000 and dispatched Commissioners to treat with the California Indians regarding the territory they occupied.

"Some 18 treaties with 18 California tribes were negotiated by these Federal Agents in 1851. All of them provided for a surrender of native holdings in return for small reservations of land elsewhere. Other stipulations made the Indians subject to state law.

"When the terms of these various agreements became known, the California State Legislature formally protested the granting of any land to the Indians. The reasons for this opposition were reviewed by the President and the Secretary of the Interior and finally a number of months after the agreements had been negotiated they were submitted to the Senate of the United States for ratification. This was refused July 8, 1852.

"The Indians, however, had already begun performance of their part of the agreement. Urged by Government officials to anticipate the approval of the treaties they had started on the journey to the proposed reservations. Now they found themselves in the unfortunate position of having surrendered their homes for lands which were already occupied by settlers and regarding which the Federal Government showed no willingness to take action. This situation was never remedied unless the creation in 1920's of several small reservations for the use of these Indians can be said to have done so."

Attached is a set of maps depicting the location and areas involved in the unratified treaties of 1851-2 with the various California tribes. In the case of the Indians of California, Claimants, by U.S. Webb, Attorney General of the State of California, vs The United States, (98 Court of Claims Reports 583 (1934)) at page 589-590, the Court states:

"The lands which were proposed to be set aside as reservations for the sole perpetual use and occupancy of the tribes, lands and rancherias of the Indians of California, parties to the eighteen unratified treaties, are described therein by metes and bounds. They are shown on the official map prepared at the request of the Secretary of the Interior by the Commissioner of the General Land Office as a public document. These reservations were never set aside and reserved to the Indians of California, parties to the said treaties, in the manner and form provided for therein.

"The total area in the aforesaid proposed reservations has been officially computed to be eight million, five hundred and eighteen thousand, nine hundred (8,518,900) acres, and includes a large

acreage comprised within reservations subsequently established by the Government for the benefit of the Indians of California."

The total acreage, above shown, is less than the lands held by the Navajo Tribe in Arizona alone (6,969,245.27 acres).

The rancharia system is unique to California and these, generally isolated, small acreages, provide little else than homesites which are often without water. The great majority of Indians received no land base at all.

A total of 61 rancharias, totaling 7,422.54 acres, was purchased in scattered localities, with title taken in the name of the United States of America, for "Landless Indians of California." Additionally, 2,580 Public Domain allotments were made, scattered state-wide. There remain 218. Through operations of the Act of August 18, 1958, (72 Stat. 619) as amended by the Act of August 11, 1964 (78 Stat. 390), 33 of these rancharias, totaling 3,264.98 acres, have been, or are in the process of being terminated.

The remaining Indian land areas were acquired, or set aside for specifically named groups, bands or tribes. There are at present some 76 reservation and rancharia areas within the State of California. A few were set aside by Executive order. In a few instances, these areas are occupied by the descendants of one tribe (i.e. Hoopa) or a particular band of one tribe (i.e. Tachi Band of Yokuts). In the majority of cases, however, the reservation and rancharia lands are occupied by Indian people without regard to the tribal affiliation of their ancestors. Of the 76 reservation and rancharia areas still in trust status in the State of California, some 50 are without formal organizational documents. Only twenty (20) groups may be considered to have relatively current membership rolls with at least six being produced in conjunction with rancharia distribution plans.

On the other hand as before stated, the great bulk of California Indians received no lands for settlement. Notwithstanding the absence of a land base, together with the fact that ancestral tribal organizations have disintegrated, most are identifiable as a result of the preparation of rolls of California Indians under the Acts of May 18, 1928 (45 Stat. 602), June 30, 1948 (62 Stat. 1166), May 24, 1950 (64 Stat. 189), and June 8, 1954 (68 Stat. 240). Of these, eight were covered by the August 18, 1958 Act, totaling 3,626.21 acres.



An example:

In March 1920 the Shingle Springs Rancheria, containing 160 acres, was purchased for the use and occupancy of four Indian families totaling 19 individuals, living in or near Verona in Sutter County, California, and three Indian families totaling 15 individuals living in Sacramento. Of the total, five were non-Indian spouses. The known descendants of these folk, today living, total 22 family units comprising 54 individuals. Of this group, 29 live in the metropolitan area of Sacramento; 13 live within a 35 mile radius of Sacramento; one in Chicago, Illinois, and the remaining in eleven various parts of the State of California. None, at the moment, are living on trust lands, although several, having been advised on August 7, 1970 of their right to participate in the use and occupancy of this Rancheria have indicated an intention to apply for homesteads there. Only a very few can be identified by ancestral tribal organizations.

In terms of people, we are talking about approximately 41,000 California Indians, of which 8,600 are located in the San Francisco Bay Region and Los Angeles Area.

Estimates of the Indian population served by the Bureau of Indian Affairs (September 1968 - Published March 1969) show 55,400 in Alaska and 77,400 in Oklahoma. While special legislation (in part) governs eligibility in these two states, in Alaska very few are living on reservations and the term "adjacent" refers to all the rest of Alaska. In Oklahoma, the area covered is composed of former reservations.

The Basic Appropriation Act affecting Indian Affairs (42 Stat. 203) approved November 2, 1921, "an Act authorizing appropriations and expenditures for the administration of Indian Affairs, and for other purposes" uses the following language:

"That the Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, 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, for the following purposes: . . . ."

Nowhere in the Act is found a geographical limitation.

The Departmental Manual 130.1.3 "Functions" states: "The Bureau (of Indian Affairs) works with Indian and Alaska Native people . . . ."

Specific attention is called to the following excerpts from the Bureau of Indian Affairs Manual:

62 IAM 1 101

Objective

The basic educational objective of the Bureau of Indian Affairs is to assure adequate educational opportunities for all Indian children of one-fourth or more degree of Indian Blood within the continental United States and Alaska. (Underscoring supplied)

1 101 A(4) To initiate other less traditional arrangements for providing educational opportunities for children in isolated family units.

62.2.5.2

Children otherwise eligible who meet one or more of the criteria listed below may be admitted to Federal boarding schools:

A. Educational Criteria

1. ....

2. Those who need special vocational or preparatory courses, not available to them locally, to fit them for gainful employment. Eligibility under this criteria is limited to students of high school grades 9 through 12 and post high school grades 13 and 14.

3. ....

B. Social Criteria

1. ....

2. ....

3. Those whose behavior problems are too difficult for solution by their families or through existing community facilities and who can benefit from the controlled environment of a boarding school without harming other children.

4. ....

62 IAM 5 Financial Aid for Higher Education

5.2 Eligibility Requirements:

1. Grants are applicable for students who are one-fourth or more degree Indian, Eskimo or Aleut; who are members of tribes served by the Bureau; who are enrolled in an accredited college or university; and who have financial need. Preference will be given to qualified students who live on or near reservation areas. Exceptions to this requirement should be made only after those applicants have been assisted.

A. ....

B. ....

C. ....

D. ....

E. Urban-based Students. An increasing number of Indian students living away from the reservation areas are applying for assistance under the grant program. While these students have financial needs similar to reservation-based students, it is determined that they are in a better position than reservation-based students to seek financial assistance from other sources and, therefore, have a lower priority for a Bureau grant.  
(Underlining supplied)

The area where the applicant is enrolled as a tribal member has the responsibility for determining his eligibility and funding his request for assistance. Another area may assist in the processing of the application and provide the followup services once the applicant is in a college. (Release 62-26, 4-25-69)

Adult Vocational Training

One of the major reasons for the enactment of P.L. 959 (70 Stat. 986) August 3, 1956, was to make available and to furnish a service to the Indian people which would result in alleviating the economic pressures on Indian reservations. (See 82 IAM 4.5.2.1)



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Commissioner Robert Bennett, testifying before the Senate Sub-Committee on Appropriations, Wednesday, March 12, 1969 with reference to the scholarship program:

".....we have a system of priorities. The first one would be to those Indian young people in our schools and in the reservation area; second priority is we are helping some that are not in the reservation or near a reservation; (underscoring supplied) the third priority is for increasing numbers of requests for graduate work and the fifth and sixth priorities are for students who wish to enroll in sectarian colleges...." (P. 175 Senate Hearings, Department of Interior and Related Agencies, H.R. 12701, Part I, Fiscal Year 1970).

Within the context of the foregoing, wherein reservation groups are given priority, but not ruling out the eligibility of non-reservation residents in natural Indian communities and, in the light of the historical background of the California Indians, and, within the spirit and meaning of the President's Message to Congress of July 8, 1970, the following policy is recommended:

"The Bureau of Indian Affairs in the State of California shall be concerned primarily for California Indians residing on trust or restricted lands within the state, with secondary consideration for eligibility for Adult Vocational Training programs for California Indians not residing thereon; that the term "or near" be construed to be applicable to and to include all Indians (outside of those residing in the San Francisco Bay Region and the Los Angeles Area) presently resident in the State of California who are descendants of Indians residing in the State on June 1, 1852." (1)

(1) Note: The matter of identification would not be an administrative problem as we have a California Indian Roll."

/s/ William E. Finale  
Area Director