California Indians—Double Genocide

Ignorance makes of a man a fearful animal whose response to alien eyes, skin color, dress, and custom is hostile, whose single impulse is to stamp out, to obliterate from sight and consciousness a world view that contravenes his own.

Almost Ancestors—The First Californians

In 1848, when the Treaty of Guadalupe-Hildalgo was signed at the conclusion of the Mexican War and California became a part of the United States, about 200,000 Indians occupied 90 per cent of the new state. By the turn of the century less than 20,000 had survived.

The Spaniards began the initial act of obliteration of the native culture with their missions and pyramidal society (Indians as the peon base and the conquerors as the aristocracy) as far back as 1769. Spanish missions were filled with Indians rounded up without reference to tribe, tongue or personal willingness. What the Spaniards did by this transposition was decimate the populations of whole tribes—they learned too late that Indians who were uprooted, enslaved and stripped of their cultural identity, chose death to life.

The Gold Rush brought an enormous influx of Anglo-Saxons who lacked even a discriminatory pyramidal vision for Indians. The settlers called the Indians “Diggers,” and seeing them as scarcely human began to make slaves of them, to herd them like cattle to undesirable lands to let them die, and most of all to simply exterminate them. Being an Indian-killer was considered by many settlers to be a honorable profession.

The settler-conquerors are often remembered as brave adventurers, le often as ignorant racists. Their actions were not labeled as genocidal until after the Second World War when the act of attempting to wipe out another culture finally bore on the collective conscience. The last surviving Indians are left with an unimaginable sense of loneliness. Identity can now be found only in their own person; their people, language, art culture are gone.

The Lost Treaties

After the Treaty of Guadalupe Hildalgo, the U.S. Government sent three commissioners to California to negotiate with the Indians for the land. They started at the top of the state and when they finished they had 18 treaties. In them, the Indians had ceded 75 million acres to the United States, keeping only 8.5 million for themselves. The Indians were never told that the treaties had to be ratified by the Senate. They also did not know that the California legislature and governor argued vigorously that the treaties should not be ratified, that rather the Indians should be removed beyond the borders of the state. T
stop what they considered to be an illegal and non-existent acceptance of their portion of the claim, the settlement was ratified. Congress appropriated the $29 million and put it in trust. In 1968 a law was passed specifying how the monies were to be distributed, and since that time the Bureau of Indian Affairs has been in the process of determining who should be eligible to participate in the settlement.

California Indians For A Fair Settlement

Sometime in the next few months, the Bureau of Indian Affairs will distribute to the California Indians the proceeds of the California claims judgment. It is estimated that each California Indian will receive between $600 and $800, to be considered a final compensation for the seizure of the 75 million acres of land. Many California Indians feel that their acceptance of the award (which was the result of a compromise of the claim) was procured without their being aware of all the facts and implications. Many resent the roles of some of the claims attorneys who, the Indians allege, spent too much time arguing among themselves, and who seemed intent on a settlement of the claim.

Thus, many California Indians are reluctant to accept this payment. In addition to feeling that the award is inadequate payment for land itself, many people feel that they should be compensated for the genocide committed by the State of California and its citizens. In addition, many people would prefer to receive trust lands rather than money, for they do not wish to surrender their claims to the land.

On September 9, 1972, a group calling themselves “California Indians for a Fair Settlement” will be meeting in Sacramento to assess various alternatives to the settlement of this claim. Many are hopeful of going back to court to try to reopen the claims case. In addition to payment for the deaths, enslavement, and suffering of California Indians when the land was taken, they want a land base for those remaining survivors. Because they know the government will argue that the case cannot be reopened because the Indians have been paid for the land, they hope to join as a group and deposit their claims payments in a trust account either with the government or in a bank.

There are several reasons why Indians have been joining together in this effort. Some feel that they have no right to sell land; that it belongs to everyone. Others have joined because they know that California is worth much more than 47 cents an acre. Still others say that this payment is far too small considering that there is a risk that California Indians will lose all of their Indian benefits and because they believe the government must be made to pay for the sufferings of their ancestors.

For further information about California Indians for a Fair Settlement write to:
Joseph Carrillo
915 Capitol Mall, Room 309
Sacramento, California 95814

Public Law 280

Law is a continuously evolving phenomenon, intrinsically social in nature. These characteristics it shares with the consciousness of a culture.

In 1953, as part of its general policy to terminate federal services to Indian tribes, Congress passed Public Law 280 which purported to give specific states, including California, civil and criminal jurisdiction over Indian tribes within their boundaries. The intended purpose of P.L. 280 was to facilitate the integration of Indians into the local and state structures which surrounded them.

Since the implementation of P.L. 280 in California 19 years ago, reservation Indians have had numerous difficulties with the “benefit” of being subject to the jurisdiction of local law enforcement agencies. Discrimination, brutality, and harassment have been all too common when county and state officers have exercised jurisdiction upon Indian reservations. In numerous instances, police and sheriffs fail to respond in time of need, but have been all too willing and available to arrest Indian people for drunkenness, (actual or suspected), as well as for other petty infractions.

As repugnant as these excesses have been, the extension of the California penal code to reservation lands is not until recently been a significant threat to the remnants of Indian culture and life style. However, recently local governments have begun to assert police power jurisdiction to a greater extent and in a manner which, if upheld by the federal courts, will assure the destruction of tribal sovereign.

Unlike many western states, California has very few areas which are truly rural, except in the extreme northern part of the state. Particular in southern California, reservation which may have been geographical isolated when established, are now being surrounded by urban or concreted suburban development. As government attempts to regulate new land developments in previously undeveloped areas, attention is being directed to nearby Indian reservations which, until now, have been largely ignored. There are seven counties which have begun to aggressively enforce local building codes and zoning ordinances on California reservations. Insofar as building codes require expensive permits as well as needlessly expensive and culturally biased building specification and materials, the enforcement of such codes can easily render the construction of a dwelling or other improvements beyond the financial means of many Indians.

The application of state and local ordinances also threatens tribal plans for the economic development of reservation resources. The enforcement of zoning laws can severely limit the ability of tribal governments to determine how reservation lands are to be used. In cases where Indian land adjoin non-Indian recreational or other property, the political influence of wealthy non-Indian landowners may result in the use of Indian land being restricted so as to be compatible with the maximization of the profit of the white landowners.

Basically the zoning of Indian land subjects and subordinates the Indian whose occupation of particular reservations preceded the Anglo occupation of surrounding lands, to the desires and manipulation of non-Indian land owners and speculators. The result is further economic and cultural disaster for Indian people. At the present time the states an
Termination—
"To Wipe Out"

The United States Congress began a more complete effort to terminate federal assistance to California Indians in 1958 with the passage of the Rancheria Act. The Rancheria Act and the other termination programs of the U.S. Government were thought to be reflective of a long-range legislative policy of the Congress to help Indians living on or near reservations attain a standard of living comparable to that of other Americans and as a way to integrate them into the mainstream of the dominant society. Part of the motivation was the fact that the Federal Government was seeking to find a way of reducing the expenditures they were making to provide services to Indians and to force states to assume the responsibility with the removal of tax-free status from Indian lands.

California as a wealthy state with a small population of Indians spread out across it seemed ideally suited to the Congress. The fact that the Indians were spread out made them difficult to serve and the high proportion of inter-marriage with whites led large numbers of them away from the reservations in the first place. Further, the reservations were too small to have their own governmental systems. During the 1950's many vocal Indians and Indian organizations felt strongly that the problems Indians were having at that time were due to the paternalistic attitude of the federal government and therefore they saw that in the move to termination, the Indians would be out from under federal control.

The fact that California was also a Public Law 280 state gave more impetus to the Rancheria Act. The Act itself spelled out the end of the trust status of Indian land and called for the automatic termination or sale of all unoccupied rancherias, but provided a mechanism for the population of occupied rancherias to vote on whether they wished to be terminated and have their land taken out of trust or not. The Act specifically stated land taken out of trust that was currently occupied was to be distributed to those Indians who could "participate."

Many California Indians contend that this Act was a failure. The Act provided that before the government could terminate services to the Indians they would have to provide adequate health facilities, water and sanitation systems which would meet California state standards. Many Indians allege that the federal government used whatever power they had to encourage termination because they wished to be rid of the responsibility. They allege that the BIA, which supposedly had limited funds for the improvements, sought to pit one Indian tribe against another. The BIA apparently told various rancherias that since limited funds were available it was advantageous to terminate as soon as possible in order that the funds available could be expended to provide the promised health facilities, and that if they waited too long to terminate, all the monies would be gone. Other problems which developed for those rancherias and tribes which decided to be terminated included loss of federal health services, special education programs, special housing programs and vocational training.

Individual terminated Indians often lose their lands because they cannot afford to pay the state and local taxes which they are subject to and/or can not repay loans made on their land, or because they are tricked out of land by dishonest non-Indians who take advantage of the Indians' poverty and faith in people. Termination was and is a one way street. For most terminated Californian Indians it was a policy which further decimated their culture and chances of survival.

Because in so many cases rancherias were terminated without any effort having been made to provide decent housing or adequate water and sanitation facilities, quite a number of suits have been filed against the United States Public Health Service. Some of these suits have dragged on for years but others have resulted in bringing attention to the shocking problems raised. California Indian Legal Services, an Office of Economic Oppor-
California Indian Education

The Johnson O'Malley Act of 1934 acknowledged the federal government's responsibility as a guardian to deal with the problems which are unique to Indian education. Implicit in the J.O.M. legislation is a concept that this federal responsibility can best be met by providing the individual states with a financial incentive to undertake education programs designed to benefit Indian children. California was the first state to contract with the Bureau of Indian Affairs to receive J.O.M. funds. From 1934 until the move for termination in the 1950's cancelled all J.O.M. funding in California, the state received more than $300,000 a year, which was a percentage of the Johnson O'Malley appropriation approximating the proportion of Indians in California to the national Indian population (12%). It was in 1957, when the B.I.A. adopted an administrative regulation limiting Johnson O'Malley funds to school districts with "large blocks of non-taxable Indian owned property" that California lost its funding. California, of course, has very few large blocks of tax-free land. The reservations promised in the 18 lost Treaties were never created and those reservations that were created later were widely scattered and very small. It is important to note that today about 6,000 of the 40,000 Native Californians live on reservations. Approximately 50,000 other Native Americans in California have been relocated to California from other states and they do not live on reservations, but in urban areas. It seems strange that the funds were removed when those intended to be the primary beneficiaries of the Johnson O'Malley Act were Indians "so intermingled with the general population of the state that it was not practical economically for the Department of the Interior to provide separate services for them." There is nothing in the language of the legislative history of the John O'Malley Act which has authorized the Bureau of Indian Affairs to determine that the funds are for school districts with large blocks of tax-free Indian owned property.

The attempt by the Department of the Interior and Bureau of Indian Affairs to restrict the distribution of J.O.M. funds on the above basis has prompted a lawsuit by the California Indian Education Association (C.I.E.A.) against the Secretary of Interior. The case, filed in March 1972 and set for hearing in September, challenges the validity of the Inter-Tribal Council's regulations purporting to limit permissible J.O.M. beneficiaries. The suit is being handled by California Indian Legal Services and a copy of the complaint in the case is available from the Native Indian Law Library, (No. 0013). A hearing on a Motion to Dismiss the defendants is scheduled for early September. The basis for the motion is an alleged lack of standing of C.I.E.A. to bring this suit. Further: illuminating the standing issue are members of C.I.E.A. who have filed petitions on their own behalf to intervene as plaintiffs in the suit.

Public education of California Indians has proven to be unsatisfactory intrinsically, and in comparison with Indian education programs in other states. The consensus is that if the Johnson-O'Malley Act of 1934 were reapplied to California, it could be
single most effective measure to improve the quality of education for Indian children in that state.

If it could have been said at one time that the State of California agreed to the withdrawal of J.O.M. funds, that is no longer the case. Both the California legislature and Department of Education wish the BIA to reinstate J.O.M. funding. California Indians never assented to the withdrawal in the first place; and they, too, urge reinstatement.

**Barker v. Harvey**

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<th>Victims of One of the Greatest Legal Errors In Modern History</th>
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<td><strong>Baron Long, et al. v. U.S.</strong> Amended petition before the Indian Claims Commission</td>
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The Agua Caliente Band, and many other Bands of Southern California Indians had used since time immemorial an area now known as Warner’s Valley. For generations the Indians regarded the hot springs there as sacred and made pilgrimages to them from far and near.

A gentleman named Harvey claimed title to the Warner Ranch lands pursuant to a patent from the U.S. Government to J. J. Warner on January 16, 1880, and brought action to oust the Indians. Harvey won in the lower courts and the case eventually reached the Supreme Court of the United States on appeal (Barker V. Harvey, 181 U.S. 480 45 L. Ed. 963 1901).

The Indians, without an attorney of their own choosing, were forced to rely upon counsel selected by the government for them. The Supreme Court of the United States relied upon the attorney employed by the Bureau of Indian Affairs, and the government attorney, to present the Indians’ case, but examination of the brief in the Supreme Court reveals a patent failure to assert the true legal position of the Indians and the case was lost by default.

Even the most superficial research into the Spanish and Mexican law concerning Indian land tenure would have revealed that the Indians held title to established communities and rancherias. Attorneys for the Indians did not even contend that their clients had title (even though conclusive evidence of the established Indian communities stands close by the Hot Springs. to this day in the form of adobe cottages, now modernized to accommodate tourists; a sign over one reads “built by the Indians in 1830”).

Instead the attorneys asserted that the Indians had merely a “usufructuary right under Guadalupe Hidalgo”, the right of “use and occupancy”, and that the Indians and their ancestors had “remained in continuous, open, notorious adverse possession”. This was not the law; the Indians owned titles to their communities or rancherias in Warner Valley and the attorneys should have claimed title.

Further the attorneys for the Indians did not cite any of the controlling decisions of the Supreme Court which recognized the effect of Spanish and Mexican law in preserving and protecting Indian title, and giving effect to the treaty of Guadalupe Hidalgo in perpetuating and protecting those property rights.

The Supreme Court of the United States having been inadequately advised by counsel for the Indians, erroneously held that “If these Indians had any claims founded on the action of the Mexican Government they abandoned them by not presenting them to the commission for consideration …..” pursuant to the Act of March 1851 which established the California Land Claims Commission but of which the Indians had never been informed. Still the Act establishing the California Land Claims Commission had no application whatsoever to Indian titles, for these had already been the subject of a special Act of Congress in which the 18
treaties were negotiated. Had the attorneys been diligent in protecting the interests of the Indians, they would have immediately petitioned the Supreme Court of the United States for a rehearing for this and other reasons, but no such petition was ever filed.

Continuing Genocide

"There is not much that is more important for human beings than their relations with each other, and it is these which laws are designed to express."

Owen Barfield

The genocide of the California Indian people and the theft of their land cannot be undone. The decimation that occurred in the 19th century might be viewed as the ruthless acts of conquerors—irrational, without motive or considerable premeditation—and therefore not reflective on the consciousness of the society which permitted it. This is not true of law as it has been applied to California Indians.

Law is a more accurate reflector of the conscience of American society than any other activity, because it must ultimately rely on support from the culture as a whole. Unlike the rules of morality, law is surrounded by and intertwined with customs and rites which reveal attitudes and beliefs hidden by the bare rule. It is therefore all the more despicable that the genocide has continued to occur throughout the 20th century.

The law has been used to remove from the California Indians land and most of the remnants of their culture. In some instances it has been because Indians were not informed of their rights or their need to petition; in other instances they have been poorly represented; and in still others the Congress has made laws which, although may have been intended to benefit Indians, were in fact instrumental in furthering the cycle of destruction.

It may be possible to somewhat mitigate the hardship and degradation still endured by the surviving California natives. There can be no justifica- tion for Indians living as "squatters" when the very instrumentality by which their lands were stolen from them—the federal government—owns 44% of California, of which 14% is vacant. The Indians realistically need but a fraction of 1%. Similarly, there is no justification for the multiplicity of land problems now afflicting reservations, rancherias and allotments when the means are at hand, at a relatively small cost, to remedy such problems.

Land is critical to Indian cultural survival. It is religiously sacred to Indians and for many it can provide a dignified, secure home. For some it can increase economic self-sufficiency and help provide a more adequate standard of living. The alternative to constructive action is continuing genocide... injustice, festering bitterness and the final death of the first Californians.

California Indian Legal Services

California Indian Legal Services provides legal assistance and advice to Indians throughout the state. The Native American Rights Fund was originally a pilot project of CILS, and the Fund continues to have a close working relationship with the California program.

CILS recently established the California Rural Indian Land Consolidation Project, with the assistance of the Office of Economic Opportunity. The primary objective of the project is to obtain land for landless California Indians, and to help existing reservations with their land problems, cluding boundary disputes, cloud titles, rights of way and others.

For further information about CILS and the Land Project write to the CILS Central Office:

Bruce R. Greene, Executive Director
California Indian Legal Services
2527 Dwight Way
Berkeley, California 94704
Telephone (415) 845-6171

CILS also has branch offices in Bishop, Escondido, Eureka and Ukiah.

Deganawidah-Quetzalcoatl University

Descendants of Native Americans, the United States number approximately 7 to 8 million persons. The people share racial and cultural values which they have maintained in spite of persistent efforts to assimilate them into the dominant society.

It is the consensus of the Native American community that its culture may be preserved and enhanced through educational opportunities at an ethnic university. To this end, the nation’s first American Indian-Chicano University was founded in 1971. It is located in north-central California on land seized by Chicano Indians after it had been abandoned by the United States Army. The 640 acre campus called Deganawidah-Quetzalcoatl University, in memory of leading figures in Iroquois Aztec history, welcomed its first class in July of 1971. The D-C curriculum consists of agriculture, liberal arts and vocational offering; it emphasizes studies in Native American history and contemporary culture.

Prospective students and interest persons may write for further information about D-QU to Director Student Services:

Deganawidah-Quetzalcoatl University
P.O. Box 409
Davis, California 95616
Telephone: (916) 758-0470
Native Tribes And Groups Of California In 1770
(approximate total population—300,000)

Tolowa
Hupa
Willkut
Matoie
Wailaki
Nongatl
Lumik
Sinkyon
Kato
Bear River
Yurok
Wyot
Yuki
Huchnom
Wappo
Shasta
Konomihu
Okwanucu
Achomawi (Pitt River)
Atsugewi
Yuma
Yahi
Karok
Chimariko
Pomo
Washo
Eselela
Salinan
Antoniano
Migueleno
Playano
Chumash
Obispeño
Purisímeno
Yacazeno
Barbareno
Venturenco
Emidiano
Cuyama
Island
Yuman
Diegueno
Kamia

Augustine Band of Mission Indians
Augustine Reservation
Makhu Tribe
Berry Creek Rancheria
Enterprise Rancheria
Mooretown Rancheria
Nevada City Rancheria
Auburn Rancheria (mixed)
Greenville Rancheria
Strawberry Valley Reservation
Palute-Shoshone Tribes
Big Pine Reservation
Bishop Reservation
Lone Pine Reservation
Cabazon Band of Mission Indians
Cabazon Reservation
Cahuilla Band of Mission Indians
Cahuilla Reservation
Mission Band of Indians of Campo Community
Campo Reservation
Yvegas, Barona and non-reservation Indians
Capitan Grande Reservation
Palute Tribe
Cedarville Rancheria
Fort Bidwell Reservation
Fort Independence Reservation
Mono Tribe
Cold Springs Rancheria
Big Sandy Reservation (Auberry)
Calif Debe Band of Wintu Indians
Colusa Rancheria
Wintun Tribe
Cortina Rancheria
Rumsey Rancheria
Cuyapaipai Band of Mission Indians
Cuyapaipai Reservation
Pitts Tribe
Big Bend Rancheria
Mojave Tribe
Fort Mojave Reservation
Quechan Tribe
Fort Yuma Reservation
Nomalacchi-Wailaki Tribe
Grindstone Creek Rancheria
Yurok Tribe
Hoopa Extension Reservation
Hoopa Valley Reservation
Trinidad Reservation
Inaja-Cosmit Tribe
Inaja-Cosmit Reservation
Me-Wak Tribe
Jackson Rancheria
Sheep Ranch Rancheria
Buena Vista Rancheria
Cortina Rancheria
Shingle Springs
Chicken Ranch

La Jolla Band of Mission Indians
La Jolla Reservation
La Pasta Band of Mission Indians
La Pasta Reservation
Cahuilla Tribe
La Jolla Rancheria
Pomo Patwin Tribe
Middletown Rancheria
Mission Creek Band of Mission Indians
Mission Creek Reservation
Morongo Band of Mission Indians
Morongo Reservation
Pala Band of Mission Indians
Pala Reservation
Pauma Band of Mission Indians
Pauma Reservation
Pechanga Band of Mission Indians
Pechanga Reservation
Cahuilla Band of Mission Indians
Ramona Reservation
San Luiseno Band of Mission Indians
Rincon Reservation
Yuki, Pitt River, Little Lake, Konkow, Wylackl,
Pomo, Nomalackl and Wintun Tribes
Round Valley Reservation
San Manuel Band of Mission Indians
San Manuel Reservation
San Pasqual Band of Mission Indians
San Pasqual Reservation
Tache Tribe
Santa Rosa Rancheria
Santa Rosa Band of Mission Indians
Santa Rosa Reservation
Santa Ysabel Band of Mission Indians
Santa Ysabel Reservation
Santa Ynez Band of Mission Indians
Santa Ynez Reservation
Soboba Band of Mission Indians
Soboba Reservation
Pit River-Patwin Tribe
XL Reservation
Palute, Makhu, Pitt River and Washoe Tribes
Susanville Rancheria

Known Tribes And Reservations In California In 1972
(approximate total population—40,000)

Agua Caliente Band
Agua Caliente Reservation
Pitt River Tribe
Alturas Rancheria
Likely Reservation
Lookout Rancheria
Barona Group of Captan Band of Mission Indians
Barona Reservation

La Jolla Band of Mission Indians
La Jolla Reservation
La Pasta Band of Mission Indians
La Pasta Reservation
Cahuilla Tribe
La Jolla Rancheria
Pomo Patwin Tribe
Middletown Rancheria
Mission Creek Band of Mission Indians
Mission Creek Reservation
Morongo Band of Mission Indians
Morongo Reservation
Pala Band of Mission Indians
Pala Reservation
Pauma Band of Mission Indians
Pauma Reservation
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San Pasqual Band of Mission Indians
San Pasqual Reservation
Tache Tribe
Santa Rosa Rancheria
Santa Rosa Band of Mission Indians
Santa Rosa Reservation
Santa Ysabel Band of Mission Indians
Santa Ysabel Reservation
Santa Ynez Band of Mission Indians
Santa Ynez Reservation
Soboba Band of Mission Indians
Soboba Reservation
Pit River-Patwin Tribe
XL Reservation
Palute, Makhu, Pitt River and Washoe Tribes
Susanville Rancheria
National Indian Law Library Tribal Index

The National Indian Law Library is in the process of compiling a Tribal Index which will list all tribes known in the United States since its discovery. It will also include native villages of Alaska and all reservations existing today.

The Index will be used in conjunction with the Indian Claims Commission Reports and the regular holdings of the National Indian Law Library. Anyone wishing information about any tribe will be able to look up the tribe in the index and find a listing of all cases in which that particular tribe has been involved.

Persons interested in this project, who either may have information about little known tribes or who would like to purchase a copy of the National Indian Law Library Tribal Index should write directly to:

Diana Lim, Research Associate
Native American Rights Fund
National Indian Law Library

1506 Broadway
Boulder, Colorado 80302
Telephone (303) 447-8760

ext. 48

The recently acquired case materials are divided under very general subject headings pending publication of our comprehensive Subject Catalogue. The number in the upper left hand corner is the library acquisition number and should be used in ordering materials. The line directly below the title gives the state, courts(s), tribe(s), and date(s) when applicable. The court, except where shown as a Federal Court, tribal court or administrative agency, is a court of the state indicated at the beginning of the line. The courts listed are not meant to be a history of the case, but only refer to the documents in the library files. The date is that of the earliest document in the case in our files. The date preceded by the letter "d" indicates the date on which the case was settled or decided. If no date preceded by the letter "d" indicates the date on which the case was settled or decided. If no date preceded by the letter "d" is shown, then the case is undecided, on appeal in another court, or the decision is unreported and we have no record of it. If only a date preceded by the letter "d" is shown, then all of the litigation in our file occurred during the year of the decision. The symbol (--) indicates a consolidated case.

Although the Library has made every effort to make our files as complete and accurate as possible, there may be errors which we rely upon you to help us correct.

1005 — Acquisition Number
Wisconsin v. Richard Gurnoe.
Wis., Cir. Ct., Sup. Ct., Chippewa, 1970, d. 1972

State Courts Tribe Dates
(C. 1006). — Connected or consolidated case

ADMINISTRATION OF INDIAN AFFAIRS

001297
Freeman, Enola E. v. Morton, Rogers C. B

Action challenging B.I.A. interpretation statute concerning Indian preference as applying only to initial hiring.

001332
Thompson, Mae v. Hickel, Walter J.
N.M., D.N.M., Navajo, 1970.

Action contesting Dept. of Int. regulation hindering general assistance grants supplemented by state welfare to reservation Indians.

001496
Begay, Sally John v. Graham, John O.

Action contesting denial of state welfare benefits to family because family's resources exceeded allowable maximum.

001497
Smith, Joe v. Fisk, Robert H.

Action contesting administrative decision denying Social Security Disability Insurance benefits to Indian.

001505
Burcell, William v. Armstrong, Ellis.
Cal., E. D. Cal., 1972.

Suit alleging federal flood relief program administered by allottee's property unreasonably susceptible to flood, thus reducing value and endangering life.

CIVIL RIGHTS

001302
Wilber, Lillian v. Board of Education of 1 School District No. 8.
Wis., W.D. Wis., Menominee, 1972.

Action charging school officials with discriminating against Indian students in enrollment curriculum.

001490
Ferrell, Derryl v. Kerr, Henry W.
Cal., N.D. Cal., 1972.

Action by Indian prisoners charging violations of 14th Amendments rights in parole policy.

001504
Duro, Raphael v. Valley Center Union School Dist.
Cal., E. D. Cal., Rincon Band, 1972.

Action to prevent school officials from denying Indian male students for violation school hair regulations.

001508
California v. Carrillo, Joe.
Cal., Just. Ct., 1972.

Suit alleging unconstitutional discrimination in composition of master panel of jurors detriments of Indians and Mexican Americans.

001513
Shepard, Grover Lee v. Justice Court, Cou of Inyo, Southern Inyo Judicial District.

Suit alleging denial of equal protection in school district.

001520
Cal., U.S. Sup. Ct., 1971.

Suit action to desegregate de facto racial insularity in school district.

HUNTING AND FISHING RIGHTS

001321
Confederated Tribes of the Umatilla Reservoir v. Malson, H. G.

Action to ascertain extent of off-reservation fishing rights given Indians in treaty.
JURISDICTION

001301 South Dakota v. Molin, Joe.
State prosecution of Indian for forgery committed in Indian country.

001303 Wauneka, Pauline v. Campbell, David.
Action to prohibit application of state financial responsibility regulations to on-reservation accidents involving Indians.

001305 White Mountain Apache Tribe v. Shelley, Melvin T.
Action challenging state court authority to enforce contract between tribal and non-Indian companies.

001320 United States ex rel. Tildon Louis Condon v. Erickson, Don R.
Suit claiming state lacked jurisdiction over crime committed by Indian in portion of reservation opened to white settlement by Act of Congress.

001350 Kills Plenty, Percy v. United States.
S.D., 8th Cir., Rosebud Sioux, 1972.
Appeal by Indian acquitted of driving while intoxicated by tribal court and then convicted of involuntary manslaughter arising from same incident in federal court.

001348 Davis, Arnold, In the Matter of the Application for a Writ of Habeas Corpus.
Habeas corpus proceedings claiming state court lacked jurisdiction over Indian and reservation where offense occurred.

001350 Makah Indian Tribe v. Washington.
Action to declare reservation and roads on reservation outside of state jurisdiction.

Criminal prosecution for traffic violation; offense allegedly committed off-reservation, but apprehension and summons issued on highway within reservation.

001521 Whyte, Clifford Becker v. District Court of Montezuma County.
Action to determine whether state court or tribal court has jurisdiction to grant divorce between enrolled Indians married on reservation.

PROBATE

001304 Crowe, Nettie S. v. Eastern Band of Cherokee Indians, Inc.
Action to set aside tribal assignment of part of Indian's inherited lands to another heir.

001403 Akers, Dolly Cuker v. Secretary of the Interior.
Mont., D. Mont., 9th Cir., 1970.
Action contesting will of Indian's deceased husband.

TAXATION

001058 Your Food Stores, Inc., v. Village of Espanola, New Mexico.
Action contesting annexation and subsequent taxation of Indian land by municipal corporation.

001326 Moore, Frederick J. v. Johnson, Ernest H.
Action by Indian to declare on-reservation sales transaction non-taxable.

001327 State Tax Commission v. Rocky Mountain Hall.
Action to prevent state from imposing tax on Indian or their businesses on Indian reservation.

001328 Applebee, Minnie, In re.
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001331 Colombe, Thomas J. v. Todd County.
S.D., Cir. Ct., Rosebud Sioux, d.1965.
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001332 Makah Indian Tribe v. Clallam County.
Action to prohibit state taxation of Indian-owned business on reservation.

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001307 Wilson, Robert S. v. Montana.
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001298 Albers, Lucille J. v. Morton, Rogers C. B.
Cal., E.D. Cal., 1972.
Action claiming Indians were illegally deprived of allotments by termination of rancheria without Indians knowledge or consent.

TRESPASS, INDIAN LAND

Action by Indian allotment holders claiming county and state trespassed in building and maintaining a road crossing Indian land.

001344 Ocera, Harvey v. County of Humboldt.
Action by Indian allotment holder claiming county trespassed in locating a road across his land.

001345 Pauma Band of Mission Indians v. County of San Diego.
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001346 Inaja Band of Mission Indians v. County of San Diego.
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Cal., D. Cal., Hoopa Extension Reservation, 1972.
Action in trespass against state for building road across tribal land and asking for U.S. representation in the action.

TRIBAL MEMBERSHIP

Action by Indian minors seeking adoption into tribe and tribal dividends from date of adoption application.

001399 Thompson, Alice M. v. Tonasket, Mel.
Action brought by Indian for re-enrollment in tribe and for tribal dividends lost.

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001087 Passamaquoddy Tribe v. Commonwealth of Massachusetts.
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Action claiming Indians were illegally deprived of allotments by termination of rancheria without Indians knowledge or consent.

001495 Joliet Tribal Council of the Passamaquoddy Tribe v. Secretary of the Interior.
(C. 1087).
WATER RIGHTS

001347  Los Coyotes Band of Mission Indians v. Vista Irrigation District.
Cal., S.D. Cal., Los Coyotes Band of Mission Indians, 1972.
Action claiming violation of Indian band's water rights in use of groundwater.

Suit arising from construction of dam and reservoir on tribal land resulting in loss of water to tribe.

Suit arising from construction on tribal land of dam and reservoir resulting in loss of water to tribe.

001510  Rincon Band of Mission Indians v. Vista Irrigation District.
Action by tribes to recover damages from and prevent further diversion and appropriation of river water in violation of paramount water rights.

MISCELLANEOUS

001300  Mobil Oil Corporation v. Local Boundary Commission.
Action by oil companies to prevent incorporation of borough on Alaska North Slope thereby subjecting oil property to taxation.

001324  California Indian Education Association v. Morton, Rogers C. B.
Cal., E.D. Cal., 1972.
Action to declare illegal regulations stipulating JOM funds go only to school districts with large blocks of non-taxable Indian property or large numbers of Indian children.

001325  Dillon, Phoebe Wilson v. Anfer Land Company.
Action by Indian to recover land lost in allegedly fraudulent transaction.

Okla., 10th Cir., Cherokee, Choctaw, Chickasaw, d. 1972.
Action by tribe claiming title to riverbed containing oil and gas deposits.

Action seeking to ascertain meaning of certain acts of Congress defining boundaries of reservation.

001492  Lake, Kee v. Peabody Coal Company.
Action by Indians based on Indian Civil Rights Act and breach of contract to recover damages for surface rights and property involved in Black Mesa mining operation.

001494  Grayson, Toche v. Tulsa Scottish Rite Charitable And Education Foundation.
Okla., Dist. Ct., Creek, 1962, d.1963.
Action arising from alleged unlawful holding and possession of lands inherited by Indians.

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