

## The Documented History of the Lytton Pomo Group

### Summary:

By a feat almost of legerdemain, a group of Native Americans, who call themselves the Lytton Indian Community, have been able to gain tribal status where none ever existed and obtained Congressional support for a casino type operation in a geographic area which they have no historical association.

### Background

In 1927 the U.S. Department of the Interior purchased and recorded deeds for a total of 50 acres of land in Alexander Valley, Sonoma County, for "homeless California Indians."<sup>1</sup> In February, 1937 Bert Steele, 1/4 blood Indian from Round Valley and his wife Mary, a Sonoma County Pomo, were authorized to occupy one parcel.<sup>2</sup> The Steeles built a one room cabin which they occupied later that year.<sup>3</sup> In 1938, John Myers (brother of Mary Steele), a Stewart's Point Pomo, and his wife, Dolores, an Indian from Bodega Bay, were authorized to build a house on a five acre portion of the Lytton parcel.<sup>3</sup> It is noted that the Dry Creek Pomo Indian tribe protested angrily that Indians not native to the area were allowed to settle on the Lytton Rancheria..<sup>3,4</sup> It is also noted that, despite their relationship through marriage, John Myers and Bert Steele did not get along.<sup>5</sup>

In 1938, the Government built a road to the Steele house and dug a well on each parcel together with a 1,000 gallon storage tank and a system of irrigation lines and valves from both wells.<sup>3,5,6,7</sup>

In 1952, 1955, and 1957, the Myers and Steeles petitioned their Congressman to receive title to their individual parcels conditional upon cancellation of any debts and liens held by the Government on the Lytton Rancheria..<sup>8,9,10,11,12,13,14</sup>

On August 18, 1958, PL 85-671 (the Rancheria Bill) was enacted by the 85<sup>th</sup> Congress. The May 29, 1959 plan for distribution of assets of the Lytton Rancheria included requirements for surveys, appraisals, easements, cancellation of debts and conveyance of title. As requested by the Indian families, seven parcels were assigned to the Steele family and one to the Myers family.<sup>15</sup> The plan was approved by the Secretary of the Interior August 25, 1959 and accepted by the Indians, six voting in favor, none opposed on September 18, 1959.<sup>16</sup>

Outstanding debts were cancelled<sup>17</sup> and deeds were given to the assignees on February 16, 1961, and recorded March 15, 1961. At this time, only the Myers and Daniel Steele families lived on the Rancheria. Sonoma County official records show that by the end of 1961, five of the eight parcels had been sold and, by May 28, 1961 all remaining parcels were sold. Public Law 88-419 which modified certain provisions of the 1958 Rancheria act, did not become effective until August 11, 1964.

In 1986, lawyers for Scott's Valley (California) Band of Pomo Indians of the Sugar Bowl Rancheria filed suit in Federal District Court against the United States (C-86-3360 WWS) for unlawful termination of their rancheria in the early 1960s. In 1987, the suit was amended to include the Lytton Indian Community of Healdsburg, the Me-Choop-Da Indians of Chico and the

Guidiville Band of Guidiville, California. The presiding judge pressed the Government to work out a settlement.

On October 1, 1988, a plan titled "Lytton Station Bingo Business Plan," authored by Lytton-Sonoma Ventures, 4340 Redwood Highway, Suite 114, San Rafael CA 94903, proposed "development of a high stakes bingo operation for the Lytton Springs Indian Band of California" on the ex-Lytton Rancheria 50 acre parcel. The plan further proposed a total site development through 2002 of 131+ acres of surrounding parcels for housing and a commercial center.

On May 24, 1990, landowners on the the ex-Lytton Rancheria acreage, in fear of losing their homes, filed a motion to intervene in the negotiations between the Government and the family who called themselves the Lytton Indian Community. In September 1990, Sonoma County and landowners in Alexander Valley were permitted to intercede in the suit.

On August 24, 1990, Congressman George Miller (Contra Costa, California) introduced HR 5436 which would extend federal recognition to certain tribes and establish procedures to clarify the status of certain Indian tribes in California. In the bill, Federal recognition was afforded to the Lytton Pomo group even though they did not meet the criteria specified in the bill for "tribal" status. The Bill did not pass Congress.

On March 26, 1991, a consent agreement was reached between the Scotts Valley suit plaintiffs, the US Department of Justice and Sonoma County Counsel and subsequently approved by the Court. The Agreement was negotiated secretly without input from the Alexander Valley landowners and completely ignoring the considerable volume of archival evidence available to the participants showing that: (1) the Lytton Rancheria was not aboriginal land, (2) the Lytton Pomo Indians were never a tribe, band or group as defined by the Bureau of Indian Affairs, (3) the Lytton principals had repeatedly petitioned for title to the land, and (4) they had unanimously and with representation of counsel voted to accept the provisions of the Rancheria Act of 1958. Nonetheless, the Agreement stipulated that the Lytton Rancheria had not been legally terminated and afforded the "distributees and dependent members of the Lytton Rancheria and their lineal descendants" the right to organize. The Agreement further stipulated that when and if organized *pursuant to federal statute* [emphasis supplied], they will be listed as a tribal entity in the Federal Register. The Agreement precluded taking any land in Alexander Valley into trust for the Lytton Pomo Community but left open the question of land acquisition elsewhere in Sonoma County.

A document dated August 13, 1991 from the Attorney General of the State of California expressed concern over the land acquisition provision noting that, inasmuch as it appeared to violate certain provisions of the U.S. Constitution with respect to states rights, and noted that the State reserved the right to challenge such acquisition when specifics became known.

A September 14, 2001 letter from the Bureau of Indian Affairs noted that the Lytton Band of Pomo Indians is a federally recognized tribe solely as a result of the settlement of the Scotts Valley suit and without having shown evidence of prior tribal status or without having organized "pursuant to federal stature."

In 1999, a financially troubled card room in San Pablo, California, was purchased with intent to be taken into trust for the Lytton Band. It is understood that the property is intended to be used for a gambling casino.

Also in 1999, the Lytton Band obtained an option to purchase land in Windsor, California, purportedly for use as housing. Such acquisition would then provide a double standard: one for Windsor residents restricted to compliance with the County General Plan and a second for the Lytton Band with no restrictions whatsoever.

**Conclusion:**

Our opposition to the Lytton Pomo Community is not one of prejudice, but rather one of justice and equity under the law. While we can say nothing about the several tribes involved in the Scotts Valley suit, we can and do assert that documents in Government archives present clear and convincing evidence that Lytton Rancheria was, in fact, terminated in accordance with the provisions of the 1958 Congressional Rancheria Act. We are unconvinced that the office of the Attorney General had the authority to declare the actions surrounding the Lytton Rancheria termination null and void or to "restore" the Lytton Pomos to a tribal status which they had never enjoyed in the past.

A key point is that the Lyttons were awarded "tribal status" in a settlement designed to obviate a formal jury trial and, thus, were never subject to the process specified by the Bureau of Indian Affairs to prove that they had all the requisites to qualify as a native American Indian tribe, community, group, or band.

The members of the Lytton Pomo Community who joined the Scotts Valley suit were not actually distributees, but rather descendants of those distributees who initially petitioned the Government for the land and then voluntarily accepted land from the Government which they quickly sold. The Lytton Pomo Community was never legally a tribe, band, or community, and has gained that status through what amounts to back door maneuvering. Moreover, they are in position to establish a "reservation" on lands with which, historically, they have no historic connection whatsoever.

It would appear that the entire chain of events starting from 1988 to the present were driven by the desire of certain of the Myers and Steele descendants to simply take advantage offered to existing native American tribes by the Indian Gaming Act of 1988.

There can be no question that creating a dependent sovereign nation (as Indian Reservations are properly called) in the midst of a populated area is an anachronism in this day and age.

**Footnotes** (all documents referenced are on file with the Government Archives in San Bruno, California:

1. US DOI (BIA) letter L-A/11192 of March 11, 1929 to L.A. Dorrington, Supt Sacramento Agency.
2. Memo for Mr. Nash, dated May 1, 1937, initialed M.H.
3. Sacramento Indian Agency letter of March 17, 1939 to Commissioner of Indian Affairs, Washington D.C. signed by Roy Nash, Superintendent
4. Letter of December 6, 1938 to Roy Nash Superintendent of Sacramento Office, signed by Cordova, Smith, Williams, and Elgin
5. Memo written by Howard Broadhead, Land Agent, dated August 6, 1953 detailing information in the Lytton files
6. Lytton Rancheria Appraisal Report of March 11, 1960
7. BIA Sacramento Area Office letter of November 9, 1954 to Daniel Steele
8. Letter of November 3, 1952 to Area Director California Indian Agency signed by John and Dolores Myers
9. Letter of October 1, 1935 from Dolores Myers to BIA Area Director
10. Undated Resolution attached to BIA Sacramento Office letter of October 12, 1955 to John Myers
11. Letter of December 16, 1955 to Mr. Leonard Hill, BIA Area Director
12. Letter of January 10, 1957 to Honorable Hubert R. Scudder signed by John and Dolores Myers
13. Letter of January 21, 1957 from BIA Sacramento Area Director to Commissioner of Indian Affairs
14. Letter of February 26, 1957 to Honorable Hubert B. Scudder signed by John and Dolores Myers
15. Plan for Distribution of the Assets of the Lytton Rancheria, according to the Provisions of Public Law 85-671, enacted by the 85<sup>th</sup> Congress, approved August 18, 1958, signed May 29, 1959 and approved August 25, 1959
16. Branch of Realty Memo dated October 1, 1959 to Branch of Land Development signed by Gerry Robinson
17. BIA letters of October 16, 1959 and October 27, 1959 to BIA Sacramento Area Director