

**From Yokuts to Tule River Indians: Re-creation of the Tribal Identity on the Tule River Indian Reservation in California from Euroamerican Contact to the Indian Reorganization Act of 1934**

By

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**Abstract**

The main purpose of this study is to show the path of tribal development on the Tule River Reservation from 1776 to 1936. It ends with the year of 1936 when the Tule River Reservation reorganized its tribal government pursuant to the Indian Reorganization Act (IRA) of 1934. This dissertation also looks at the historical experiences of the Yokuts Indians, who became the main constituents on the Tule River Reservation, and how the IRA affected their political, cultural, and social organization.

The Yokuts cultural past tells us that they were living as small, independent political groups, each sharing a common language with various dialects. However, they were eventually placed within a limited geographical area, called Tule River Reservation in 1856. Since then, the people on the Tule River Reservation created a more comprehensive identity as “People of Tule River.”

The IRA recognized the Tule River Reservation as one political entity, even or as a quasi-sovereign entity, and added them to the list of federally recognized tribes. Under the IRA, the people of Tule River Reservation shared a common political belonging. In practice, the IRA provided a new opportunity for Tule River Indians, who did not have

any treaty contract with federal government, to survive as political entities, and to deal with the national authorities up to the 21<sup>st</sup> century.

Having been negatively affected by the rapid growth of the Euroamerican population after the California Gold Rush, tribal depopulation by the disease and warfare in the 19<sup>th</sup> century, and the confused land policy under the so-called 18 unratified treaties and the reservation system, Native people in California became ignored, and “invisible people.” Furthermore, urbanization and economic diversity are all issues which made the Native American experience in California somewhat different from the other Native peoples’ experience. However, as recent studies have revealed, contemporary California Natives have been active in maintaining their political, economic and social power through the regional, tribal and intertribal organizations. This study contributes to the historical understanding of how the Yokuts acquired modern tribal autonomy and the building of the Tule River Indian Tribe.

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## **Introduction**

The main purpose of this study is to show the path of tribal development on the Tule River Reservation in California from 1776 to 1936. It ends with the year of 1936 when the Tule River Reservation reorganized its tribal government pursuant to the Indian Reorganization Act (IRA) of 1934.<sup>1</sup> This dissertation also looks at the historical experiences of the Yokuts Indians, who became the main constituents on the Tule River Reservation, and how the IRA affected their political, cultural, and social organization.

The Yokuts ethnology tells us that they were living as small, independent political groups, each sharing a common language with various dialects. However, most of them were eventually placed within a limited geographical area, called Tule River Reservation, in the late 19<sup>th</sup> century. Since then, the people on the Tule River Reservation intentionally or unintentionally created a more comprehensive identity as people of Tule River. It was the IRA which recognized the Tule River Reservation as one political entity and as a quasi-sovereign entity, and added them to the list of federally recognized tribes. Under the IRA, the people of Tule River Reservation became the Indians of “Tule River Tribe,” which means they became a people sharing a common political belonging. In practice, the IRA provided a new opportunity and way for Indians in California, including those at Tule River Reservation (who did not have any ratified treaty contract with federal government), to survive as political entities, and to deal with the national authorities up to the 21<sup>st</sup> century.

## **Indian New Deal Policy**

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<sup>1</sup> Act of 18 June, 1934, 48 Stat. 984-88.



The decade of the 1930s was a watershed in American Indian policy. The failure of the forced assimilation of Native Americans for the previous half a century (1880s-1930s) resulted in the economic poverty as well as the social and political subordination on Indian reservations. The well-known Meriam Report (1928) disclosed various Bureau of Indian Affairs (BIA) administrative problems. In 1926, Secretary of the Interior Hubert Work authorized Lewis Meriam and the staff of the Institute of Government Research in Washington, D.C., to conduct an investigation of the socioeconomic conditions among Indian people. The study resulted in the publication, *The Problem of Indian Administration*, or the so called Meriam Report. It was the first comprehensive study and analysis of Indian living conditions in 20<sup>th</sup> century. The report detailed the plethora of disastrous conditions affecting Indians at that time, such as high infant death rates, high mortality rates, poverty, horrendous health conditions, inadequate education, poor housing, and the problem of migrated Indians (Indians forced to leave the reservation because of land loss). The Meriam Report concluded that the forced assimilation policy “has resulted in much loss of land and an enormous increase in the details of administration without a compensating advance in the economic ability of the Indians.”<sup>2</sup> The agitation for a new Indian policy, which had been building up to the 1930s, now turned into substantial action. The administration of Herbert Hoover (1929-1933) set the stage for a new age of Indian policy by modifying the earlier assimilation policy.<sup>3</sup>

Although scholars have debated the contributions of the Meriam Report to change federal Indian policy, it was clear that the report provided the blueprint for coming Indian

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<sup>2</sup> Lewis Meriam, *The Problem of Indian Administration* (Baltimore: John Hopkins Press, 1928), 41.

<sup>3</sup> Kenneth R. Philp, *John Collier's Crusade for Indian Reform, 1920-1954* (Tucson: University of Arizona Press, 1977), 92-112; Randolph C. Downes, “A Crusade for Indian Reform, 1922-1934,” *Mississippi Valley Historical Review*, Vol. 32 (December, 1945), 334-51.

programs by mentioning alternatives to the assimilation policy.<sup>4</sup> Although recommended policy reforms for Indians would not result in the drastic change before 1933, they did prepare for administrative changes under the coming New Deal Era. The Meriam Report took a position that the work with and for the Indians must give consideration to the desires of individual Indians. The report recommended that if Indians wished to merge into the social and economic life of this country, they should be given all practicable aid and advice in making the necessary adjustments. And if Indians wanted to remain Native and live according to indigenous culture, they should be aided in doing so as well.

In 1933, Franklin Delano Roosevelt (FDR) became President with the electoral victory of the Democratic Party (1933-1945). The New Deal by Roosevelt brought a set of circumstances that made Indian policy changes possible: the Great Depression created numerous bankruptcies of various kinds of industries, and numerous individuals had lost their jobs. The Great Depression had nearly destroyed long-held convictions about the invincible progress of industrial America based on individualism and industrialism. Like other North Americans, Native Americans also suffered from this economic crisis. The federal government led reform activities to help those who had been hurt by the economic downturn of the Great Depression.

Native Americans experienced immediate benefits from the New Deal Policy. The relief activities such as Civilian Conservation Corps (CCC) immediately became implemented on Indian reservations. The CCC was a New Deal program which intended to conserve the nation's natural resources. It provided job opportunities for the unemployed of the Great Depression.<sup>5</sup> The federal government also created a separate

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<sup>4</sup> Meriam, *The Problem of Indian Administration*, 88.

<sup>5</sup> Donald L. Parman, "The Indian and the Civilian Conservation Corps," *Pacific Historical Review*, Vol. 40 (February,

CCC division for the Native Americans, called the Civilian Conservation Corps, Indian Division (CCC-ID). This division was run by the BIA which introduced job opportunities to Indian communities.<sup>6</sup> The BIA carried out this function because the federal government had created it to deal with Indian affairs.

The depression era also changed the peoples' attitudes toward Native Americans' cultural, political, and economic communalism. Indian communities now became more acceptable. It was also under the Roosevelt administration as well as Congress that key persons started supporting Native Americans. The list included Harold Ickes, Secretary of the Interior who had been active in social welfare movements in 1920s. Ickes recruited John Collier, a social worker to become the Commissioner of Indian Affairs of the BIA. In Congress, Burton K. Wheeler, a Senator in Montana, initially supported favorable legislation for Indian reform. By this time, some humanitarian organizations, such as Indian Rights Association and the American Indian Defense Association acted aggressively on behalf of the Indians reform.<sup>7</sup> With this reform background of the

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1971), 39-57; Calvin W. Gower, "The CCC Indian Division: Aid for Depressed Americans, 1933-1942," *Minnesota History*, Vol. 43 (Spring, 1972), 3-31; Roger Bromert, "The Sioux and the Indian-CCC," *South Dakota History*, Vol. 8 (Fall, 1978), 340-56.

<sup>6</sup> Parman, "The Indian and the Civilian Conservation Corps," 39-56.

<sup>7</sup> There are numerous works on the Indian New Deal and John Collier's reform programs. Elmer Rusco, *A Fateful Time: The Background and Legislative History of the Indian Reorganization Act* (Reno and Las Vegas: University of Nevada Press, 2000); Philip, *John Collier's Crusade for Indian Reform*; Graham D. Taylor, *The New Deal and American Indian Tribalism: The Administration of Indian Reorganization Act, 1934-45* (Lincoln: University of Nebraska Press, 1980); Lawrence C. Kelly, *The Assault on Assimilation: John Collier and the Origins of Indian Policy Reform* (Albuquerque: University of New Mexico Press, 1983); "The Indian Reorganization Act: The Dream and the Reality" *Pacific Historical Review*, Vol.66, No.3 (August, 1975), 219-312 ; "John Collier and the Indian New Deal: An Assessment," in Jane F. Smith and Robert M. Kvasnicka, eds., *Indian-White Relationships: A Persistent Paradox* (Washington: Howard University Press, 1976), 227-41; For tribal case studies, Donald L. Parman, *The Navajo Indian and the New Deal* (New Haven: Yale University Press, 1976); Steven J. Crum, *The Road on Which We Came: A History of the Western Shoshone* (Salt Lake City: University of Utah Press, 1994); "The Western Shoshones of Smoky Valley, Nevada, 1900-1940," *Nevada Historical Society Quarterly*, Vol.37, No. 1(1994) 35-51; Richard O. Clemmer, *Road in the Sky: The Hopi Indians in a Century of Change* (Boulder: Westview Press, 1995); "The Hopi Traditionalist Movement." *American Indian Culture and Research Journal* Vol. 18, No. 3 (1994), 125-165; "Hopis, Western Shoshones, and Southern Utes: Three Different Response to the Indian Reorganization Act of 1934," *American Indian Culture and Research Journal*, Vol. 10 (1986), 15-40; Thomas Biolsi, *Organization the Lakota: The*

American society, the Roosevelt's New Deal carried out to a series of Indian reform programs which became the so-called Indian New Deal.

The leader of the Indian New Indian policy was John Collier who served as BIA Commissioner from 1933 to 1944. He had been opposed to the federal assimilation policy of Indians, such as cultural destruction and the disregard of Indian legal rights. He introduced various Indian relief projects into Indian communities during his tenure. These projects included the CCC-ID, the training program for practical job skills, implementing the soil Erosion Service on Indian reservations, as well as introducing projects to develop Indian arts and crafts. Furthermore, he launched the biweekly magazine *Indian At Work* which basically served as a public relations organ to publicize Indian efforts to help themselves. His reform policy also included protecting Indian civil rights, culture, and communal society as well as creating new education programs for Indians. This resulted in the several legislative actions, including the Pueblo Relief Act of 1933, the Wheeler-Howard Act (or the IRA of 1934), the Johnson-O'Malley Act of 1934, and the Indian Arts and Crafts Act of 1935.<sup>8</sup>

### **John Collier and the Indian Reorganization Act**

Most scholars have agreed that the IRA was the cornerstone of Collier's Indian New Deal programs. The IRA had many purposes, including stopping of land allotment on reservations, providing funds for the acquisition of new land for non-reservation Indians, authorizing tribes to organize themselves into business corporations, establishing a system of financial credit, supplying Indians with educational loans for a college

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*Political Economy of the New Deal on the Pine Ridge and Rosebud Reservation* (Tucson: The University of Arizona Press, 1992).

<sup>8</sup> Philp, *John Collier's Crusade for Indian Reform*, 122-26.

education and technical training, providing for “Indian preference” in employment within the BIA, stabilizing tribal governments by vesting such tribal organizations with political (though limited) authority, and by prescribing conditions which must be met by such tribal organizations.<sup>9</sup>

The most central and crucial part is section 16 of the IRA, which established the basis for the adoption of tribal constitutions, “Any Indian tribe or tribes, residing on the same reservation, shall have the right to organize for its common welfare, and may adopt an appropriate constitution and by-laws.” The adopted constitution became effective upon a majority vote of the adult members of the tribe and upon approval by the Secretary of the Interior.

As indicated in the section 16 of the IRA, the basic concept of these federal efforts led by Collier was to revitalize the Indians’ “self-rule” and “self-support” on Indian reservations through economic and political re-organization. The IRA encouraged communal land ownership instead of complete individual ownership carried out by earlier assimilation policies. The Act also opposed forced assimilation which tended to ignore tribal political autonomy and Native Americans’ cultural survival. The IRA stated that tribes be reorganized with new constitutions and by-laws for self support and self-rule. At the same time, in order to re-create the tribal organization under the supervision of the federal government, the idea of “tribe” became emphasized under the IRA in 1934.

### **IRA as a Criticism to the BIA**

The IRA framework of the Indian tribe’s political reorganization for the Indians’ “self-rule” and “self-support” was largely the child of Collier’s Indian New Deal of the

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<sup>9</sup> Felix Cohen, *Handbook of Federal Indian Law* (Washington, D.C.: Government Printing Office, 1942), 84.

1930s. Collier had been working actively as a social worker for European immigrants in urban areas, and later for the Indians in the Southwest. As historian, Kenneth Philp states, Collier's idea combined progressivism and anti-capitalism notions made popular among some social workers.<sup>10</sup> Lawrence Kelly, in his biography of Collier, further mentioned that Collier's deepest beliefs highlighted a positive view of Indian cultures as he first perceived them among the Pueblos of New Mexico.<sup>11</sup> As Elmer Rusco states, Collier thought that the Indian societies were different manifestations of a single culture that once had been the foundation of all human societies, and that this Nativeness must be restored if there was to be continued human existence.<sup>12</sup>

Elmer Rusco further asserts that Collier's Indian policy of the IRA was mainly based on the criticisms against the BIA. By the time of his nomination as a Commissioner, Collier had been a severe critic of the BIA, which had largely failed to improve the quality of life for Native Americans.<sup>13</sup> Vine Deloria Jr. and Clifford Lytle also mentioned that the "fundamental fact of reform proposals (in the IRA) that perhaps only Collier was able to recognize" was the transformation of BIA services to Indians.<sup>14</sup> Certainly, as Deloria and Lytle note, the IRA had two major thrusts: change in the rate of delivery of federal service, and change in the efficiency in administration as recommended in the Meriam Report.<sup>15</sup> The earlier assumption of Congress, and generally of the executive branch, was that some kind of well conceived federal infrastructure already existed on Indian reservations. The task of this administration was "to make it more responsive to

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<sup>10</sup> Philp, *John Collier's Crusade for Indian Reform*, 237-244; Stephen J. Kunitz, "The Social Philosophy of John Collier," *Ethnohistory*, Vol. 78 (Summer, 1971), 213-29.

<sup>11</sup> Kelly, *The Assault on Assimilation*, 119-120.

<sup>12</sup> Rusco, *A Fateful Time*, 144.

<sup>13</sup> *Ibid.*, 137-219.

<sup>14</sup> Vine Deloria Jr. and Clifford M. Lytle. *The Nations Within: The Past and Future of American Indian Sovereignty* (Austin: University of Texas Press, 1984), 55.

<sup>15</sup> *Ibid.*

Indian needs, or to dismantle it and allow social and economic Darwinism to take its course.”<sup>16</sup>

Collier initiated his reform policy right after he took charge of the BIA. He began a fundamental shift to allow Indians to recapture the essence of their communal life, to transform the efficiency of the BIA to the Indian tribes, and to provide smoother operations between the tribes, the BIA, and the Secretary of the Interior. His focus with the IRA was the tribal autonomy under federal guardianship.

### **The IRA as Integration Theory**

It is also important to depict the broad picture of the IRA’s influence on Indian societies, not only at the regional level but also the national level. This was because the IRA was directed to all tribes except for certain tribes not recognized by the federal government.

The IRA introduced a new way to integrate (yet allow them to retain distinctiveness) Indians economically, politically, and culturally into the dominant society in the 20<sup>th</sup> century. U.S. Indian policy is always motivated by the question: how the U.S. society can integrate Indians. Also this question, “how to be integrated,” has been a huge issue narrated in Native American history. The list of expected answers include: integration as a “tributary” community (in Virginia and Atlantic coast colonies) known as “Indian Towns,” as holders of “limited sovereignty” surrounded by a larger sovereign nation (through treaty makings before 1830s), as a domestic dependent nation (as defined by a Court decision during 1830s), as non-white individuals (through assimilation policy), and as a tribal entity subjected primarily to the federal government

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<sup>16</sup> Ibid.

(under the IRA). The evaluation of the IRA is influenced by the way scholars and Indians tend to support a particular stance.

Furthermore, as Hazel Hertzberg indicates, the IRA was, “a landmark not only for the American Indian but for social scientist in the United States because it brought to Indian affairs and to the United States government, for the first time, an explicit use of social science principles.”<sup>17</sup> She continues that such principles included “two axioms of human behavior”: recognition of the importance of Indian group life and of the necessity to preserve and encourage native social controls and Indian values, and also the future of Indian groups should be made by themselves. Second, recognition of constructive change must not destroy psychological security and must preserve continuity in the lives of both the group and the individual so that personality may be integrated and stability may be maintained.<sup>18</sup> This is contrary to the popular Anglo-American assumption for the Indians that makes change itself a good thing, which stems from the confusion of “change with progress.”<sup>19</sup>

Kenneth Philp mentions that the IRA had a cultural pluralistic perspective to the Native American culture in terms of the relationship to the American dominant society.<sup>20</sup> David W. Daily, in his study dealing with “the missionary crusade” against Collier’s policy, also evaluates Collier as a pluralist. He mentioned that “the Wheeler-Howard Act (the IRA), when read in terms of Collier’s intent, directly opposed the program of so-called Americanization, individualization, and citizenship that missionaries had long

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<sup>17</sup> Hazel W. Hertzberg, *The Search for an American Indian Identity: Modern Pan-Indian Movement* (Syracuse: Syracuse University Press, 1971), 288.

<sup>18</sup> *Ibid.*, 289.

<sup>19</sup> Paule Gunn Allen, *The Sacred Hoop Recovering the Feminine in American Indian Traditions* (Boston: Beacon Press, 1992), 209-211.

<sup>20</sup> Kenneth R. Philp, “The Indian Reorganization Act Fifty Years Later” in Kenneth R. Philp ed., *Indian Self-Rule: First-Hand Accounts of Indian-White Relations from Roosevelt to Regan* (Utah: Utah State University Press, 1986), 15-27.



supported (as assimilationists),”<sup>21</sup> However from the social scientific perspective, the pluralism of the IRA provided the new way for Indians to be U.S. citizens. As Daily also said, “with assimilationist sympathies, its (the IRA’s) rich funding could provide a mechanism for Indian integration into Anglo-American society through economic development and educational opportunities.”<sup>22</sup>

On the other hand, the IRA has a theoretical deficiency. Although Collier’s IRA policy supported tribal “self-rule” and “self-support” by popular referendum, (but at their own speed and in their own way) it was applied to the Indian groups in blue print form, in many cases ignoring anti-IRA forces on reservations. Lakota scholar, Edward Valandra also referred to the IRA as one U.S. Native American policies which “reveals a path littered with schemes of genocidal social engineering and cultural modification.” Valandra indicates the IRA fostered non-Native politics among Native Americans.<sup>23</sup>

Second, the integration theory of the IRA, therefore, inspired a more important question: how it could or could not deal with the Indians who left tribal communities or had developed an Indian identity not primarily based on a tribal one. By the 1930s, the federal assimilation policy had created an urban Indian population as well as so-called “landless” Indians who tended to be separated from tribal communal societies. And from the late 1940s to the 1950s, the “termination” of the Indians led to the rapid increase of the urbanization process. Urbanization might be a form of integration. The move from tribalism of the IRA to urbanization of Native Americans is another topic which needs to be dealt with. As historian Steven J. Crum mentions in his *The Road on Which We Came*,

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<sup>21</sup> David W. Daily, *Battle for the BIA: GEE Lindquist and the Missionary Crusade against John Collier* (Tucson: University of Arizona Press, 2004), 100.

<sup>22</sup> Ibid., 143-44.

<sup>23</sup> Edward C. Valandra, *Not Without Our Consent: Lakota Resistance to Termination, 1950-59* (Urbana and Chicago: University of Illinois Press, 2006), 60, n4.

the biggest economic beneficiaries of the New Deal programs, such as those the CCC-ID projects, were directed tribal people already living on reservations. The non reservation Indians had received less benefit from the IRA, except for some land purchases.<sup>24</sup> As in the case of numerous small rancherias in California, it might not be practical to apply for the IRA because of small tribal memberships and small land bases.<sup>25</sup>

Third, the IRA created conflicts between already existing tribal political systems and the new IRA governmental models when it was applied to some particular tribes. Collier's Indian policy was based on the understanding that there must have been limited, disrupted, or no tribal organization on reservations because of a century of devastation. His Indian policy was based on the understanding that existing tribal organizations would be positively advanced when organized under the IRA. Thus, the IRA's philosophy reassessed includes these misunderstandings of Indian communities.

### **Discussion on the IRA Studies**

The implementation of the IRA operated under several limitations and was accompanied by criticisms against Collier, mainly by pro-assimilation groups. The war-related news in Europe directed people's attention away from Indian concerns through fewer funds for the IRA's implementation.<sup>26</sup> Also, among BIA administrators and Congress, as well as other Indians, there were increasing voices that viewed Collier as a socialist or communist. Older assimilationists, such as the Indian Rights Association,

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<sup>24</sup> Crum, *The Road on Which We Came*, 66.

<sup>25</sup> No special studies have been done for the experience of California Indian rancheria in Indian New Deal era. However documents and correspondence written by the BIA agents and Superintendents of Sacramento Agency mention that it is impractical to organize small rancherias in California. As an alternative, the federal agents suggested the consolidation of these small rancherias to organize one large political unit under the IRA.

<sup>26</sup> Philp, *John Collier's Crusade for Indian Reform*, 205-6, 208, 212.

were severe critics of Collier's policy as they opposed complete repeal of the IRA.<sup>27</sup> Some in Congress came to view Collier's policy as impractical (reversing of the still popular assimilation policy) and expensive. Senator Burton K. Wheeler, who originally introduced the Wheeler-Howard bill, changed his mind and became one of the most noted critics of Collier's project.<sup>28</sup> These leaders encouraged people to oppose the BIA, as well as the IRA, and chose a policy path toward mainstreaming Indians. These critiques by anti-IRA advocates influenced a percentage of the public to question the IRA's good.

Scholarly opinions on how the IRA affected tribal autonomy and welfare have changed. Until the mid-1970s, scholars usually viewed the IRA in a positive light for Native American sovereignty, particularly with respect to the establishing tribal self-government. Gary Stein, for example, remarked that "there are numerous....testimonial to the success of the IRA."<sup>29</sup> Collier himself asserted many times that the act had stopped and reversed the destruction of the Indian land base, revitalized Indian self-government, and halted the erosion of Native American cultures.<sup>30</sup> Typical of the tendency to agree with Collier's assessment was Theodore Hass who was a government attorney at the time of Collier's commissionership. He mentioned "in lieu of a pattern of Indian administration emphasizing fixed conformity...The law has offered Indians, whether organized under the IRA or unorganized, a greater opportunity in their own local community or elsewhere, alone or in association with others, to shape democratically their own destiny."<sup>31</sup>

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<sup>27</sup> Ibid., 198.

<sup>28</sup> Matthew K. Sniffen, "Proposed Repeal," *Indian Truth*, Vol. 14 (April, 1937), 1-4.

<sup>29</sup> Gary Stein, "Tribal Self-Government and the Indian Reorganization Act of 1934," *Michigan Law Review* Vol. 70. No. 5 (April, 1972), 976.

<sup>30</sup> John Collier, "The Red Atlantis," *Survey*, Vol. 49 (October, 1922), 15-20.

<sup>31</sup> Theodoer H. Hass, "The Indian Reorganization Act in Historical Perspective," in William H. Kelly ed., *Indian*

Outside observers of the Collier administration and pre-1980s scholars echoed the conclusions of Collier and Hass. For example, anthropologist Henry Dobyns indicates “the therapeutic value of tribal self-government” for the Indians’ communal life had followed passage of the IRA.<sup>32</sup> Kenneth Philp, in his work which dealt with Collier’s overall impact on Native America life, concludes that the Collier’s vision in the IRA needs to be basically justified. Although Collier had fallen short of reaching his goals, Philp attributed this partial failure mainly to non-Indian resistance in his attempt to resurrect a “Red Atlantis”<sup>33</sup>

However, since the 1970s, when Indians started the nationwide discussion of tribal sovereignty, scholarly opinion became much more critical of the IRA, disclosing the actual effects of the IRA on tribal autonomy on reservations. Although no comprehensive study has yet appeared, in 1980 Graham Taylor published a study describing the act as carried out on several reservations. With the overall assessment of the IRA’s effect on tribal self-governance, Taylor admitted that there were some positive aspects of the IRA and that it did not have the same impact on all Native American communities. He concluded that its “economic programs had substantial effect only in specific situations and did not permanently improve Indian living standards” and that “its political programs produced institutions and arrangements that survive, but the goals of genuine Indian self-determination remain a dream.”<sup>34</sup> Taylor’s analysis is based on the appraisal of “three assimilation factors-race, literacy, and fee-patent land” of Native American communities

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*Affairs and the Indian Reorganization Act: The Twenty Year Record* (Tucson: University of Arizona Press, 1954), 24.

<sup>32</sup> Henry F. Dobyns, “Therapeutic Experience of Responsible Democracy,” in Stewart Levins and Nancy Oestreich Lurie, eds., *The American Indian Today* (Baltimore: Penhuin Books, 1968), 272.

<sup>33</sup> Philp, *John Collier’s Crusade for Indian Reform*, 237-44.

<sup>34</sup> Taylor, *The New Deal and American Indian Tribalism: the Administration of Indian Reorganization Act, 1934-1945* (Lincoln: University of Nebraska Press, 1980), 150.

and other IRA impacts. Taylor encouraged scholarly attention on other aspects of Native American communities where the IRA had been applied.<sup>35</sup>

The core of the revisionist critique, later articulated by some Indian activists in the mid-1970s, is that the IRA's provisions dealing with self-government were fundamentally flawed and have limited Native American governmental autonomy. Also Taylor indicates,

the most durable legacy of the Indian New Deal, tribal governments established under the Indian Reorganization Act, evolved into a form far removed from that which Collier and his fellow reformers intended or anticipated, and are today focal points for rivalry and contention among Indians rather than spokesmen for their aspirations.<sup>36</sup>

Taylor's criticisms as well as others' were based on the existence of the "model Constitution" of the IRA. It has been charged that the BIA in implementing the IRA went around the country imposing a "model constitution" based overwhelmingly on non-Indian structures and values, and that the chief effect of the period of constitution-building ignored traditional governing structures.<sup>37</sup>

Certainly, there are contrasting interpretations of the IRA concerning how the act contributed to the tribal governing system. To know how the IRA was created with what initial purpose, two excellent bibliographical studies focused on the philosophy of John Collier. Kenneth Philp and Lawrence Kelly cover Collier's early years (to the 1920s) as a social worker and the process of his selection as Commissioner of Indian Affairs, as well

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<sup>35</sup> Valandra mentions that Taylor "applied them (Native communities) to gauge a Native Nation's degree of assimilation (high, medium, or low) into mainstream society," Valandra, *Not Without our Consent*, 72.

<sup>36</sup> Talyor, *The New Deal and American Indian Tribalism*, xiii.

<sup>37</sup> Vine Deloria, Jr. and Clifford M. Lytle, *American Indians, American Justice* (Austin: University of Texas Press, 1983), 101.

as how he had formed his Indian reform program.<sup>38</sup> These studies are incomplete, however, since both did not include his ideas of Indian self-government in the IRA, which was the core part of Collier's later policy.

This incompleteness was addressed by the works of Elmer Rusco and Vine Deloria Jr., and Clifford Lytle. Deloria and Lytle examined how the IRA was modified from the original Wheeler-Howard bill and what was its initial purpose for Indian Self-Determination. They maintain that Collier's initial model of the tribal government was amended by Western Congressmen who were worried about the increasing power of tribal autonomy, including interrupting the interests of the tribes' white neighbors. These studies indicate that Collier tried to insert more power for tribes under the IRA.<sup>39</sup> Rusco's study covered the legislative history of the IRA focusing on the views and actions by John Collier and other significant key persons who contributed to drafting the IRA and the relationship between Collier and 72<sup>nd</sup> U.S. Congress. He concludes that the IRA's idea of self-governance as well as the Indian policy in the New Deal era was controlled by a small number of people in the Congress, in which Native Americans were excluded.<sup>40</sup>

However, in terms of establishing Indian self-governance, the period leading to the passage of the IRA in June 1934 was indeed "a fateful time" for the Indians, as Rusco reminds us.<sup>41</sup> His contributions to IRA studies were huge because he concludes that the IRA was the child of the white reformers and Congressmen with their reform-minded national level ideologies. But, lastly Rusco acknowledges that the process to create white

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<sup>38</sup> Kelly, *The Assault on Assimilation*; Philp, *John Collier's Crusade for Indian Reform*.

<sup>39</sup> Deloria and Lytle, *The Nations Within*, 154-170.

<sup>40</sup> Rusco, *A Fateful Time*, 210-217.

<sup>41</sup> John Collier, "Indian Administration-Some Policies, Hopes, and Fears," in *Proceeding of the National Conference of Social Work* (Chicago: University of Chicago Press, 1933), 675.

minded Indian self-governance under the IRA was one necessary step of how Indians reacted and used it as a next step.

### **Case Studies of the IRA and Indian Tribes**

Adequate studies still need to be carried out in more than a few instances. Whether the initial IRA's political meaning was an integration theory or assimilation tool into the U.S. dominant society, it has been Native American people and tribes who have actually lived with or without this act for last 75 years. The tribal reaction toward the IRA varied from quiet acceptance to open rejection. Each tribe had political, economic, and social concerns as well as ideas of tribal organization, "self-rule," "self-support," and cultural conservation.

Recently, there have been some new works of the Indians' reactions toward the IRA. These studies disclosed that the effects of the IRA really depended on each unique tribal political and economic situation which existed before the IRA. First of all, the IRA had a provision for the Indians referendums. Tribal discussion of the referendum was the first input. To accepted or reject largely depended on this tribal decision.<sup>42</sup> Therefore, the evaluation of the IRA largely differed from one tribe to another. It is impossible to evaluate the "general" influence of the IRA on current day Indian societies, and more case studies will develop lively discussion about the historical meaning of the IRA on each reservation and tribe.

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<sup>42</sup> It is important to mention that the referendum vote was different from votes usually required in federal statutes. The IRA would become operative on a reservation unless a majority of the adult Indians, members of the tribe or reservation, voted to exclude themselves from the provisions of the Act. However, a majority of the full-blood or traditional people would automatically refuse to participate in any election called by Secretary of the Interior to express their rejection. So the results of the referendum themselves did not exactly mean the Indians' whole decisions or opinions. Deloria and Lytle, *The Nations Within*, 151.

The case studies, such as Richard Clemmer's study of the Hopi's reaction to the IRA, Thomas Biolsi's study of the Lakota reservation cases, Steven J. Crum's study of Western Shoshone, Donald Parman's study for Navajo, and Lawrence Hauptman's study of Iroquois, as well as other work, show that there had been a serious gap between the initial purpose of the IRA and its actual impact on each tribe.<sup>43</sup> Tribal factionalism, distrustfulness of the BIA, and lack of the funding were all leading factors why the IRA tribal governments experienced hard times. The most serious criticism of the IRA was that the self-government, as well as a sense of "community" in the IRA, needed to follow the basic ideological guidelines that the BIA established with approval by the Secretary of the Interior. In many cases, the Collier' idea of the tribal autonomy under the IRA was not realistic in terms of indigenous forms of government. More importantly, these cases show the failures and lessons of the IRA and its limitation, as well as the possibilities of the tribal based self-determination for Native Americans.

On the other hand, most of these case studies deal with the large tribal groups who already had strong tribal (or regional) identities as particular Indian groups based on land base and common cultures. As a result of the vote for the IRA, which was taken between 1935 and 1936, 171 tribes accepted the Act whereas 77 tribes rejected it.<sup>44</sup> Among them, there are numerous trials, resistance, failures and successes through the BIA-imposed tribal governments under the IRA.

Whether the IRA was pluralistic or assimilation intended, the new Indian integration theory of the IRA was based on the tribal or community level model instead

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<sup>43</sup> Lawrence Hauptman M., *The Iroquois and the New Deal* (Syracuse: Syracuse University Press, 1999); Richard O. Clemmer, *Road in the Sky*.

<sup>44</sup> Theodore H. Hass, *Ten Years of Tribal Government under the I.R.A.* (Chicago: Haskell Institute Printing Service, 1947), 3.



of the individual level of the forced assimilation policy of the late 19<sup>th</sup> and early of 20<sup>th</sup> centuries. Also, the IRA intended Indians to secure fuller participation in the U.S. society. It must be kept in mind that once Congress passed the legislation, the Indian policy had not only been supervised by the BIA but was also implemented on reservations or other settings where significant numbers of Native Americans lived and where Indians were the main actors. At this level, Native American input was far more important in the process of the IRA application. Therefore, the actual IRA effects can be understood only by examining local examples and conditions in hundreds of communities before and after the IRA.<sup>45</sup>

How did each tribe apply the IRA and how did it “use” the IRA, even successfully or with failure, for its own autonomy? Certainly, from the post-colonial perspective, Collier’s new policy was progressive in the sense that its direction sought to support pre-contact tribal autonomy. However, surprisingly, even after seventy years since IRA enactment, the resources for answering this question are few even though the positive or negative aspects of the IRA are too huge to ignore.

The purpose of my dissertation is to answer “how did a tribe apply the IRA?” First, this study contributes to the limited IRA case studies. Second, this study examines how Collier’s vision of the tribal autonomy was accepted by the Indians in California. Third, it also analyzes the historical background of a tribe who accepted the IRA. Whether the IRA was good law or a bad law is not a significant research question. Finally the research done in this paper is an effort to distinguish what is tribal autonomy for a California Indian tribe from that of a historical and ethnological perspective.

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<sup>45</sup> Rusco, *A Fateful Time*, xiv.

### **What are ‘tribe,’ ‘tribal reorganization,’ and ‘tribal autonomy’?**

Tribal histories show enough information regarding tribal political and social organization in 1930s, including historical analysis of the transformation of tribal organization up to 1930s. The IRA brought into existence how the BIA viewed the concept of “tribe” in the 1930s. By answering this question, my research examines what tribal autonomy meant for California tribal groups in the New Deal era.

“Tribe” has been a created idea by internal and external issues. On analyzing the IRA, it is essential to rethink what “tribe” meant in 1930s for federal government as well as Indians themselves. Even though the IRA tried to revitalize tribal power and tribal autonomy, the evaluation of the works done under the IRA depended on how a given tribe viewed the meaning of tribe. Also, the concept of tribe--as well as the land base belonging to them and the constituents or members of the tribe--changed over time. What groups did Collier want to revitalize? And what kind of group was consolidated as political groups would take an important role in the 20th and 21st century federal-Indian relationship? <sup>46</sup>

Indigenous peoples in North America are people who have been culturally connected with their land before the Europeans came. However, since contact with non-native people, they developed criteria to define or prove their indigenusness through the relationship with other nations as well as ethnic groups constituting the United States. Because Indian peoples were forcefully imposed upon by the North American legal and political system, this development has touched off academic as well as political and legal debates.

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<sup>46</sup> Alexandra Harmon, “Wanted: More History of Indian Identity” in Philip J. Deloria and Neal Salisbury, *A Companion to American Indian History* (New York: Blackwell Publishing, 2002), 248-266.

In the current period, identifying as Native American is not enough to live as Native American politically, economically, and socially. On the Tule River Reservation, there was a long waiting list of those who wanted to live on the reservation. For California tribes in general, many Indians were waiting for tribal permission of their enrollment. All these applicants needed to “prove” themselves to be qualified for some part of benefits as tribal members or Native Americans back to some period of time (this means that one must live as Native American “historically” to prove themselves as Native American). Therefore, Native Americans needed historical investigations for their identity, and evaluating their claims required reference to the past.

Besides the internal tribal definition, there were some external definitions of “tribe.” Names such as “Indian” or “Yokuts” have supplied scholars with ready-made subjects for historical narratives. They carry misleading connotations of naturalness, clarity, homogeneity, and permanence. The creators of historical records and historians, too, have used racial and tribal names without noticing or acknowledging that their usage and meanings change over time.<sup>47</sup> Even though scholars acknowledge such changes, they must do so using the terms that should be historicized. It is hard to portray an ethnic group as provisional and mutable when the only available vocabulary presupposes the group’s existence and continuity.<sup>48</sup>

Scholars’ willingness to historicize Indian identity, and the concept of tribe tied to the outside of academia, cannot be separated from political and legal developments or from concurrent changes in Indians’ public image. Since the 1960s the United States and

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<sup>47</sup> Jack Forbes, *Africans and Native Americans* (Urbana-Champaign: University of Illinois Press, 1993), 3.

<sup>48</sup> Alexandra Harmon, *Indians in the Making: Ethnic Relations and Indian Identities around Puget Sound* (Berkeley: University of California Press, 1995), 432; James Clifton A., ed., *Being and Becoming Indian: Biographical Studies of North American Frontiers* (Chicago: Dorsey Press, 1898), 22.

Canada have witnessed a remarkable surge in Indian pride and assertiveness. As growing numbers of individuals and groups have proclaimed themselves Indians, many scholars have sought to explain why.

David Wilkins mentions that there is no universally agreed upon definition of what constitutes an Indian tribe, in part because each tribal community defines itself differently and because the U.S. government in its relations with tribes has operated with conflicting sets of cultural and political premises across time. So many definitions exist for the purpose of particular laws, federal agencies, such as the BIA, courts decisions, and the Indians' own identification.

For example, the Indian Self-Determination Act of 1975 (as amended) defines Indian tribe as "any Indian tribe, band, nation, or other organized group or community" which is "recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." By contrast, the Supreme Court in *Montoya V. United States* (1901) even more ambiguously states that a "tribe" is "a body of Indians of the same or a similar race, united in a community under one leadership or government, and inhabiting a particular though sometimes ill-defined territory."<sup>49</sup>

So as Wilkins defines it, the term "tribe" can be defined from two perspectives: ethnological and political-legal:

from an ethnological perspective, a tribe may be defined as a group of indigenous people connected by biology or blood; kinship, cultural and spiritual values; language; political authority; and a territorial land base. But for our purpose, it is the political-legal definition of tribe, especially be the federal government, which is crucial since whether or not a tribal group is recognized as a tribe by the federal

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<sup>49</sup> David E. Wilkins, *American Indian Politics and the American Political System* (London and New York: Rowman & Littlefield Publishers inc, 2002), 13.

government has important political, cultural, and economic consequences, as we shall see shortly.<sup>50</sup>

Although some Indian groups today loosen their tribal connections through the contacts with the earliest European intruders, some kept it and re-created it. The Navajo nation, for example, coalesced in the nineteenth and twentieth centuries as a result of events that gave its dispersed and loosely affiliated constituent groups with a common history and a common relationship to the U.S. government. In the Navajo case and in many others, U.S. laws and the Indian reservation systems could not guarantee or invariably expedite the tribe.

Previously separate groups shared some reservations for many decades, even well into the twentieth century, before becoming a single tribal identity. The present-day Colville Confederated Tribes are such a recent amalgam. Segregation on reservations probably delayed but did not prevent the development of a continent-wide Indian identity that extended across tribal boundaries. Today's broad, generic American Indian ethnicity is indisputably younger than the term "Indian" and did not reach maturity until the twentieth century.

As indicated, government policies and the laws have been especially important external determinants of Indian identity. When the U.S. government allotted tribal lands to individuals under various statutes, such as the Dawes Act of 1887, it took action that marked thousands of landholders and their descendants as Indians and tribal members.<sup>51</sup> As Goldberg-Ambrose says, it has created "an official vocabulary for the discussion of group life that reinforces certain conceptions of political identity and excludes others." The Canadian Indian Act of 1885 and IRA of 1934 guided the expression of Indian

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<sup>50</sup> Ibid.

<sup>51</sup> Harmon, *Indians in the Making*, 160-189.

political identity into government-prescribed levels and forms. The IRA framed a conceptual new definition of “Tribe” and, later, let tribes create the definition based on the tribal constitutions and by-laws. The definition of the tribe, and rule of the tribe as well, became a main idea of the 20<sup>th</sup> and 21<sup>st</sup> centuries of the Indians’ way.

### **Native American Reaction to the IRA: Lack of California Indian Cases**

This paper also focuses on the Tule River experience under the IRA, mentioning the broad perspective of the California Indian experience with the non-Indian intruders since the late 18<sup>th</sup> century. Even the recent growing case studies have rarely dealt with the experience of the Indian reservations and rancherias in California.<sup>52</sup> Having been damaged by the rapid growth of the Euroamerican population after the well-known California Gold Rush of the mid-19<sup>th</sup> century, tribal depopulation by the disease and warfare in the 19<sup>th</sup> century, and the confused land policy under the so-called 18 unratified treaties and the rancheria system, Native people in California became marginalized, ignored, and “invisible people.” Furthermore, urbanization and economic diversity are all issues which made the Native American experience in California particularly different from the other Native peoples’ experience. However, as recent studies have revealed, contemporary Native American people have been active keeping their political, economic and social power through the regional, tribal and intertribal organizations. This case study

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<sup>52</sup> The first and systematic ethnography in California was carried out by Stephen Powers, a journalist, who collected magazine articles. Stephen Powers, *Tribes of California*, (Berkeley, Los Angeles and London: University of California Press, 1876). There began an intensive program of recording tribal ethnographies, languages, and mythology. Alfred Kroeber, *Handbook of the Indians of California* (New York: Dover Publishing Inc., 1976). Other authentic studies about California Indians in general include: Zephyrin Engelhardt, *Missions and Missionaries of California; Conflict Between the California Indians and White Civilization*, (Berkeley: University of California Press, 1976); Jack D. Forbes, *Native Americans of California and Nevada* (California: Naturegraph Publishers, 1969); Robert F. Heizer, ed, *The Destruction of California Indians* (Lincoln and London: University of Nebraska Press, 1974).

of the IRA and California Indians is to show how larger societal developments impacted the Native political and economic power in the 20<sup>th</sup> century.

To know the political diversity of the California Indian situation, as well as the situation of the Native American tribes in U.S., I will focus on the Tule River Indian Reservation, one of the largest reservations in California. The Tule River Reservation is located in south-central California, approximately 20 miles east of the town of Porterville, which is 70 miles south of Fresno and 50 miles north of Bakersfield. The reservation spans mountainous, forested foothills along the western edge of the Sierra Nevada and is almost surrounded by the Sequoia National Forest (55,356 acres). Established by Executive Order on January 9, 1873, the reservation is one of the four oldest reservations in California. Originally, nearly 1,200 Indians from the various aboriginal groups, mainly Yokuts' subgroups, moved voluntarily or were forced to move to the reserved lands between 1856 and 1873 as had happened in the other areas in California.

Now, the Tule River Indian Reservation is the home for 803 Yokuts along with the 850 other tribal members from the surrounding region. Isolated from the local white communities, the Tule River Reservation residents have developed the identity as members of the Tule River Reservation and achieved stable economic and political development in the 20<sup>th</sup> century. First, the reservation was originally established for the residents of Yokuts as well as the native people in the surrounding area. Besides established by the Presidential Executive order, the Tule River Reservation was affected by the frequently changing California Indian policy (BIA agency system). I am interested in how these backgrounds of social diversity and administrative complexity influenced

the traditional governing system of the Tule River Reservation before enactment of the IRA.



## Chapter 1 Yokuts in Early Life and Social Organization - 1769

### California Indians

The diversity of environment in California from the north to the south is matched by the diversity of the indigenous peoples of California.<sup>53</sup> Before European contact, the California Native Americans were remarkably diverse. Numbering perhaps 300,000 they were divided into more than 100 separate communities or tribes. Four of the major North American linguistic groups lived in California, plus one that appears to be distinctly and solely Californian. Apparently, over the centuries representatives of the various North American language groups had migrated into California, seeking rich food resources and warm weather. No area of the same size in North America, or in the world, is represented by a greater variety of Native languages and cultures than aboriginal California. Native people in California spoke no fewer than 64 distinct dialects.<sup>54</sup>

The Native peoples in California area were hunters, gatherers and fisher people who lived in comparatively small groups ranging from 100 to 500 members. The cultural heritage of California, such as social, economic, and political relationship among communities, rituals and language, has been around since "time immemorial."<sup>55</sup> While the scholarly works show varying figures of the population of the indigenous peoples in

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<sup>53</sup> For general information of the California Indian Ethnology as source books, see Powers, *Tribes of California*; A.L.Kroeber, *Handbook of the Indians of California*; Robert F. Heizer and M.A. Whipple, *The California Indians: A Source Book* (Berkeley, Los Angeles, London: University of California Press, 1971). "California" as cultural area does not mean the areas congruent with the geographical borders of the present state. The state boundaries were established in 1850 when California was admitted to the Union, and the area then selected was a portion of the territory ceded to the United States following the Mexican War of 1846-1848. "California Indians" was firstly used by anthropologist, such as Powers (1870s) and Kroeber (1920s), and it means people owned the native cultures within the political state of California.

<sup>54</sup> Francis Paul Purchas, *American Indian Policy in the Formative Years: The Indian Trade and Intercourse Acts, 1790-1834*, (Lincoln: University of Nebraska Press, 1970), 28-29.

<sup>55</sup> William. L. Peterson, *Vanishing Landscape: Land and Life in the Tulare Lake Basin* (Berkeley, Los Angeles, London: University of California Press, 1981), 31-39.

California, the latest figure, although not the largest, comes from Michael Moratto.<sup>56</sup> He estimates the pre-contact Indian population to have been more than 300,000, a greater geographical concentration number than in any other comparable area north of Mexico.<sup>57</sup>

California Indian culture fits into an elaborate set of social relationships that varied by tribes and villages. To help create order out of this diversity, anthropologists have described general culture areas with similar ways of life and value systems. For example, interior California consisted of the central culture area. Taking up the central valley and adjacent country, the central culture area included the residences of Wintun, Bear River, Mattale, Lassick, Nogatl, Yana, Yahi, Sinkyone, Wailaki, Kato, Yuki, Pomo, Wappo, Manache, Nisenan, Maidu, Konkow, Miwok, Costanoan, Esselen Salinan, Tubatulabal, and Yokuts.<sup>58</sup> The northwestern culture included those of the Tolowa, Yurok, Karok, Hupa, Shasta, Chimariko, Hupa, Whilikut, and other tribes that lived in the Klamath and Cascade mountains and the adjacent coast.<sup>59</sup> The Northeast includes Modoc, Achumawi, and Atsugewi tribes. The southern tribes include Chumash, Alliklik, Kitanemuk, Serrano, Tongva Luiseno, Cahulla and Kumeyaay. Before white contact, California had more linguistic variety than all of Europe.<sup>60</sup> As showed in Figure 1, Penutian, Hokan, Uto-

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<sup>56</sup> Michael Moratto, *California Archaeology*, (Academic Press, Harcourt Brace, 1984), 2.

<sup>57</sup> Rupert Costo and Jeannette Henry Costo, eds, *The Missions of California: A Legacy of Genocide* (The Indiana Historian Press for the American Indian Historical Society, 1987), 10; Sherburne F. Cook, "The Aboriginal Population of Upper California," in *Congreso Internacional de Americanistas* 35, Vol.3 (1962), 397-403. For the detailed study of population of California Indians, see C. Hart Merriam, "The Indian Population of California," *American Anthropology*, Vol17, No.4 (October – December, 1905), 594-606. After extensive travel in the area, Stephen Powers stated the pre-settlement population of Alta California to be about 750,000, a figure which ethnographers ever since have regarded as a gross over estimate. Thirty years later, C. Hart Merriam estimates 250,000. In the *Handbook of California Indian*, Alfred Kroeber adopted an extremely conservative attitude and estimates no more than 125,000. Sherburne F. Cook also share almost conservative number with Kroeber estimating, 133,550. However, more recent studies show that the number of Merriam is more realistic.

<sup>58</sup> Albert Hurtado, *Indian Survival on California Frontier* (New Heaven and London: Yale University Press, 1988), 15.

<sup>59</sup> Ibid.

<sup>60</sup> The author uses "white" meaning European people and Americans who came or immigrated from Europe.

Aztec, Athapascan, Yukian, Ritwan (Algonquian) language groups all existed in California.

The central California culture area covered about a half of the present territory of the state, and within it were eighteen major groups. About three-fifths of all the natives of Alta California lived in this vast area. These tribes had various commonalities, including the making of basketry, having a reliance on acorns, and living in villages. Central California including the Sacramento and San Joaquin Valleys was a region that has a mild climate with an abundance of food resources, both plants and animals. Due to the richness of resources, the Native people perhaps did not experience famine since they had access to acorns and other foods. Likewise, besides acorns, central California had an abundance of berries, seeds, fish, deer, elk, and waterfowl, although the western edge of the San Joaquin Valley was not well-provided with food because of low rainfall and long dry summer.<sup>61</sup>

### **Yokuts in Central Valley**

The Yokuts were one of the tribes that lived in the interior central area. They lived in most of the San Joaquin Valley. According to historian Frank Latta in Tulare County, before the coming of the white man, the Yokuts' residency covered almost entire San Joaquin Valley.<sup>62</sup> (Figure 2)

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<sup>61</sup> Preston, *Vanishing Landscapes*, 32-35.

<sup>62</sup> Frank F. Latta, *California Indian Folklore* (Exeter: California: Brewer's Historical Press, 1999, originally published in 1936), 1. For Archaeological study for the Tulare, San Joaquin area, and Yokuts, Francis A. Riddell and William H. Olsen, "An early man site in the San Joaquin Valley, California," *American Antiquity*, Vol. 34, No.2, (April, 1969), 121-130.; Robert F. Heizer, "the Direct-Historical Approach in California Archaeology," *American Antiquity*, Vol. 7, No 2, (October, 1941), 98-122. Also there are some detailed ethnographical data collected in *Anthropological Records*. Anna H. Gayton, "Cultural-Environment Integration: External References in Yokuts life," *Southern Journal of Anthropology*, Vol. 2, No.3 (Autum, 1846)1946; "Yokuts and Western Mono Ethnography, 1: Tulare Lake, Southern Valley and Central Foothill Yokuts," *Anthropological Records*, Vol. 10, No. 1 (Berkeley and Los

Anthropologists, ethnologist, and historians have made several contributions to the study of Yokuts history. For their oral traditions, we can refer to the work collected by Frank Latta. Latta's *California Indian Folklore* and *Handbook of Yokuts Indian* include the Yokuts' creation stories and several collections of Yokut oral accounts. Alfred Kroeber of the University of California was the acknowledged leader of these scholars. His *Handbook of the Indians of California* also provides anthropological observations of the Yokuts and gives descriptions of their aboriginal world, including social and political organization, and material culture in pre-contact times. Other reports by explorers and missions who traveled the San Joaquin Valley in late 19<sup>th</sup> century also give glimpses of the pre-contact Yokut's social life since the Indians were relatively isolated from the Europeans before the mid-19<sup>th</sup> century Gold Rush.<sup>63</sup> Accompanying these anthropological works are several books and articles published mainly from the 1940s to the 1970s by ethnographer Anna H. Gayton and geographer William Preston. The Anthropology Department of University of California, Berkeley which also sponsored Gayton's research on the Yokuts, also recorded stories, folklore, and other ethnological data about the Yokut. Gayton's ethnological records, published between 1930 and 1940 are the most prominent resources about Yokut social organization. Noted anthropologist Robert F. Heizer was one of Kroeber's graduate students at Berkeley, also researched the Yokuts'

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Angeles: University of California Press, 1948). "Yokuts and Western Mono Ethnology, II: Northern Foothill Yokuts and Western Mono," *Anthropological Records*, Vol. 10, No. 2 (Berkeley and Los Angeles: University of California Press, 1948); Anna H. Gayton and Stanley S. Newman, "Yokuts and Western Mono Myths," *Anthropological Record*, Vol. 5, No. 1 (Berkeley and Los Angeles: University of California Press, 1940).

<sup>63</sup> Hurtado, *Indian Survival on California frontier*, 15: For example, the report by Lieutenant George H. Derby made a circuit of the valley for military reconnaissance in May 1850, A.H. Gayton, "Yokuts and Western Mono Ethnography I," 3.

social, political and economic strategies from pre-contact times to the U.S. takeover in 1846.<sup>64</sup>

The economic pursuit of the earliest inhabitants of the Central Valley was commonly hunting Native artifacts resembled the fluted-point (Clovis-Folsom) tradition prevalent in much of North America thousands of years ago.<sup>65</sup> The Yokut hunter culture probably first surfaced about seven thousands years ago. The Yokuts language is demonstrable a member of the California Punitian family of languages. At time passed, Punitian people began to apply their Great Basin traditions to exploit local resources in San Joaquin Valley. Around four or five thousand years ago, Yokuts adopted a method of acorn leaching which allowed them to utilize a vast new food supply.<sup>66</sup>

Gradually, the basin Yokuts became further differentiated into regional subcultures, separating themselves from other Punitian speakers. They began to call themselves “Yokoch” meaning “people.”<sup>67</sup> When the Europeans came, they still shared the similarities of culture and language, so the Spanish called them all “Tularenos,” or “people of the Tulares.” S. F. Cook estimates, at least 19,000 Yokuts lived in the San Joaquin Valley basin or visited it seasonally on the eve of European contact.<sup>68</sup>

Historian Jack Forbes also refers to the cultural similarities between Yokuts and Chumash groups living in the southern San Joaquin Valley (Tejon Pass-Grapevine

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<sup>64</sup> Michael Silverstein, “Yokuts Introduction,” in Robert F. Heizer, ed., *Handbook of North American Indians*, Vol. 8 (Washington D.C.: Smithsonian Institute, 1987), 446-447; William J. Wallace, “Southern Valley Yokuts,” in Heizer, ed., *Handbook of North American Indians*, 448-461; “Northern Valley Yokuts,” in Heizer, ed., *Handbook of North American Indians*, 462-470; Robert F. G. Spier, “Foothill Yokuts,” in Heizer, ed., *Handbook of North American Indians*, 471-484.

<sup>65</sup> Peterson, *Vanishing Landscape*, 32.

<sup>66</sup> Melvin Ailins C., “The Far West,” in Jose D. Jennings ed., *Ancient Native Americans* (San Francisco: W.H. Freeman, 1978), 139.

<sup>67</sup> Kroeber, *Handbook of Indians of California*, 48.

<sup>68</sup> Cook, “The Aboriginal Population of the San Joaquin Valley, California,” *University of California Anthropological Records*, Vol.16, No. 2 (1955), 31-80; Peterson, *Vanishing Landscapes*, 40.

Canyon area). As in the other area in California, the Indian people, especially in the sedentary border areas, were bilingual or multilingual. Among them, the intermarriage and ceremonial-sharing was frequent as was seen in the Yokuts-Chumash border area.<sup>69</sup>

Unfortunately the greater part of the information about early Yokut history came from studies of less than a dozen tribes, and more research about the Yokuts would not emerge until the late 19<sup>th</sup> century. In fact, no academic studies existed before 1873, when the Yokuts officially became reservation residents on the Tule River Indian Reservation. Finally the most descendants of Yokuts were forcefully put on the Tule River Reservation after they survived Spanish, Mexican, and American takeover.

### **Yokuts Daily Life**

The Yokuts' sustainable technology and the unusual resource richness of the Central Valley area allowed for the development of one of the highest regional population densities anywhere in aboriginal North America.<sup>70</sup> The food resources used by the Yokuts varied, and they learned to make use of hundreds of different plants and animals in their diet, including acorns, grass seeds, game, waterfowl, fish and shellfish.<sup>71</sup> Perhaps, the most important food source was the oak. One scholar judged that the Yokuts "live principally on acorns." Acorns from the oak were plentiful in the area.<sup>72</sup> The Yokuts collected this staple food and stored surplus to last through lean periods, especially in

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<sup>69</sup> Forbes, *Native Americans of California and Nevada*, 176.

<sup>70</sup> S.F. Cook, "The Aboriginal Population of the San Joaquin Valley, California," 45; Alfred Kroeber, "The Nature of Landholding Groups in Aboriginal California," *Aboriginal California: Three Studies in Culture History* (Berkeley: University of California Archaeological Research Facility, 1961), 91.

<sup>71</sup> Peterson, *Vanishing Landscape*, 34.

<sup>72</sup> Frank Latta, *Black Gold in the San Joaquin* (Caldwell, Idaho: Caxton Printers, 1949), 29.

early spring. Because acorns were easily stored and high in protein and oil, they were a great asset to a largely vegetarian diet of the Yokuts.<sup>73</sup> (Figure 3)

Yokuts were natural resource managers. Their forest management has been a significant part of their economic activities up to now. Being surrounded by the rich natural resources, a fundamental tool in resource management was fire. All Yokut groups, as well as aboriginal groups throughout California, practiced deliberate burning. Yokuts set fires from mid-summer through the fall. By releasing nutrients that would otherwise be bound up in slowly decaying plants, fire aided grasses and forest to sprout earlier in the fall and to grow more abundantly than they would have under natural conditions. The wise application of fire also maintained ecological transition zones, where flora and fauna were most diverse and abundant, and increased their productivity. Deliberate burning may also have been practiced in conjunction with game drives, warfare, and communications.<sup>74</sup> With the horticultural knowledge to foster growth of native plants, Yokuts provided the stability to their subsistence in the densely populated areas.

Resource management, of course, was a great concern for the early Yokuts, resulting in the creation of the social order among Yokuts life as well as the political boundaries among other tribes. First, food regulations came from resource management. They protected certain animals from over-hunting and protected productive areas from over-exploitation.<sup>75</sup> Food supply was severely restricted and well ordered by their beliefs.

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<sup>73</sup> Peterson, *Vanishing Landscapes*, 34-39.

<sup>74</sup> *Ibid.*, 36.

<sup>75</sup> Alfred Kroeber, "The Food Problem in California," in R.F. Heizer and M.A. Whipple, eds., *The California Indians: A Source Book*, 300.

Summer moving was also common for the convenience of the food supply among Yokuts. They settled down primarily during winter months. However, from about May to September, they moved into summer camps for seed gathering. Often two or three families moved together from one place to another. However, Yokut people did not move in the summer if they had old or sick people. Summer moving was a matter of the convenience for the food supply.

The idea of the ownership for the food supply existed among Yokuts as well as their strong sense of territoriality among themselves and also among other tribes.<sup>76</sup> There is substantial information on record concerning the ownership of oak groves and grass fields by individuals, families, and extended families. Even in abundant food areas, the Yokuts were sensitive to resource management. The defense of recognized or imagined rights to hunt or gather in a particular area seems to have been a major cause of Yokuts conflict. The Yokuts' conflicts mainly came when trees bore fruits, and most of the time these disputes ended with death.<sup>77</sup>

Kinship was important to Yokuts social organizations and their daily lives. Families controlled particular hunting and gathering areas while individuals accumulated and traded resources according to familial associations. The Yokuts supplemented blood relations with moieties that connected them to a special animal symbol such as the eagle or coyote which were protected by Native persons. If someone else killed the animal, the moiety had to purchase and bury the carcass. Since a wide range of commonly hunted animals represented moiety symbols, this development tended to redistribute wealth and

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<sup>76</sup> James J. Rawel, *Indians of California: The Changing Image* (Norman and London: University of Oklahoma Press, 1984), 9.

<sup>77</sup> Peterson, *Vanishing Landscapes*, 37; Jose, Bandini, *A Description of California in 1828*, translated by Doris Marion Wright (Berkeley: Friends of the Bancroft Library, 1951), 17.



regulate hunting. Moreover, animal symbol affiliations affected blood ties because an individual had to marry someone outside the symbol group.<sup>78</sup>

The number of animal symbols associated with lineages was not large, at least not more than a dozen survived: eagle, prairie falcon, dove, coyote, bear, rattlesnake, and fish. It is expected that persons with the same symbol would regard themselves as related.<sup>79</sup> The animal symbol was venerated, and under no circumstances did an individual kill his animal symbol. Nor did they eat the animals represented by their symbols.

Certain animal symbols had social status. For example, eagle was, invariably, the chief's highest representation among the Yokuts (falcon for a chief's symbol of Western Mono or eagle for some others). Similarly the position of messenger, Winatum, had the dove symbol. Chief and healers had messengers who also had the same totem of the first two.<sup>80</sup> Also subchiefs, who were not always present in every village, had eagle symbols. In fact, the marriage of a boy and girl both having the eagle and dove totem (the chief's and winter's totems, respectively) was an occasion for rejoicing. Yokuts usually have these animal symbols which they had acquired in their dreams.<sup>81</sup>

## Yokuts Political and Social Organization

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<sup>78</sup> Lowell J. Bean, "Social Organization in Native California," in Lowell J. Bean and Thomas C. Blackburn, eds., *Native Californians: A Theoretical Retrospective* (Romana, California: Ballena Press, 1976) 107, 111-112, 103-109; Robert f. Heizer, "The California Indians; Archaeology, Varieties of Culture, Arts of Life," *California Historical Society Quarterly*, Vol.41 (March, 1962), 5-6; Hurtado, *Indian Survival in the California Frontier*, 17.

<sup>79</sup> Anna H. Gayton, "Yokuts-Mono Chiefs and Sharmans," *University of California Publications in American Archaeology and Ethnology*, Vol. 24, No. 8 (1930), 367.

<sup>80</sup> "Totem" means an animal, plant, or natural object serving among Native Americans as the emblem of a clan or family by virtue of an asserted ancestral relationship, or a social group itself having a common totemic affiliation.

<sup>81</sup> Gayton, "Yokuts-Mono Chiefs and Sharmans," 368.

Yokuts were not a simple political entity, but consisted of language groups occupying the huge area of the central valley. Among Yokuts, there were three district cultural groups: southern valley, northern valley, and foothill Yokuts. Among Yokuts, there have been more than 20 distinct languages classified as Yokuts in total, but many no longer exist. Linguistic similarities were strongest among plains groups south of the Kings River and extended beyond the southern margin of the basin. Plains and foothill Yokuts spoke very different dialects, probably a reflection of physical isolation and of close association between foothill peoples and their non-Yokuts neighbors to the east, west, and south, who were Western Mono, Salinan, and Chumash respectively.<sup>82</sup>

Concerning the political organization, Yokuts, as a language group were divided into smaller political entities, which Kroeber inappropriately called “tribalets” who shared the same dialect under the common political, social, and cultural patterns.<sup>83</sup> There were 50 separate small political groups that spoke distinct dialects and felt a sense of unity and sovereignty within discrete territories. Along each river was a different language.<sup>84</sup> Forty of these groups can be identified currently. Tribes in the northern parts of the Yokuts residency were not known.<sup>85</sup> Around the lakeshore lived the tribes, such as Wowol, Chunt, and Tachi. Eastward, on the Kings and Kaweah deltas, were the Wimilchi, Nutunitu, Telamni, Wolasi, and Choinok. The Aiticha and Koyeti controlled the adjoining stream plains, and further eastward, in the foothill delta zone were the

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<sup>82</sup> Peterson, *Vanishing Landscapes*, 39; Kroeber, *Handbook of the Indians of California*, 487.

<sup>83</sup> Kroeber, *The Handbook of the Indians of California*, 488. Latta estimated 65 tribes in some time after the contact, Latta, *California Indian Folklore*, 2.

<sup>84</sup> Alfred Kroeber defines that the main tribal units are identified on the basis of the languages which they spoke. The tribal map is essentially a linguistic map. Within the geographically bounded major-language units, it is possible to establish subdivisions, which are based upon speech dialects, or politically separate units. Kroeber, *Handbook of Indians of California*, 3, 160-163, 228-230, 234-235, 474-475, 727.

<sup>85</sup> Robert F. Heizer *Languages Territories and Names of California Indian Tribes* (Berkeley and Los Angeles: University of California Press).

Wukchumni, Gawia, and Yokod. The Chulamina, Yaudanchi, Bokninuwia, and Kumachisi lived predominantly in the foothills.<sup>86</sup> The differences of language from tribe to tribe were often rather small, but they marked enough to be readily perceptible. Their territory averaged perhaps 300 square miles (a half day's of foot journey in each direction from the center).<sup>87</sup>

It is not clear when the Yokuts created these small political groups. However it is expected that one of the origins of them was from the development of distinct ecological organizations as well as the similar socio-cultural patterns. First, the Yokuts demography in the pre-European contact era reflected geographic regulation for resource and subsistence techniques. While different habitat realities formed the different activities for each Yokut, original larger groups formed by the natural geographical boundaries for the people who shared a common set of resources, perceptions and technologies. Therefore, the locations of villages naturally were geographically determined. For example, the Wowol occupied Atwells' island in Tulare Lake, the Gawia and Yokod on opposite sides of Kaweah River, and the Choinimni at the junction of Mill Creek and Kings River.<sup>88</sup>

Second, the necessity of stable food supply developed mutual supporting social groups among each other. The small supporting groups developed rules to trade their supplies with others, which actually created the borders of identity as a member of a group. While the trade associations among central valley and surrounding peoples increased the variety of resources available to each group, it acted as a self-support

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<sup>86</sup> Peterson, *Vanishing Landscape*, figure 16, 41; The half the Yokuts tribal names end either in -amni, found also as -imni, -mina, -mani; or in -chi. Robert F. Heizer, *Languages Territories and Names of California Indian Tribes*, 3-4.

<sup>87</sup> Ibid. For the ancient village sites, also see Gayton, "Yokuts and Western Mono Ethnography I," 2-6.

<sup>88</sup> Peterson, *Vanishing Landscapes*, 41-42.

units<sup>89</sup> Trade alliances reached across ecological zones and involved considerable exchange of a wide range of goods. Trade usually involved simple exchange or purchase, but in some cases, the Yokuts exchanged and purchased hunting, gathering, or fishing rights. By encouraging the redistribution of resources, trade alliances served as buffers against local food shortages. When Yokuts found themselves unable to maintain their food resource, local or distant trade partners could be called upon for assistance.<sup>90</sup> Furthermore, as Yokut people interacted with nearby Miwok and Mono as well as other Yokut villages' people, these extended trade alliance helped them to reinforce communalities.<sup>91</sup>

Furthermore, the relationship between each larger group was multi-layered. Anthropologist Gayton referred,

In the upper hills the Western Mono, who up to 1850 were entirely undisturbed by white intrusion, were still not on easily friendly terms with their Yokuts neighbors below them. Even as late as 1870 a mutual antagonism was manifested by both the Penutians and Shoshoneans, although in differing degrees depending on how far these natives were thrown together because of pressure from a common enemy, the American strangers.<sup>92</sup>

Through intermarriage and friendships, they had many similarities in myths, social organization, and customs. Both Yokuts and Monos had political organizations that were ractically identical.<sup>93</sup>

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<sup>89</sup> Frank F. Latta, *Little Journey in the San Joaquin* (Tulare: Published by Frank Latta, 1937).

<sup>90</sup> Frank Latta, *Handbook of Yokuts Indians* (Santa Cruz, California: Bear State Books, 1977), 275.

<sup>91</sup> Alfred L. Kroeber, "Cultural and Natural Areas of Native North America," *University of California Publications in American Archaeology and Ethnology*, Vol. 38, No. 1, 2 ; Brooke S. Arkush also referred that Yokuts traders played an important role in the introduction of Euro-American trade items among various native groups of the central California interior and eastern Sierra Nevada, such as the Eastern Miwok, Monache, Tubatulabal, Kawaiisu, Mono Basin Paiute and Owens Valley Paiute. Brooke S. Arkush, "Yokuts Trade Networks and Native Culture Change in Central and Eastern California," *Ethnohistory*, Vol. 40, No. 4 (Autumn 1993), 620.

<sup>92</sup> Gayton, "Yokuts and Western Mono Ethnography," 1.

<sup>93</sup> Even though the published material on the tribes of this region is not extensive, Kroeber's *The Handbook of California Indians* offers best summary of known facts concerning Western Mono culture.

Each small group had a chief and healer, who had at least one Winatun, (a messenger, or a secretary). The chief was a legal official and the healer was a so called professional doctor. There was also a subchief but not always. Each subchief had at least one Winatun to conduct business between himself and the head chief. Sometimes, there were also dance managers.<sup>94</sup> The Yokuts political organization was loosely controlled by these leaders in each group. However there was a complete absence of anything like a class or caste system in the Yokuts political organization. While the chief and Winatum's lineages were mildly aristocratic, any man was as good as his neighbor. The chief's position was acquired by heredity. Normally the office passed from an elder brother to the next younger, and then reverted to the elder brother's eldest son. This rule was not rigid, but was modified in accordance with circumstance.<sup>95</sup>

On the other hand, the healer in Yokut culture, was an "institution" as old as that of chief. In their oral tradition, Owl appears as the ancestral doctor whose duty was to create humans and to doctor. So the status of the healer was based on his supernatural powers and not acquired by heredity. A healer's power came from one's dreaming. The more of such experiences one had, the greater his knowledge of the spirit world, and the bond between individual and the supernatural world strengthened. In other words, the difference between a healer and an ordinary people was quantitative rather than qualitative.<sup>96</sup> Gayton mentions words of his Yokuts informants, "A doctor was just a person who had too much power. They got mean, tried to see what they could do just to be doing it, and finally got so they thought they could do anything by means of their

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<sup>94</sup> Alfred Kroeber, "The Yokuts Language of South Central California," *University of California Publications in American Archaeology and Ethnology* Vol. 2, No. 5, 170.

<sup>95</sup> Gayton, "Yokuts-Mono Chiefs and Sharmans," 372-272.

<sup>96</sup> *Ibid.*, 388.

power. People would be here yet if the doctors weren't so mean."<sup>97</sup> Overhanging all their activities was what Theodora Kroeber has called the activities as "the gossamer curtain of religious," the substance of which was creation myth.<sup>98</sup>

Considering the social organization, Yokuts as well as Western Mono had patrilineal societies. A child belonged to the tribe of his father, regardless of the place of his birth. The person of any tribe often referred to themselves or each other by this name, as "I am Chunut," or "She is Chukchansi," though they recognized their generic linguistic bond. Villages had names but it is doubtful that the general tribal name of Yokuts had any reference on these occasions.<sup>99</sup> Each lineage had an animal symbol such as eagle or coyote, which was inherited by all children from the male line. A woman retained her animal symbol upon marriage but it was not usually transmitted to her offspring, or if it was, it was for that generation only. Individual names were paternally inherited but not exclusively so. There was a tendency of the name of a paternal grandfather or grandmother to pass to the eldest grandson or granddaughter. The Yokuts supplemented blood relations with "moieties" that connected them to a special animal symbol. This symbol affiliation affected blood ties because an individual had to marry someone from another moiety.<sup>100</sup>

As indicated previously, the institution of Yokuts chief and healer was thought to be the successor of their animal symbol, Eagle, which in human times held his position. So Yokuts social and political organization was linked to the oral tradition mentioned in their creation story.

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<sup>97</sup> Ibid., 389.

<sup>98</sup> Alfred Kroeber, "Elements of Culture," in Heizer and Whipple, eds., *The California Indians*, 3-7, 39.

<sup>99</sup> Kroeber, *Handbook of the Indians of California*, 275.

<sup>100</sup> Concerning geographical area of Yokuts tribes and villages, Peterson, *Vanishing Landscape*, 42-46. Gayton, "Yokuts-Mono Chiefs and Shamans," 369-372.

Each small Yokut group was self-governing, independent, and territorially sovereign. The size of each group's territories varied according to differences in their carrying capacities. For example, the 1,200 Telamni had a much smaller territory, but a much richer one, than the 800 Koyeti. Stream-delta and delta-foothill groups tended to have population densities comparable to that of the Telamni, while smaller populations and larger territories (comparable to those of the Koyeti) characterized foothill groups and the Aiticha of the stream plains. The Wowol and the Chunut of the lakeshore, had a large populations (roughly 1300 people each), but they occupied much larger territories than the equally populous delta village groups. The largest basin group by far was the Tachi, which numbered about 4,000 people. The Tachi territory extended across several habitats from the northeastern shore of Tulare Lake to the Coast Range. The Wowol territory was also very large but less productive, which may account for the failure of the Wowol to achieve a population level comparable to that of the Tachi.<sup>101</sup>

Considering control over the use of the mines and quarries, the Indians did not have, nor did they need any "code" governing their social, economic and political difficulties. Instead, the governing laws had been established over hundreds of years, and perhaps longer among the tribe. The law had been kept so that it became known in song and oral history. For instance, their stories were told about how the materials were mined, or how quarried, and also how the use was governed. Individuals did not violate these laws. If there was violation, punishment was sure and swift, and consisted of a loss of the privilege of using the resources. Besides, the breaking the law might result in ostracism from the tribe, and ostracism was almost certain death. Observing the law of genetic

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<sup>101</sup> Cook, "The Aboriginal population," 31-81; Peterson, *Vanishing Landscape*, 31-46.

progression was based upon natural progression of ancestry. Instead of “natural selection” there was natural protection of the laws of nature.<sup>102</sup>

Before the Spanish came to the San Joaquin Valley, each village of the Yokut language group developed their political, economic and social organization independently. In the densely populated area surrounded by the other tribes and political groups, the land that they depended on for their subsistence had defined groups’ social and political, and economic order. Utilizing and sharing the abandoned but limited natural resources, Yokuts developed their own political organizations and self-governing system under the leadership of chiefs.

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<sup>102</sup> Ibid.



## Chapter 2 Spanish and Mexican Invasion, 1770-1843

Rupert and Jeannette Costo labeled the mission era in southern California history as “genocide” based on the massive population decline of California Indians under by the mission system. They indicate that it should not be forgotten that the missionary activities undertaken by Catholic Priest Junipero Serra and other Franciscans were part of a collaborative imperialist effort by the Spanish monarchy and the Catholic Church to colonize California.<sup>103</sup> Despite the minority of so-called “mission apologists,” who had downplayed the negative effects the mission system had on Indians, the majority of studies have maintained that California missionization during the Spanish Era was not a good time for California Indians.<sup>104</sup> Such later historians disclose solid historical evidence of how the missionization destroyed Native American populations and took advantage of them.

What happened in California under the Spanish mission system (1769-1821) was not strictly a conversion experience. Instead, Native peoples were subject to forced labor, experienced stress, physical and psychological oppression, and death, and not positive spiritual rewards. Approximately 300,000 native people lived within the current boundaries of the state at that time, but their numbers decreased to 150,000 by 1848.<sup>105</sup> On the other hand, interior Indians, including the Yokuts, were not drastically affected by the Spanish because interior California lay outside the mission zone of the coast.

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<sup>103</sup> Rupert Costo and Jeannette Henry Costo, eds, *the Missions of California*, 100.

<sup>104</sup> For works of mission apologists, Francis F. Guest, “An Examination of the Thesis of S.F. Cook on the Forced Conversion of Indians in the California Missions,” *Southern California Quarterly*, 61 (Spring, 1977), 1-77; Ferdinand F. Fernandez, “Except a California Indian: A Study in Legal Discrimination,” *Southern California Quarterly* 50 (1968), 161-175; Manuel P. Servin, “The Secularization of the California Missions: A Reappraisal,” *Southern California Quarterly* Vol. 47 (1965), 133-149; Marion Lydia Lothrop, “The Indian Campaigns of General M.G. Vallejo: Defender of the Northern Frontier of California,” *Quarterly of the Society of California Pioneers*, Vol. IX, No. 3 (September, 1932), 161-205.

<sup>105</sup> Sherburne F. Cook, *The Conflict Between the California Indian and White Civilization*, 4; *The population of the California Indians, 1769-1970* (Berkeley: University of California Press, 1976), 43,44,59,65.

## Spanish Missionization in California

Spanish people had visited the California coast area since 1540. However they did not initiate any permanent attempts of the conquest or settlement for the next two centuries, except for isolated expeditions.<sup>106</sup> There was no European settlement before 1769.<sup>107</sup> By the first contact, however, Spain had come to realize that the native peoples of the western hemisphere were one of its most enduring sources of wealth. The Spanish exploited natural resources and Natives as a source of forced labor.<sup>108</sup>

The first area of Spanish settlement was coastal California. Spanish-speaking people permanently invaded this area beginning in 1769 when the Spanish built garrisons at San Diego and Monterey to engage in Native missionization. They established 21 Franciscan missions along the coast of California, from San Diego (1769) to Sonoma (1823). The supposed principal concern of the Spanish missionaries was the conversion of the California Indians to Christianity. According to missionary records, this process was partly successful with the baptism of nearly 54,000 Natives. Most of all the newly converted Indians along the California coast south of San Francisco were labeled as “neophytes.”<sup>109</sup> (Figure 4)

The missions of California, however, were more than just religious institutions. First, Franciscans recognized the missions as places to Christianize and acculturate Native Americans. In the missions, Franciscan missionaries prohibited the practice of

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<sup>106</sup> Forbes, *Native American of California and Nevada*, 32. Forbes analyzes the contact between California Indians and Europeans before the European invasion in 1770s. Besides, his analysis goes beyond the contact era and suggests that California as well as the Great Basin had been the open space to the Europe immigration and Indian emigration for centuries before the first European came.

<sup>107</sup> S.F. Cook, “The Aboriginal Population of the San Joaquin Valley, California,” 31.

<sup>108</sup> Costo and Costo, *The Missions of California*, 3.

<sup>109</sup> Rawls, *Indians of California*, 14. “Neophyte” means the Spanish designation for an Indian who had been baptized. Unconverted Indians were called “gentile.”

native languages, native religions, working habits, dress, and other life styles.<sup>110</sup> Native resistance to this authority included punishment, such a whipping, stocks, irons, and other means.<sup>111</sup>

It is also important to emphasize that the acculturation, Christianization, and punishment received military support. The military intimidated local Indians with armed soldiers to take them to the mission, most of times by force. Then if they tried to escape, the military soldiers organized capture expeditions.

Despite romantic narratives of the California missions by some historians, others have presented negative accounts. For example, some scholars have shown that as soon as the coastal Indians were removed from their villages and relocated in or around the missions, Spanish forced them to engage in the various kinds of works, such as weaving, tanning, blacksmithing, making of bricks, tiles, pottery, shoes, saddles, wine, candles, and soap, herding of horses, cattle sheep, goats, and other livestock, planting, irrigating and harvesting of vegetables and grain. All of this work led to mission development. Statistics shows that about ten thousand acres around the missions were cultivated by neophytes and Indian herdsmen who also tended nearly 400,000 cattle, more than 60,000 horses, and over 300,000 hogs, sheep, and goats.<sup>112</sup> Indian labor was an essential factor to keep the mission system alive in California.

On the other hand, the neophytes were not always passive to the changes. They utilized the changes by acquiring new western labor skills as well as Christianity itself. However, the success of conversion is difficult to measure, both along the coastal region

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<sup>110</sup> Rawls, *Indians of California*, 14. For the analysis of the force to gather non-Christian Indians of the mission is a matter of dispute. Guest, "An Examination of the Thesis of S.F. Cook," 29.

<sup>111</sup> Rawls, *Indian of California*, 18.

<sup>112</sup> Ibid.

and California's interior valley. Run away neophytes also introduced new notion of stock herding and agricultural skills into the interior, where Yokuts lived.<sup>113</sup> Horse riding skills proved useful for gentiles (non-converts) in the interior and also runaway neophytes. Stock raising became a new industry for the people in the interior, including Yokuts. Also stock raiders from the interior raided the coastal area.<sup>114</sup> The Spanish did not expect this outcome.

However, the most serious impact on natives was population decline was due to various European diseases. Soon after the Spanish came, new kinds of diseases surfaced for which the native peoples had no immunity. Demographer Sherburne F. Cook analyzes that as much as 60% of the population died from diseases introduced by Europeans. Other statistics also show more serious decline along the coastal region, from San Francisco to San Diego where the native population decreased from 72,000 to 18,000, a rate of decline of over 75 percent.<sup>115</sup>

In short, the Spanish mission system introduced an unhealthy world characterized by problems. Thousands of Native people were affected by these problems. Some 54,000 natives were converted in this period up to secularization of the missions in 1834. By the end of the mission period, only 15,000 surviving neophytes remained in mission system. Thousands never returned to home villages.<sup>116</sup>

### **Yokuts in the Mission Era**

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<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

<sup>116</sup> Sherburne F. Cook, *The Conflict between the California Indian and White Civilization* (Berkeley and Los Angeles: University of California Press, 1976), 4-5.

Founding more missions along the California coast, Spaniards began to venture into its interior. Historian George Harwood Phillips analyzes the Spanish invasion into the California's interior with numerous reports written by missionaries and soldiers.<sup>117</sup> Initially, the Spanish had little interest in interior California interior since their basic purpose was establishing missions and pueblos along the California coast. There was easy access to the ocean from these early missions and pueblos, plus rich lands and large native population.<sup>118</sup>

While the Indians along the coastal area were directly impacted by the Franciscan mission mission system, Native tribes in the interior of California had different experiences and reactions to the Spanish missions. The California interior became a place for the neophyte refugees, and the place for resistance.

The earliest documented encounters between Yokuts and Spaniards occurred in the fall of 1772, when a small detachment of soldiers under the command of Pedro Fages entered the Southern San Joaquin Valley via Tejon Pass in search of deserting Spanish soldiers.<sup>119</sup> It was during this excursion that Fages visited the Tulamni Yoktus village of Tulanmiu ("where the Tulamni are") on the shores of Buena Vista Lake (southern San Joaquin Valley) before departing westward to Mission San Luis Obispo de Tolosa.<sup>120</sup>

To maintain the mission strength in the midst of Indian population decline, Spanish missionaries had to look to the interior to replenish the missions' Native population. Two years later, for example, Padre Fages came back again to San Joaquin River, where the

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<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup> Pedro Fages, *A Historical, Political, and Natural Description of California* (Berkeley: University of California Press, 1937), 72-76.

<sup>120</sup> George H. Phillips, *Indian and Indian Agents: The Origins of the Reservation System in California, 1849-1852* (Norman and London: University of Oklahoma Press, 1997), 21; Fages, *A Historical, Political, and Natural Description*, 72-76.

Indians gave him goods and presents. In 1776, another party by Captain Juan Bautista de Anza, Father Pedro Font, and twelve soldiers traveled in the same area of Fages. In the same year, a party led by the Franciscan Priest Francisco Graces in the spring of 1776 entered a Yawelmni Yokuts village on the northern bank of the Kern River, just northeast of the present day city of Bakersfield. He kept a detailed diary of the journey. "The people of the rancheria had great feast over my arrival.....I reciprocated to them all with tobacco and glass beads, congratulating myself on seeing the people so affable and affectionate"<sup>121</sup>

Both the expeditions of Padre Fages and Francisco Graces first filled the missions' limited knowledge about Yokuts and other Interior Indians. The Indians were either Yokuts or Miwok, whom the Spanish called "Tularenos" because they lived in the vast Tule marshlands of the San Joaquin Valley. The conversion of some "Tularenos" was the first important Spanish impact on the California interior, setting up conditions for later developments.<sup>122</sup> In these early contacts, however, the expeditions were temporary with no settlements during next three decades. The only end result was a temporary mission in the Tulare lake Basin, either on the eastern lakeshore or among the oak forests of the Kaweah Delta and the recruitment for the Interior tribes since then.<sup>123</sup>

Detailed exploration for building new mission sites in the interior began in 1806 under an aggressive program implemented by Governor Jose Arrillagas, who was eager to extend the Spanish sphere of influence and gain a foothold in the interior land. The other reason of the Spanish exploitation of the Central Valley included the need to

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<sup>121</sup> Ibid., 282.

<sup>122</sup> Hurtado, *Indian Survival*, 34.

<sup>123</sup> S.F. Cook, "Colonial Expeditions to the Interior of California: Central Valley, 1820-1840," *University of California Anthropological Records*, Vol. 16, No. 6 (1960), 252.

occupy new lands before any other nation-state stepped in. The Church supported the governor since the Franciscans looked upon the substantial population of the Interior as beneficial to convert. Beginning in 1806, several Spanish organized elaborate expeditions entered the Central Valley to search for mission sites and to send some captured Native people to the coastal missions.<sup>124</sup> Also in July 1806, Father Jose Maria de Zalvidea, an army lieutenant, and a few soldiers visited several villages in the Tulare Lake seeking the friendship with the natives and to locate new missions. This visit resulted in some baptisms among the Tulare lake Indians. In the same year, Father Pedro Munoz entered the village of Nupchenche (a Yokuts village) and baptized twenty-six Yoktus and built a mission in that area.<sup>125</sup>

These expeditions for new converts were successful to some degree. While the majority of interior individuals were taken to the San Jose, Santa Clara, Soledad, San Juan Bautista, and San Antonio missions, smaller numbers of the southern lake tribes, such as Tachi and Telamni, were sent mostly to the Soledad, San Luis Obispo, San Antonio, and San Juan Bautista missions.<sup>126</sup> Franciscan missions had a greater impact upon the Northern Valley Yokuts than they did upon the southern valley people.

However, peaceful baptisms were rare in the interior. Munoz's plan failed and he returned to the coast missions with 141 neophytes since the other villages' resisted and chose to stay in the interior. Moreover, Yokuts, as well as the interior Indians, had information of what was happening in the coastal area from the runaway neophytes, and they were somewhat resistant to these Spanish missionaries. Since in the early days of the

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<sup>124</sup> William J. Wallace, "Northern Valley Yokuts," in Robert Heizer ed., *Handbook of North American Indians*, Vol.8, 462-70.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

exploitation, the native resistance included violence. In January 1805, the records suggest the Leucha (Yokuts) killed three neophyte auxiliaries and wounded a padre and a soldier who intruded into their territories.<sup>127</sup>

Soon, the Spanish realized that to build new missionaries in the interior California was not realistic. Interior California was different from the coastal area in various ways. The weather and soil conditions, the Spanish incorrectly assumed, were not suitable for the agriculture. Most of explorers' testimonies reported that there was no land suitable for the growing crops to maintain the mission system.<sup>128</sup> In 1816, one of the missionaries, Farther Luis Antonio Martinez, described the western lakeshore of the Central Valley as a place "we did not see a good tree, nor wood enough to cook a meal, nor a stone, nor even grass enough for the horses, more than bunch grass, or what grows in the swamps."<sup>129</sup> The Spanish explorers wrote about Yokuts as a "human source."<sup>130</sup> A padre left a discriminative description saying "The Tulare savages were of a bad disposition and inclined to murder at the word of their wizards of medicine men."<sup>131</sup>

Even after the failure to establish new missions, the Spanish continued to exploit the interior. They also went to recapture run away neophytes because the missionaries still needed them for "labor" on the coastal missions. The Spanish advance in California, being accompanied with the authority of the Franciscan missionaries who aimed at the Indian conversion to Spanish Catholicism, had economic purposes.<sup>132</sup> In order to build and keep mission sites and to acquire foods for Indians and Spanish living there, the

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<sup>127</sup> Phillips, *Indians and the Indian Agents*, 24.

<sup>128</sup> Ibid 49-53.

<sup>129</sup> Cook, "Colonial Expeditions," 272.

<sup>130</sup> Ibid.

<sup>131</sup> Zephyrin Engelhardt, *The Missions and Missionaries of California*, Vol. I, II, and III, *Upper California*, (San Francisco; James H. Barry, 1912), 601.

<sup>132</sup> Forbes, *Native American in California and Nevada*, 38.



missions needed to depend on Indian labor. Thus, Indian labor has a long history in California since the Spanish era. It, however, become more popular in the Mexican and U.S. eras. (Chapter 3)

Of course, the Interior Indians resisted Spanish expeditions as highlighted in the numerous reports. For example, in 1803, Father Juan Martin, accompanied by a soldier, journeyed to the village of Cholan of the Tachi (a group of Yokuts), seeking children from the local headman, Guchapa, to take back to mission San Miguel. Guchapa refused and ordered the Spanish out of his Tachi village saying he was not afraid of soldiers. In the following year, Martin sought children from the village of Bubal of the Wowol (a group of Yokuts). Martin promised the chief Chape of Wowol to release already captured neophytes. However, Chape prohibited the release of children until later.<sup>133</sup> In 1807, Gabriel Moranga and twenty five soldiers ventured into the Tulare Lake area but failed because Yawmani (Yokuts) resisted by attacking the party and killing two soldiers. The Indians also seized many horses from Spanish parties. In the same year, Spanish entered the village of Chief Quipagui (probably Yokuts village) to seek neophytes, but the negotiation with the Yokuts failed.<sup>134</sup>

In August 1810, Father Jose Viader led soldiers and neophyte auxiliaries into the territory of the Chulamni (Yokuts), who acknowledged harboring fugitives from Missions Santa Clara and Santa Cruz. The Indians refused to release the runaways and ordered the Spaniards out of their territory. At a nearby village, Indians shot arrows at the intruders, wounding a soldier. Thereafter, the Spaniards decided to return to the coast. Then two month later, Viader reentered the interior with a stronger force. Twenty-five

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<sup>133</sup> Phillips, *Indian and Indian Agents*, 23.

<sup>134</sup> Phillips, *Indians and Intruders in Central California, 1769-1849* (Norman and London: University of Oklahoma Press, 1993), 51-52.

soldiers and fifty loyal neophytes attacked a Chulamni village and captured sixty-nine gentiles and fifteen fugitives from Mission San Jose. Viader released the fifty-one gentiles. They sent the runaways and the other gentiles under guard to the coast. Proceeding into the territory of the Yokuts, Viader was less successful. The Indians denied protecting fugitive neophytes.<sup>135</sup>

The Spanish military expeditions to the interior also aimed at retrieving stolen property, mostly horses, and to punish unconverted Indians who harbored runaways.<sup>136</sup> Indian refugee who escaped into the area in the “labyrinth of lakes and tules” possessed livestock which they stole from the missions.<sup>137</sup> In 1815 an expedition led by Jose Dolores Pico recovered seven horses and captured some sixty fugitives and gentiles at a Cheneche (Yokuts) village on the San Joaquin River. From the captives Pico learned that the nearby Nupchenche possessed four fugitives, and some Indians whom he could negotiate. However the Spaniards found that most of the Nupchenche residents had fled into a nearby tule swamp to avoid them. Continuing to the mouth of the Chowchilla River, the party encountered Indians ready to fight. The Spanish expedition killed three Indians, one of whom was identified as a fugitive from Mission San Juan and a leader of the party which stole horses from the mission. Although victorious in the fight, the Spanish departed with only two prisoners and one horse. At a village on the San Joaquin River, they captured a neophyte from Mission Santa Cruz and eleven elderly gentiles. They also discovered the remains of over two hundred horses whose meat had been quartered and dried and sixteen live animals, most belonging to Mission San Juan

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<sup>135</sup> Ibid., 52-53.

<sup>136</sup> Heizer, “The Direct-Hitsotrical Approach in California Archaeology,” 103.

<sup>137</sup> Herbert E. Bolton, *In the South San Joaquin Ahead of Garces* (Bakersfield: Kern County Historical Society, 1935), 12.

Bautista. Releasing the gentiles, Pico returned to Mission San Juan Bautista with livestock and nine prisoners.<sup>138</sup> Some other serious conflicts happened in 1818 when a Franciscan reported that the refugees and gentiles had set up “a republic of hell and diabolical union of apostates” in the Tulare marshes of the San Joaquin Valley.<sup>139</sup>

Sometimes, neophytes themselves organized expeditions for Spanish missionaries and extended into Yokuts lands on behalf of missions. Early in 1816 Socio, a neophyte from Mission Soledad led a party of Indians into the Tulare Valley. The neophytes recovered thirty horses but subsequently lost twenty when fugitives raided their camp. Although commanded by Father Luis Antonio Martinez, neophytes entered Bubal of the Wowol in May 1816, capturing two women and a man and setting the village on fire. Late in the following year, a party of neophytes from Mission La Purisima, commanded by a neophyte called Odorico, visited a village of the Tulamni (Yokuts). Before their arrival the headman of the village took his followers to safety, and apparently Odorico returned to his mission empty-handed.<sup>140</sup>

The complexity of power balances existed among the interior tribes, including Yokuts. Fugitives also increased dramatically after 1821 when Mexico achieved independence from Spain. Moreover, the runaway neophytes’ resistance to Spanish rule and occupation became organized and systematic. Neophytes such as Andres Sagimomatsse, a leader from Mission Santa Barbara, and Estalislano, a leader from Mission San Jose, organized the Indians in the interior, to attack the coastal missions. The expeditions of the Mexicans, or Californios, as they called themselves, sent several expeditions to the interior tribes under the Estalislano leadership. Eventually Estalislano

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<sup>138</sup> Phillips, *Indians and Indian Agents*, 26.

<sup>139</sup> *Ibid.*, 47.

<sup>140</sup> *Ibid.*, 27.

went back to the mission. Neophytes resistance launched in the late 1820s showed that the Indians were ready to fight against the intruders, both missions and other new comers.<sup>141</sup>

Another relationship between Yokuts and Spanish was for the bead trade. For example, there had been contact with the Indian tribes in the interior, including Yokuts. Brook S. Arkush analyzes the first Spanish expeditions and the glass bead trade between Yokuts and Spanish traders was the first economic contact between Yokuts and Europeans. In exchange for European traded beads, the Yokuts gave the Spanish food supplies, pronghorn, tule elk, deer, waterfowl, and salmon. Arkush further mentions that the beads were used as money, so the bead trade put the Yokuts as well as the California Indians into the capitalistic market economy.<sup>142</sup> The Yokuts role in the bead trade increased and accompanied the population decline of the coastal California native groups in the mission system during the late 18th and early 19<sup>th</sup> centuries. Native Americans in the California interior who had not yet been disrupted by Spanish colonization, quickly adapted to this new situation by incorporating glass beads into their respective monetary and exchange systems.<sup>143</sup> Yokuts, therefore, kept the Spanish as a trading partner of the beads and gradually entered the European economic system. In contrast, coastal Indians were subject to physical sacrifice as labors in the mission system.<sup>144</sup>

But with the trade with Spanish and offering coastal refugees a place, the Yokuts soon became infected by European diseases. However, it is difficult to determine

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<sup>141</sup> Hurtado, *Indian Survival on the California Frontier*, 39-46.

<sup>142</sup> Arkush, "Yokuts Trade Network and Native Culture Change," 265.

<sup>143</sup> Ibid., Concerning Yokuts and Spanish Trade, also see Robert Heizer, "Ethnographic Notes on the Northern Paiute of Humboldt Sink, West Central Nevada," in Earl H. Swanson, ed., *Languages and Cultures of Western North America: Essays in Honor of Sven S. Liljeblad*, (Washington, DC: Smithsonian Institution, 1970), 690-93.

<sup>144</sup> Forbes, *Native American in California and Nevada*, 43; Cook, "Colonial Expeditions to the Interior," 239-292.

accurately the pre 1830-impact these diseases had upon the Yokuts villages of the San Joaquin Valley. But the introduction of smallpox, measles, and syphilis among the Valley Yokuts, marked the beginning of widespread depopulation among these groups.<sup>145</sup> This process culminated with the epidemic of 1833, which apparently consisted of malaria of unusual severity and may have been introduced to the valley native population by increasing white beaver trappers who had journeyed south from the Columbia River region.<sup>146</sup> With an estimated mortality rate as high as seventy-five percent, the epidemic had a severe impact on the native population of the San Joaquin Valley, killing thousands of natives and wiping out entire villages and groups.

Yokuts thus dealt with the Spanish invasion, followed by European disease.<sup>147</sup> At first, Yokuts generally greeted the soldiers and padres warmly, but as encounters increased between them and Spaniards, violence became more frequent. Though violence was temporarily reduced by the disastrous epidemic disease spread among them in early 1830s, the Yokuts still reacted with anger and began to offer armed resistance to the church/ military expeditions, as indicated above. Their next form resistance, the horse raiding, did more serious damage to the missions and Spanish peoples.<sup>148</sup>

Spanish and neophytes from missions brought Yokuts and interior tribes the horse culture. Soon after Spanish colonization began, Native peoples started "stealing" mission livestock. They constantly raided the coast from the early 1810s through the 1840s in association with other Indians and non-Indian adventures. As early as 1815, an expedition

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<sup>145</sup> Cook, "The Aboriginal Population of the San Joaquin Valley," 31-80; "Smallpox in Spanish and Mexican California, 1770-1845," *Bulletin of the History of Medicine*, Vol.7, No. 2 (1939), 153-91.

<sup>146</sup> Sherburne Cook, "The Epidemic of 1830-1833 in California and Oregon," *University of California Publications in American Archaeology and Ethnology*, Vol.43 (1962), 303-8.

<sup>147</sup> Cook, "Colonial Expeditions to the Interior of California," 259.

<sup>148</sup> Ibid.

to the Kings River encountered more than 500 dead horses and cattle in Yokuts camps. By the second and third decades of the nineteenth century the Yokuts were conducting raids on ranchos and missions a good distance away.<sup>149</sup> These raids became a reason to prevent the settlers from entering the central Valley.<sup>150</sup> By 1819 the Yokuts had learned to breed their own livestock and had incorporated cattle into the traditional array of goods at inter-group trade fairs held on the lakeshore of Tulare Lake.<sup>151</sup> Past experience later served the Yokuts well in their dealings with Anglo settlers when they gained a reputation as excellent horse breakers.<sup>152</sup>

However, the resistance was not the only reasons for horse raiding. Yokuts needed Spaniards' horses because they utilized them for their subsistence. When Spaniards intruded to the California Interior, they disrupted the natural system and Native communities, motivated by their economic activities. As result, Yokuts faced difficulties of hunting and gathering, their main subsistence. Raiding horses was a legitimate response of food deprivation.

The consumption of horse meat was perhaps one of the more significant new practices introduced to the Yokuts by apostate neophytes. The needs for horseflesh for their subsistence among interior Yokuts groups gave rise to a riding complex in which they conducted countless forays against the mission and rancho herds.<sup>153</sup> Many of these raids, which occurred as early as 1783 into the Santa Clara Valley region, were organized

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<sup>149</sup> Cook, "Colonial Expeditions to the Interior California," 289.

<sup>150</sup> Edwin Bryant, *What I Saw in California: Being the Journal of a Tour in the Years, 1846-1847* (Minneapolis: Ross and Haines, 1967), 371.

<sup>151</sup> W.P.V. Smith, *The Development of the San Joaquin Valley, 1772-1882*, Ph.D diss., University of California, Berkeley, 1932, 19.

<sup>152</sup> Frank F. Latta, *Uncle Jeff's Story: A Tale of a San Joaquin Valley Pioneer and His Life with the Yokuts Indians* (Tulare: Tulare Times, 1929), 42.

<sup>153</sup> Gayton, "Yokuts and Western Mono Ethnology," 183-84; Hurtado, *Indian Survival on the California Frontier*, 34.

and led by fugitive neophytes and were so successful that the Yokuts became known as “horsethief” Indians.<sup>154</sup>

Also as the number of Spanish horses increased among the Yokuts, they sold the animals to other Indian groups of the central and eastern Sierra Nevada region, such as the Sierra Miwok and the Owens Valley Paiutes. In 1819, Father Mariano Payers stated that most valley Indians rode horses and some held horse fairs where they traded stolen stock.<sup>155</sup> The horse raiding activities of Yokuts as well as neighboring Miwok had bothered the Spanish and Mexican settlements of Alta California. Horse raiding resulted in developing Yokuts’ horse culture. Not only did they acquiring horses, but also they were breeding and trading. Horse raiding also became one important way for Yokuts’ transportation.

Concern also focused on Native Californians whom the Spanish thought as just “savages.” Besides trying to convert the Yokuts, they sometimes applied brute force to prevent the “heathens” from further tormenting the mission padres. In 1819 a mission padre wrote, “We, therefore, implore your Honor to send out expeditions in order to recover the Christians, to scour the Tulare country and to make those unruly savages feel the strength of Spanish arms”<sup>156</sup> This meant the policy changed by the missions from the Christianization of the Yokuts to the destruction of Yokut society. The Spanish encouraged the coastal Indians to raid the basin, and soon the Spanish made regular retaliatory forays against the Yokuts. As a result of this policy change, several Yokuts villages, including Budal and Telamne, were completely destroyed.<sup>157</sup>

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<sup>154</sup> Heizer, *Handbook of North American Indians*, 460.

<sup>155</sup> Preston, *Vanishing Landscapes*, 53.

<sup>156</sup> Engelhardt, *The Missions and Missionaries*, 19.

<sup>157</sup> Cook, “Colonial Expeditions to the Interior California,” 280.

A quarter of a century slipped by before there was renewed white interest in the Central California. From 1769 until 1804, 18 missions were established along coastal California as well as 4 presidios and 3 pueblos. England and France were interested in the Pacific area but Russia was the most formidable opponent, and Russian advances down the Pacific intensified. By 1874 Kodiak was a busy trading post. The Russians established Sitka in 1799 and Fort Ross in northern California in 1812. Aleuts and Russians hunted sea otters in the San Francisco Bay before 1815.<sup>158</sup>

The various kinds of Spanish intrusions into the California interior had great impact of Yokuts culture and social life, including economic and demographic changes. Bead trading with missionaries changed their material culture. Through the trading, European materials flowed to the Yokuts communities.<sup>159</sup> Runaways from the coastal missions into Yokut land as well as the central interior brought the mission culture, and enlarged interior populations. With intermarriage of Indian women with Spaniards, Spanish husbands took Native wives to Spanish settlements along the coastal area, and introduced Native American cultures to the Spaniards.<sup>160</sup> Furthermore, the mission became the place for California Indians to not only interact with persons from different cultural backgrounds, but mission neophytes from coastal tribes introduced unfamiliar native practices to other tribes.<sup>161</sup> The runaway neophytes also introduced Spaniards horses, weapons, and military tactics to the unconverted interior tribes. All of these interaction gradually changed the Yokuts material and social culture.

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<sup>158</sup> Anne Michelle, *A Modern History Tulare County: General Collection History*(Limited Editions of Visalia Inc., 1974).

<sup>159</sup> Arkush, "Yokuts Trade Networks and Native Culture," 625-631.

<sup>160</sup> Costo and Costo, *The Missions of California*, 29-47.

<sup>161</sup> Jack Holterman, "The Revolt of Estanislano," *The Indian Historian*, Vol. 3, No. 1 (1970), 43-4.



### **Mexican Era, 1821-1848**

In 1821, the successful Mexican Independence from Spain changed the institution that governed the relations between Hispanic and Indian people. The 1824 Mexican constitution recognized Indians as Mexican citizens and two years later, Governor Jose Maria Echeandis, received instructions from the central government to secularize the missions and grant lands to the Indians. Mexico cautiously began to emancipate neophytes from mission authority.<sup>162</sup>

As Mexico secularized the missions, the Franciscans' resistance against secularization and the political turmoil it caused forestalled secularization until 1833; when Governor Jose Figueroa proposed a plan for congregating former neophytes in native owned towns on former mission lands. For Indians, secularization meant that they were no longer compelled to remain in the mission sites. Under secularization between 1834 and 1836, about a half of the mission lands were to be reserved for those Indians who wished to remain at the missions. Each family head or adult male over twenty years of age was to receive thirty-three acres of land. And the remaining of the land was to become public domain. However, few Indians were able to retain their property. Instead, the Mexican government granted most of the former mission lands as well as other tracts along the coast and in the valleys of California to private citizens. Half of the livestock, equipment, and seeds of each mission were to be divided among the neophytes. Remaining animals and other property would come under the jurisdiction of civil administrators.<sup>163</sup>

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<sup>162</sup> For California Indians under the Mexican Era, George Harwood Phillips, *Indians and Intruders in Central California, 1849-1852*.

<sup>163</sup> *Ibid.*, 95.

One new aspect of Mexican California was a growing Mexican population of so-called Nuevomexicano coming into the California after the Mexican independence. They maintained contract with the neighboring Indian villages for trade goods and security. It was ironic that one of the goods was horses which interior Indians used to raid the coastal missions. The Mexicans traded these horses with wooden serapes and blankets which they realized were highly prized among the Indians. Thus, Nuevomexicanos established an economic bond between themselves and the interior Indians.<sup>164</sup>

Because of the secularization, the mission neophytes had a few choices. First they were to remain at the missions to acquire the lands the law promised them. However, a few Indians could not acquire deeds to the land, and most of the land went to Mexicans who labeled their new private estates as Ranchos. The other option for neophytes was to work for Mexican rancheros and other Californios as agricultural laborers.<sup>165</sup>

This Mexican regime also witnessed the highest level of native fighting and resistance against Euroamericans.<sup>166</sup> In the interior California, Indians' resistance and raids toward the new comers increased. Stock raiding became popular after secularization even though it declined after 1833 because of spreading disease. Bryant, an early American settler of the Santa Clara Valley, estimated that between the years 1825 and 1845, more than 100,000 horses had been stolen from the region between Monterey and San Francisco alone. As increasing numbers of immigrants, most of them from the U.S., arrived in California during the 1830s and 1840s, and they experienced Indian raids. While in the "War Zone" from Sonoma and San Diego, the military resistance from

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<sup>164</sup> Ibid, 58-61.

<sup>165</sup> Ibid., See Hurtado, "Controlling California's Indian Labor Force: Federal Administration of California Indian Affairs during the Mexican War," *Southern California Quarterly*, Vol. 61 (1979), 230-231; Servin, "The Secularization of the California Missions: A Reappraisal," 133-49.

<sup>166</sup> Forbes, *Native American in California and Nevada*, 54.

Indian tribes was constant. The people in the San Joaquin Valley provided the places for the neophytes to escape from the coast.<sup>167</sup> These neophytes also vigorously attacked the missions and attempted to stir up the revolt. The Mexican government sent the military forces to settle Indian expeditions and raiding.<sup>168</sup>

Also, as American migration from the east increased from late 1830s, they settled in California. A good example was the Sutter's Fort in New Helvetia. John Sutter, a Swiss, established a rancho, New Helvetia, at the juncture of the Sacramento and American Rivers which was the densely populated area of the Nisenan and Miwok. He usually gave presents to the neighboring Indians and had friendly relationship with chiefs. Then he succeeded in recruiting native laborers on his ranch. The other examples of American land developers are William Gulnac and Charles Weber who acquired land near the Stanislaus and San Joaquin Rivers. To ensure the security of their rancho, Weber met with Jose Jesus, chief of the Siakumne (Yokuts) and a neophyte from Mission Santa Clara who resided up the Stanislaus. Weber was accepted by the chiefs and permitted to use the Indians as laborers on his ranchos. Thus, it is apparent that the Nuevomexicanos and later, the American newcomers tried to have friendly relationship with the neighboring chiefs for their purposes, mainly labor. This was the very efficient way to settle California in 1830s and 1840s since the Indians in the interior still had strong military forces. While the Tulare Lake Basin was still never dominated by the Spanish and their Mexican successors, Central California became popular for the newcomers. In

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<sup>167</sup> Ibid. 57.

<sup>168</sup> Ibid. 60.

this area, the Native population already started to dwindle before the American colonization in the 1850s.<sup>169</sup>

After 80 years of Spanish and Mexican invasion into central California, the intruders' culture, including horse riding and Christianity, gradually penetrated into the Yokuts communities. Throughout the Spanish and Mexican Era, Yokuts culture, as well as those of other tribes of the interior, became more mexicanized. Also, in 1844, John C. Fremont passed through the southern San Joaquin Valley, meeting several "Dark Skinned, but handsome and intelligent Indians." He learned that "The Indians of the sierra make frequent decents (descents) upon the settlements, which they keep constantly swept of horses; among them are many who are called Christian Indians, being refugees from Spanish missions. Several of these incursions occurred while we were at (Sacramento)."<sup>170</sup> Fremont also reported about the Indians who he met at the Tehachapi Pass above the San Joaquin Valley. He said that they were "well dressed, with long spurs, and a sombrero, and speaking Spanish fluently... and Indian face, Spanish costume, jingling spurs, and horse equipped after the Spanish manner... he had obtained from the priests leave to spend a few days with his relatives in the Sierra."<sup>171</sup> From his testimonies, natives in the San Joaquin Valley, mainly Yokuts, were both angry and friendly in communication with the coast, and they were becoming partially mexicanized through this process.<sup>172</sup>

In the towns in California, they tended to fall under the influence of the vices of Mexican secular culture and political turmoil, including alcoholism, excessive gambling,

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<sup>169</sup> Cook, *The Conflict between the California Indian and White Civilization*, 4-5.

<sup>170</sup> Jack, *Native American in California and Nevada*, 60.

<sup>171</sup> *Ibid.* 61.

<sup>172</sup> *Ibid.*

and sexual promiscuity; and in the central valley, the land exploitation for new comer Mexicans led to more resistance by Indians, including former neophytes who had earlier run away from the former coastal missions.<sup>173</sup> While Indian raiders increased, the disease, mal-attitudes and fights among Indian villages intensified. In fact, the situation apparently was out of control in the Central California under the Mexican government.

From 1846 to 1849, with the political confusion during and immediately after the Mexican War, federal military authorities took charge of Indian policy of dealing with the indigenous peoples. The Mexican as well as the Spanish authorities did not construct a secular system to control Indian life, but generally recognized their self-rule basically.

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<sup>173</sup> Cook, *Conflict between California Indians*, 182.

### Chapter 3 Manifest Destiny and Anglo-American Invasion, 1844-1850

#### The Growing of Anglo-American Population

Unlike the Indians of the Northwest Coast, most natives of the warmer California coast region did not develop extensive techniques for hunting otter. Therefore, the Americans and other Europeans, including those such as from Russia, England, and Spain did not establish any extensive trade with the California natives or use them as hunters.<sup>174</sup> As early as 1780, California Indians had first brought otter pelts to the Spanish missionaries or soldiers for trade. Likewise, by 1800, American traders had slowly initiated illegal trade under the Spanish mercantile restrictions. Throughout the Spanish period, however, such illegal contact remained limited. After 1821, when Spanish mercantile prohibitions had been removed under the Mexican governance, Catholic padres and Mexican officials released neophytes to hunt sea otters.<sup>175</sup> Soon after, merchants from the east, such as Boston and New York, secured pelts from California.

Concerning California Indians, an earlier group of white Americans entered Yokuts' land in search of furs.<sup>176</sup> However, most trappers had only a passing interest in central California. They found a region already "severely disrupted and a sparsely peopled domain of sick, hungry, and sullen "Diggers" who preyed upon stray cattle." These trappers assumed that there was not much in interior California for them to exploit, and for early intruders, Yokuts remained unknown.<sup>177</sup>

Thus, California was considered a minor back country and unexploited place for most Anglo-Americans before 1840s. It was under the presidency of James K. Polk that

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<sup>174</sup> Rawls, *Indians of California*, 44.

<sup>175</sup> Ibid. 45.

<sup>176</sup> Wallace P.V. Smith, *Garden of the Sun: A history of the San Joaquin Valley, 1772-1939* (Fresno: California History Books, 1939, reprinted 1976), 185.

<sup>177</sup> Ibid.

the U.S., following territorial expansionism under the slogan of the Manifest destiny, began to enlarge its territory in California. Besides Texas and Oregon, the U.S. sought Mexican California, which led the US and Mexico into war in 1846. The war ended in 1848 with the Guadalupe-Hidalgo Treaty in which the U.S. claimed Mexican territory north of the Rio Grande River, including Texas New Mexico, and California, in exchange for \$15,000,000.<sup>178</sup>

The course of territorial expansion toward California by immigrants began in the 1840s. The first mass movement was to Oregon in the early 1840s, which took place along the overland route to the Willamette Valley in Oregon. This movement repeated itself by 1848 when more than fourteen thousand immigrants had reached the Pacific coast area through the same route called the Oregon Trail.<sup>179</sup> Some emigrants turned south from Fort Hall, Idaho, and moved to California instead of settling down in Oregon. In 1849, the Gold Rush had started and miners calling themselves “Forty-Niners” rushed into California.<sup>180</sup> Further south, the Santa Fe Trail had been already laid out in 1822 and became a major passageway to the southwest and California.<sup>181</sup> Through these Euroamerican movements in 1840s, the immigrants cut directly through the land of Native Americans in California’s interior.

### **Gold Rush and Early Federal Indian Policy in California, 1848-1850**

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<sup>178</sup> Phillips, *Indians and Intruders*, 65-82; Robert F. Heizer and Alan f. Almquist, *The Other Californians: Prejudice and discrimination under Spain, Mexico, and the United States to 1920* (Berkeley, Los Angeles, and London: University of California Press, 1971), 92-119; This treaty, which resolved the issues of the Mexican War, was signed at Guadalupe Hidalgo on March 10, 1848. It was ratified by the president of the United States, James K. Polk, on March 16, 1848. The treaty was officially proclaimed by President Polk on July 4, 1848.

<sup>179</sup> Francis P. Prucha, *The Great Father: The United States Government and The American Indians* (Lincoln and London: University of Nebraska Press: 1984) 339-40.

<sup>180</sup> For Gold Rush and California Indians, Clifford E. Trafzer, *California's Indians and the Gold Rush* (Newcastle, California: Sierra Oak Publishing Company, 1989).

<sup>181</sup> Ibid.

The Gold rush had a serious impact on the destiny of the California Indians, especially those in the interior. White Americans “discovered” gold at Sutter’s sawmill at Coloma on January 24th, 1848. The horde of gold miners descended on the Sierra Nevadas, an area largely untouched by the earlier Spaniards or Mexicans. The early phase of the Gold Rush was localized in the central Sierra foothills, where thousands of Anglo-Americans, Mexicans, and others poured into California.

During the early days of the gold rush, direct conflicts between tribes and emigrants were few. Some testimonies show that their relations were relatively peaceful. The influence of the new immigrants remained relatively small in the California interior, and the interference with the Yokuts remained minor. As some immigrants testified Indians offered vital assistance to these new comers. In 1970s, Jose Vera, a Tachi (Yokuts) of Tule River Indian Reservation, heard a story from his grand mother about her experience with white immigrants who traveled across the Tachi territory. His grandmother saw the white people in “big wagons going north to Sacramento” for gold. According to her, Jose testified, when the water in Tule River was too high to cross, the Indians helped the whites to across the river.<sup>182</sup>

Also white ranchers hired Indians to find and mine for gold, first in the northern California, such as Sacramento and Placerville. Later, gold was found even in the Yokuts residential area. White ranchers, Charles M. Weber was one of the ranchers who contracted with Indians in Placerville. Weber soon decided to move south to find more gold rich lands. In his study about the California gold rush and Indians, Clifford Trazer, mentions,

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<sup>182</sup> Interview with Jose Vera by Ina Stiner, Tule River History project,  
[http://www.tulriver.org/familiers\\_future/interview/](http://www.tulriver.org/familiers_future/interview/)



In the summer of 1848, Weber made a contract with Jose Jesus, a headman of the northern branch of the Valley Yokuts Indians. Under the terms of the agreement, the Yokuts worked for meat, beans, sugar, coffee, clothing, and other supplies. Some of the Indians traveled to Placerville to learn how to pan for gold. Other Yokuts rode to the foothills farther south in present-day Calaveras and Stanislaus Counties. Soon after arriving, the Yokuts Indian found gold on Wood's Creek and Carson's Creek. This began a new gold rush to what became known as the Southern Mines. The gold in this area was so rich that Weber soon moved his entire enterprise from Placerville to the Southern Mines.<sup>183</sup>

While there were few indications concerning the Indians' role in gold mining, many Indians in California engaged in mining and worked for whites on rancherias. (Figure 5)

With the increase in the non-Indian population that entered into Indian lands, conflicts started and were inevitable. The immigrants created their own society which enabled them to live without Indian support. Soon the cultural differences, food, and water resources were all the reasons non-Indian miners needed to attack Indians in the densely populated north.<sup>184</sup> The situation prevailed also in the southern mines. No longer was it possible to keep moving the tribesmen vaguely to the west especially the Yokuts and Miwok, whom had vast autonomy over their land base. New settlers, then, forced the Yokuts and other Interior natives to seek new homes and hunting grounds. Then, with the population growth of Anglos and the victory of the Mexican War, Congress finally decided to make California the 31st State of the Union on September 9, 1950. Any

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<sup>183</sup> Trafzer, *California Indians and Gold Rush*, 8, 11. Clifford indicates there were 3,000 Indians working in the mines in August 1848 or 4,000 Indians worked the gold placers in California with 2,000 whites by December 1848. An officer of US army observed that over half of the miners in California were Indians, most of whom working for mining companies run by white ranchers and other were set out on their own to stake a claim.

<sup>184</sup> Ibid. the population of California in the census of 1850 was ninety three thousand, that of Oregon Territory was thirteen thousand and that of Utah Territory was eleven thousand the population growth in the Oregon started since 1841 as in the era of "Oregon Fever."

American pledges made in the Treaty of Guadalupe Hidalgo were worthless in the face of the avalanche of white settlers.<sup>185</sup>

After U.S. troops seized Mexican California in 1847 during Mexican War, it was the U.S. military who first sought to establish some sort of official relations with Indians and to prevent as much as possible the raids and counterraid between Indians and whites.<sup>186</sup> With California becoming an official U.S. territory, the Department of War took charge of Indian affairs with respect to the California Indians.<sup>187</sup> From 1846 to 1949, Secretary of War, William L. Marcy appointed General Kearny, and his successor, Colonel Richard B. Mason, to take charge of California Indian affairs, and all new comers, ranchers and other land owners had “to conciliate the inhabitants, and render them friendly to the United States.”<sup>188</sup>

During first three years after the Guadalupe Hidalgo treaty, the federal Indian policy in California was in a state of confusion. It was also in March 1849 that the Office of Indian Affairs (today’s Bureau of Indian Affairs, BIA) moved from the War Department to the new Department of the Interior. Under President Zachary Taylor, but kept the system of Indian subagents that General Kearny had inaugurated. Thomas Ewing, President Taylor’s new interior secretary, reappointed Captain Sutter as subagent for the territory embraced by the Sacramento River and its tributaries, and named subagent Adam Johnson for the territory along the San Joaquin River. There were no new

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<sup>185</sup> Heizer and Almquist, *The Other Californians*, 92-119.

<sup>186</sup> In 1847, Kearny appointed three subagents, John Sutter for Indians on the Sacramento River, Mariano G. Vallejo for those on the north side of San Francisco Bay, and J.D. Hunter for those at San Joaquin Valley, William Henry Ellison, “Federal Indian Policy in California, 1846-1860,” *Mississippi Valley Historical Review*, Vol. 9, No.1 (1922), 42; Documents on the appointment of, instructions to and reports from the subagents can be found in two similar printings of government documents on the occupation of California; Senate Executive Document no. 18, 31-1, serial 557, and house Executive Document No 17, 31-1, serial 537.

<sup>187</sup> Hurtado, “Controlling California’s Indian Labor Force,” 218.

<sup>188</sup> Ibid. 221, Under the Kearny’s administration, John A. Shutter was appointed as the first federal Indian sub-agent in California, describing his territorial limits as the “Sacramento and San Joaquin Rivers.”

instructions for the subagents during the first half of 1849, and none seemed necessary because California was still under military rule.<sup>189</sup> The major Indian policy arguments focused on the political, legal and social status of Indian tribes and how to regulate white populations' intrusion into Indian land. United States trade and intercourse laws, which were enacted to regulate Indian affairs in the rest of the United States, did not apply to California until 1849, or one year after the former Mexican territory was formally transferred to the U.S. as its possession.

The Guadalupe-Hidalgo treaty guaranteed California Indians the right to retain their Mexican citizenship or to become United States citizens. Because Indians were citizens under the Mexican Constitution, California Indians theoretically could retain their old rights accordingly to the treaty and acquire the right to apply for United States citizenship. They were incorporated into the United States and could admittedly enjoy all the rights as citizens of the United States according to the U.S. Constitution. Theoretically, they were to be and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.<sup>190</sup>

The status of California Indians as U.S. citizens became an excuse for the federal government to withdraw its responsibility toward these Native Americans. The U.S. Congress abandoned its duty to extend to California's Native Americans the principal of

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<sup>189</sup> George Crawford to Bennrt Riley, Aug 24, 1849, and Bennet Riley to R. Jones, Aug. 30, 1849, *Annual Report of the Commissioner of Indian Affairs*, 1849; James Savage was the best known employers of Indians in the southern district. He had arrived at California from Illinois in 1864 and joined the California Battalion. After mustering out of service, he worked for Sutter at New Helvetia, where he gained experience with native labor. Hurtado, *Indian Survival on the California Frontier*, 112.

<sup>190</sup> Ibid.

federal recognition embodied in the Indian Ordinance of 1876, the Trade and Intercourse Acts of 1808 and 1832, and the Northwest Ordinance of 1787.<sup>191</sup>

California local leaders applauded the exclusion of California Indian from federal Indian policy. They tried to take advantage of the federal ignorance of California Indians by shaping and adopting the state's own Indian policy. Just before California's statehood in 1849, the state constitutional convention met from September 1 to October 13 in Monterey for the purpose of writing a new constitution to be submitted for Congressional approval as a necessary prerequisite for admitting California as a state.<sup>192</sup> Forty-eight delegates who were elected from the several districts attended the convention. The Monterey convention was the first state legislature to set the direction for California Indian's policy. Delegates to California's Constitutional convention in Monterey first established a firm legal course for the state's Indian policy.

Under the Treaty of Guadalupe Hidalgo in 1848, which followed the Mexican War and where title to California was transferred to the government of the United States, those Mexican citizens who within a year did not elect to retain their original allegiance to Mexico automatically acquired "the title and rights of citizens of the United States."<sup>193</sup> Indians in California were not specified in the treaty as eligible for American citizenship, but since they were Mexican citizens, there was no apparent reason to mention them separately as entitled to acquire American citizenship. However, the delegates of

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<sup>191</sup> Preston, *Vanishing Landscapes*, For California Indian Policy in 1850s and 1860, Heizer and Almquist, *The Other Californians*, 46-51.

<sup>192</sup> The debate of California statehood accompanied with the anxiety of both the Northern and Southern states over the balance of power in the slavery issues. California was admitted as Free State but it left the choice of slavery open in the remainder of the Mexican territory. *Ibid.*, 93-4.

<sup>193</sup> *Ibid.* 96.

Monterey convention illegally denied the citizenship and voting rights of the Indians in California.

In September 1850, California became a state in the U.S. with the California State Constitution created in the Monterey convention. However, the situation of the Indians did not dramatically change. The inadequacy of federal Indian policy was made clear by critics like Sylvester Woodbridge, pastor of the Presbyterian Church in Benicia, who informed President Taylor that the miners were ruthlessly driving the Indians high into the Sierras, where there was not enough food. Starvation forced them to steal immigrant stock, and whites then retaliated by killing Indian men, women, and children in “cold blood.”<sup>194</sup>

Before California’s statehood, Congress had already renewed its interest in this new U.S. territory around 1848. Still largely unexplored, this area had more than a million square miles of mountains, deserts, lakes, and rivers. They logically grouped the Indians roughly into two categories. One was the mission Indians who had come under the influence of Franciscan friars in the mission establishments that dotted the coast. The other was “wild Indians” who had little or no contact with whites. The second category included most of Indians in the interior population in San Joaquin Valley, such as Yokuts. Estimates of these two groups vary; a total of one hundred thousand at the time of American occupation may be a reasonable figure.<sup>195</sup>

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<sup>194</sup> Hurtado, *Indian Survival on the California Frontier*, 127-8.

<sup>195</sup> Ellison, “Federal Indian Policy in California,” 40. Ellison suggests “at least 100,000 or perhaps 125,000” based on his figure on contemporary reports and the estimates of ethnographers. A similar conclusion of about 100,000” is in Robert F. Heizer, “Treaties” in *Handbook of North American Indians*, 701. For the population of the California Indians was Cook, *Conflict between the California Indians and White Civilization*. Cook estimate that there were 20,000 people living in California plus several times of the population of Indians. Cook, *Conflict between the California Indians and White Civilization*, 21.

In April 1849, President Zachary Taylor appointed Thomas Bulter King and later, William Carey Jones, as field agents to report on California Indian land title and its legal basis to Congress. This Presidential act set the early stage for federal Indian policy in California and the following treaty making with California Indian tribes in 1851 and 1852.<sup>196</sup> King's report suggested the impossibility of forming an accurate estimate of the number of Indians in the territory. He noted that "the whole race seems to be rapidly disappearing." He greatly disparaged the Indians, who seemed to him "to be almost the lowest grade of human beings." "Without the slightest inclination to cultivate the land, they have never pretended to hold any interest in the soil," he asserted, "nor have they been treated by the Spanish or Anglo-American immigrants as possessing any." King, therefore, emphasized that the Mexican government had never purchased any land from the Indians or otherwise extinguished their claims.<sup>197</sup>

Jones declared that it was a principle of Spanish colonial laws that the Indians "shall have a right to as much land as they need for their habitation, for tillage, and for pasturage." However, he did not believe in a continuation of these principles since he thought there were no more Indians. "A proper regard for long recognized rights, and a proper sympathy for an unfortunate and unhappy race," he said, "should be abrogate, unless for a better." As for the so-called "wild or wandering tribes," the Spanish recognized no land title, Jones concluded.<sup>198</sup> The report by the two agents stated that under the existing situation, the California Indians never pretended to hold any interest in the land in California and the Spanish and Mexican law does not recognize any title

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<sup>196</sup> James J. Rawls, *Indians of California: The Changing Image*, 150, 190.

<sup>197</sup> Thomas Butler King, *California: Report of Hon. T. Butler King* (Washington: Fideon and Company, 1850), 3-4.

<sup>198</sup> William Carey Jones, *Report on the subject of Land Titles in California: Made in Pursuance of Instructions from the Secretary of State and the Secretary of the Interior* (Washington: Gideon and Company, 1850), 36-37.

whatever, especially for the “wandering tribes” (other tribes than mission Indians), such as Yokuts.<sup>199</sup>

But not all of California’s representatives followed Jone’s interpretation. Jone’s report on Indian title was denied by some senators, including Thomas Hart Benton, the father-in-law of federal Indian policy. Benton condemned the land cession system in California and strongly suggested that, based on the understanding that Indians were supposed to have no right on lands, the U.S. Congress was under no obligation to deal with the Indian title before allowing settlers to take up claims. He further claimed that the Congress had assumed that the Indians had a right to occupy any lands they actually used. Their rights were not the fee-simple title allowed under Anglo-Saxon law as long as the Indians occupied the land, but the title vanished when they left.<sup>200</sup>

When the California’s new senators, John C. Fremont and William M. Gwin, took their seats in the Capitol in September 1850, the federal government started to organize its policy to settle the land disputes between Indians and white immigrants.<sup>201</sup> The owner of the huge Mariposa Grant, and having sympathy with California Indians, Fremont presented “A Bill to preserve peace with the Indian tribes in California by extinguishing their territorial claims in the gold mines districts.”<sup>202</sup> A second section of this bill would appropriate \$100,000 to pay expenses of the treaty negotiations. Fremont’s bill was also supported by the Chairman of the Committee on Indian affairs under Senator David R. Atchison of Missouri. Contrary to the U.S. practice of moving Indians away from the

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<sup>199</sup> King, *California: Report of Hon. T. Butler King on California*, 17; Jones, *Report on the Subject of Land Titles in California*, 35-37.

<sup>200</sup> Ibid.

<sup>201</sup> Phillips, *Indians and Indian Agents*, 11.

<sup>202</sup> The bill was made followed by the similar Oregon law approved by Congress and the President a few months earlier. Congress, Senate, *Congressional Globe*, 31 st.Cong., 1<sup>st</sup> sess, Sep 27, 1850, 2045-2046; Ellison, “Memories of Hon. William Gwin,” *California Historical Society Quarterly*, Vol. 14 (March, 1940), 19.

populated areas, Fremont said, the Spanish government kept them “among their civilized neighbors, having always in view the leading object of converting them to the Christian religion.” Standing on the senate floor with a Spanish law book in his hand, Fremont cited various royal decrees to show that Spain recognized a stronger Indian land title than that customarily recognized by the United States.<sup>203</sup>

However these voices were not dominant within the US Congress. For example, the other senator of California, William M. Gwin, an old hand at Indian claims, insisted that the California population had “clear impression” that the California Indians had no title under the Mexican law. Gwin and his supporters also tried to weaken the authority of Fremont bill by changing the job title of the “treaty commissioners” for the treaty making just to the “Indian agent.” By doing so, he tried to emphasize the limitation of the agent’s mission.<sup>204</sup> It is clear that Congress accepted the Gwin testimony. After being referred to the committee on Senate Indian Affairs, a bill emerged a few days later with everything changed but the title. The new version made no mention of the land claims, and an appropriation was excluded altogether from the authorization bill. There was considerable feeling in Congress that California Indians had no right on the land, therefore no treaty was needed for them.<sup>205</sup> Finally, the Fremont’s bill was approved on September 28 by the Committee on Indian Affairs, but the final title implied the change of the original bill under the title of “An Act to authorize the appointment of Indian

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<sup>203</sup> Ibid.

<sup>204</sup> Congress, Senate, *Congressional Globe*, 31, Cong., 1 sess. pt 1 and 2, Sep. 10, 1850, 1783; Sep. 14, 1850, 1816; Sep. 28, 1850, 2016, 2023.

<sup>205</sup> Kelesy, “California Indian Treaty Myth,” *Southern California Quarterly*, Vol. 55, No.3 (1973), 228-29.



Agents in California.”<sup>206</sup> The act set the start of federal-California Indians relationship through treaty making.

### **Yokuts in early U.S. Era**

When Yokuts confronted the increased population of settlers and traders from the east, they had several choices. First, some sought survival on rancheros owned by Mexicans or, later, Anglo-Americans. After the secularization of the Missions in 1834, most of the Indian neophytes remained on former mission lands, but the land status had changed to private ownership under both Mexican and new comer Anglo-American government. In 1843, John A. Sutter, a Swiss adventurer, had already built “Sutter Fort” in New Helvetia (Sacramento) which was later at the end place of the California Trail and the central place of development in the area.<sup>207</sup> The Indians changed from the “brutal savage” and “miserable remnant,” in the mind of the Euroamericans, to a potentially and valuable labor force in the mill and forts owned and run by new immigrants.<sup>208</sup>

Second, Yokuts, especially mission neophytes, could retreat to the interior of California (Central Valley) where relatively huge areas still remained in Indians hands. This region was the area with little missionary influence. Yoktus remained relatively untouched even in the early Anglo-American era, and they maintained political and social organization in each village, long after the Mexican War. The large number of Yokut population, as Kroeber mentioned in his California Indians’ population analysis, was the hope for the Indian population.<sup>209</sup>

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<sup>206</sup> Phillips, *Indians and Indian Agents*, 12.

<sup>207</sup> About the Sutter’s Fort and Indian Labor, Hurtado, *Indian Survival on California Frontier*, 55-71.

<sup>208</sup> Hurtado, “Controlling California’s Indian Labor Force.” 217-38.

<sup>209</sup> Ibid.

However, Indian reactions toward the American newcomers were different among North, South and Interior California. Indian and white violence during the gold rush era erupted everywhere; however, it was not evenly distributed in intensity. Northwestern and southern Indians, both of which had Indian majorities, and relatively had challenged intruders, reacted differently. For example, Miwok and Yokuts raiders made whites wary in the southern district. They had a long history with whites, through missionization, resistance, as well as friendship. They made adjustments to whites on their own way. Well traveled through raiding and trading, they could readily grasp the significance of the gold rush and the changes that came with it. Now they could do well with miners, and so most of them opted for peaceful accommodation with whites. In the interior, especially in the Yokuts lands, the resistance was rare as compared to the north.

For instance, northern Indians did not have the same experience as did the Yokuts. They maintained an unchallenged control over their own country until the gold rush, when the invasion of white gold seekers forced them from their lands and impoverished them. Not recognizing that the rules of the situation had irrevocably changed, the northern Indians tried to uphold their own standards of justice and fight against the intruders. As in the case of the Karok, and they were met with white aggression that led to brutal acts of retaliation. During the 1850s the north became California's dark and bloody ground of the Indian wars.<sup>210</sup>

The gold rush essentially and forever altered the fundamental bases of Indian-white relations in California even though the Indians in central California experienced a greater impact from the gold rush than the Indians in the other areas in California. Before the

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<sup>210</sup> Hurtado, *Indian Survival on the California Frontier*, 123: nearly 20,000 natives found their way to live by mining works in 1852.

gold discovery, California Natives had outnumbered whites by nearly ten to one. Their numerical preponderance enabled some native people, principally those in the northwest, to discourage white settlement and remain more or less autonomous for a time. Indians could choose among several accommodation and resistance options to survive as best they could. The gold rush changed this picture dramatically. By the early 1850s whites outnumbered California Natives by perhaps two to one. From that time forward the white population steadily rose while the Indian population precipitously declined through wars, starvation and diseases, reaching by 1880 approximately 20,500, about 20 percent of the 1848 population. In the other situations, the Anglo-American invasion reduced the surviving native population, numbering about 150,000 in 1848, to about 50,000 in 1856 to 30,000 in 1870.<sup>211</sup>

### **Indian Labor**

California Natives' labor has a long history in California since the Spanish era. A census shows a high mortality rate of both male and female outside of their home land. Sherburne F. Cook analyzed, Native males, who were relocated to the missions and white rancherias were killed by hard labor while females died from epidemic diseases, especially syphilis. Diseases spread drastically in the missions sites where the population was relatively dense because of frequent contacts between Indians and non-Indians, and the infected and non-infected. Poor sanitation also worsened the situation. Similar social conditions were present at New Helvetia and other white owned rancherias.<sup>212</sup> As a

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<sup>211</sup> Sherburne F. Cook, *The Conflict Between the California Indian and White Civilization*, 4; *The population of the California Indians, 1769-1970* (Berkeley: University of California Press, 1976), 43,44,59,65.

<sup>212</sup> Accounts of epidemics and their effects on Indian communities during the 1830s and 1840s, see Sherburne F. Cook, "The Epidemic of 1830-1833 in California and Oregon," and Mark Thomas Connelly, *The Progressive Response to*

general rule, Indian workers at the missions and rancherias were usually subject to opportunistic diseases.

John C. Fremont, a military captain of the federal government, report of the expedition to Oregon and north California in the years of 1843-44, described Sutter's Indian workers, who were "by the occasional exercise of well-timed authority" as converted into a peaceful and industrious people.<sup>213</sup> He maintained that Indians continue to comprise the labor force. They work cheaply, are docile and, therefore, easily controlled with corporal punishment. Many observers compared Indian labor relations in California to slavery in the South and referred to such labor as Indian serfdom and vassalage.<sup>214</sup> In early days of the Anglo-American era, these allusions served to emphasize a point: the Indian majority was not a barrier to settlement, rather native peoples' as forced laborers helped to make California's resources useful to whites.<sup>215</sup>

During the first two years of the Gold Rush, Euroamericans continued with their traditional California Indian labor arrangements in the mining districts; that is Indians worked for white employers for a pittance, sometimes as slaves. Some Indians worked the mines independently, trading the gold for their necessities of life. Often, unscrupulous white traders cheated them by charging exorbitant prices, especially those Indians who were not acquainted with white trading techniques.<sup>216</sup>

The California legislature implemented the Indian Act of 1850 to ensure total exclusion of California natives from participation in the State's political, social, and economic affairs, except for forcing Indians into the labor system of California. The law

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*Prostitution in the Progressive Era* (Chapel Hill, N.C., 1980), 66-70, 74-75, 89.

<sup>213</sup> Hurtado, *Indian Survival on the California Frontier*, 76.

<sup>214</sup> Ibid.

<sup>215</sup> Ibid.

<sup>216</sup> Ibid., 104 .

included the provision of the child indenturement which had been discussed on a long term basis. The Act allowed native children to be indentured with the consent of their parents, or if they were orphans. Boys were to be kept until they were eighteen, and girls until fifteen. White custodians were required to treat indentured Indians well and to clothe and feed them properly. However cheap salary and violence were prevalent. Also, the legislature provided the punishment of the Indian crimes, such as stock raiding and administered the fines and forced work for Indians for a particular period for the white ranchers.<sup>217</sup>

In less than two years since the discovery of gold, flocks of greedy gold seekers for the first time outnumbered the Indian population. The U.S.military became smaller, and disordered ensued as solders deserted to the gold field or until the service had been abandoned. The desertion of U.S. soldiers to the gold mines reflected the changing conditions precipitated by the gold rush which included the Indian wars and epidemic diseases, and California Statehood. Ultimately, the gold rush ushered in a thirty year period of Indian death and destruction. By 1880 there were approximately 20,500 California Indians left alive.<sup>218</sup>

Of course, the legislature of 1850 prohibited Indian testimony against white killing of Indians, raping of Indians, or enslavement of Indians in state court. Practically, Indian victims could not argue their cases against whites in court.<sup>219</sup> The legislature provided a double set of legal standards which provided protection of the law for whites at the

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<sup>217</sup> Hurtado, "Controlling California Indian Labor Forces," 230.

<sup>218</sup> Sherburne F. Cook, *The Conflict Between the California Indian and White Civilization*, 4; *The population of the California Indians, 1769-1970* (Berkeley: University of California Press, 1976), 43,44,59,65.

<sup>219</sup> For the legislation of 1850 and its amended version of 1860 for the California Indian, see Hurtado, *Indian Survival on the California Frontier*, 128-131, 147-148.

expense of Indians.<sup>220</sup> The law prohibited Indians from giving any evidence in favor of or against any white person in criminal cases or in any civil action that gave advantage to whites but not to Indians.<sup>221</sup>

### **California Indians and Social Order in Spanish, Mexican and early American Era**

Robert Heizer claimed in his *Destruction of the Indian in California* that Native American people in California, once they came into contact with the people of the imperial countries from Europe, became objects of their colonizers, experiencing depopulation, destruction, conversion, and the integration of Native into non-Native life. Prior to substantial contact, imperial countries just ignored the indigenous people in California. The main intruders changed: first from Spain, then Mexico and finally the U.S., and each country had its own way of dealing with the native people. This contact was all about colonization.

First, Native Americans in California had been the labor force under the Spanish missions system, Mexican haciendas, and Gold miners. Of course, there were some differences of their policy among non-Natives toward the indigenous people. Spanish and Mexican practiced indirect rule toward indigenous people and did not seriously interrupt their community life and tribal customs. Their main interests were not the integration of the indigenous people, but the missionization and their use as labors. It was also because the Indians outnumbered non-Natives and their political powers were sufficient enough to

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<sup>220</sup> *Statutes of California*, 1850, 1033.

<sup>221</sup> Hurtado, *Indian Survival on the California Frontier*, 129-131.

resist these colonizers. In contrast, Anglo-Americans usually broke up native communities and families and integrated them into the American labor system.<sup>222</sup>

Anglo-American images of the Indians as savages and primitives played into the Euroamerican justification to use them as laborers. This Anglo-American mindset was employed by them for their own businesses and frontier settlements, and making California Indians into second class people. The state government, of course, also used a superiority argument in which social order in California was constructed to view Indians as a lowly people fit only to be used as laborers.<sup>223</sup>

California Indian history with the Spanish, Mexican, and later American “conquests” need to be recognized as a history of a colonization project within a larger world history of imperialism. Indian history in California, therefore, is the story of Native adoption, resistance, utilization, and empowerment under the western colonization.<sup>224</sup>

California was the western-most edge of a newly created U.S. However, for more than 100 years, it had been impacted by colonization. Indians thus became the source of labor, for example. Once the gold rush began, the majority of surviving California native people became dispossessed, largely landless, and lacking the federal protection without ratified treaties. In the beginning of the U.S. period, the white population had risen from 14,000 in 1848 to 224,435 by 1852. But several reports indicate that the Indian population had decreased to 150,000 by 1848 and 50,000 by 1856. The white population had leaped to 1.2 million by 1890. By 1880 approximately 20,500 Indians survived, and by 1900 this figure had dropped to 15,377. In a fifty year period, the white population had supplanted 134,623 Indian people in California. The causes of this dramatic decline

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<sup>222</sup> Cook, *the Conflict between California Indian*, 4-5.

<sup>223</sup> Ibid.

<sup>224</sup> Ibid.

in Indian numbers include war, homicide, diseases, and famine, all which developed after the Spanish, Mexican and Anglo-American invasion.<sup>225</sup>

However, it is important to know that though we may never learn the full picture of the Native Americans' fate, the record of Native life is a fitting monument to their survival during the gold rush. Indians were victimized; but they were not merely victims. They made choices about their future based on their sense of history and their standards of justice, accommodating, working, fighting, and hunting in their own way. In short, they survived and provided the seed for today's California Indians. The Gold Rush included Indian miners, and Yokuts in the interior California learned how to deal with new intruders from their earlier experiences. Even though the population decreased and the political and social destruction happened under the intruders, Native peoples adapted as best they could to the new situation and also tried to make the best use of it.

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<sup>225</sup> Ibid. 5, The military process on Indian extermination began with the American occupation of California during the Mexican War of 1846-1848. At this time, the War Department, still housing the Bureau of Affairs, introduced to California its traditional policy of establishing military forts as its first step in dealing with the Indians.



## Chapter 4 Unratified Treaties in California, 1850-1852

On September 28, 1850, a congressional law authorized the president “to appoint, with the advice and consent of the Senate, not more than three agents for the Indian tribes within the state of California.”<sup>226</sup> The mission of the three agents was to make treaties with California Indian tribes for “Peace and Friendship with Indians.” President Millard Fillmore appointed George W. Barbour, Redick McKee and O.M. Wozencraft for this purpose, and Congress appropriated \$250,000 (later another \$250,000 was added).<sup>227</sup> Without having any guidelines for this mission, except “to make treaties for peace and friendship,” as well as to acquire information about the indigenous people of this newly incorporated state, the three agents arrived at San Francisco from Washington D.C. in December 1850. Roughly one year later, the three agents finally completed the negotiations of 18 treaties with many California tribes and set aside 11,700 square miles (7,488,000 acres) of land, or about 7.5 % of the state for new reservations. One hundred twenty-six groups participated in the treaty making process. The treaty provisions included tribal land boundaries and food supplies for at least 2 years for each group.<sup>228</sup> (Figure 6, 7)

On June 1, 1852, President Fillmore submitted the treaties to the Senate; however, after a discussion, the U.S. Senate rejected the treaties without a dissenting vote.<sup>229</sup> By

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<sup>226</sup> *Statutes at Large and Treaties of the United States of America, from December 1, 1845, to March 3, 1851*, vol. 9, 519.

<sup>227</sup> *Ibid.*

<sup>228</sup> Robert F. Heizer, *The Eighteen Unratified Treaties of 1851-1852: Between the California Indians and the United States Government* (Berkeley: Department of Anthropology, University of California, Archaeological Research Facility, Berkeley, 1972), 703-4. The treaties are also printed in Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, Vol. 4 (Washington, D.C.: Government Printing Office, 1929). Official secrecy on the treaties was lifted by the Senate on January 18, 1905. A copy of the 1905 Senate printing of the treaties is in Records of the Office of Indian Affairs, Documents Relating to the Negotiation of Ratified and Unratified Treaties with Various Indian tribes. (T 494, reel 8, frames 410-25), National Archives Records, RG 75.

<sup>229</sup> *Journal of the Executive Proceedings of the Senate* VIII, 290-94, 409-10, 417-20, 434,452.

this time, many Indian groups who negotiated such treaties had already moved from their ancestral lands, but they were not notified of the Senate's rejection of the treaties until early in the 20<sup>th</sup> century. For more than half a century, they had assumed that the treaty with the "Great Father" would protect their new boundaries.<sup>230</sup> Facing these treaty-making negotiations and the government's failure to ratify treaty provisions, the reactions of Yokut groups varied. This chapter examines how the so-called 18 unratified treaties were negotiated between federal agents and tribal delegates in 1851 and 1852, focusing on the leadership of tribal spokesmen and spokeswomen and their reaction toward the treaty making process.

### **18 Unratified Treaties and Previous Studies**

The cultural, socio-economic, and political impact of these 18 unratified treaties has been huge for Native American tribes in California. The treaties changed their cultures and lifestyles as well as their land bases. However, for the last century, scholars have not given enough attention towards the 18 unratified treaties because the unawareness of the unratified treaties show the social, political and economic conditions unique to California Indians. One reason is that because of the congressional failure to ratify these treaties, neither the status of the California tribes nor the landed boundaries of the proposed reservations had not been defined in California. The California tribes could not claim any compensation because they were not notified of the Senate's failure to ratify their treaties and what that failure meant about their legal status. The U.S. Congress

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<sup>230</sup> Adam Johnson to Luke Lea, Washington D.C., October 10, 1850, U.S. Congress, Senate, 33<sup>d</sup> Cong., sp. sess., Exec. Doc. 4, serial 688, 63-67.

and the BIA kept these unratified treaties a secret from the general public and the treaty tribes because of selfish avoiding federal responsibilities.<sup>231</sup>

Administrative ignorance of tribal social organization, or those who sent delegations to the treaty-making process, was another reason. Due to this largely forgotten event, very few know that the California Indians sued to secure some compensation for the 18 unratified treaties of 1851-52, which became possible under the California Indian Jurisdiction Act of 1929. However it did not mean the recognition of California Indian tribalism. Under the terms of this law, the U.S. did not return or recover land for California Indians. Instead it compensated them in the form of money.<sup>232</sup> They were also to be subject of the Termination Policy in the 1950s. The federal government terminated approximately forty California Indian reservations and rancherias in the 1950s and 1960s under HCR 108 and subsequent legislation. The passage of the Public Law 280 (PL 280) in 1953 which extended concurrent state jurisdiction over criminal matters on other reservations came into existence.<sup>233</sup> By all accounts, federal Indian policy with respect to California Indians disregarded the practice of tribal autonomy which had been promised in the 18 treaties.

Lastly, federal assimilation measures in the early 20<sup>th</sup> century had a visible impact on California Indians. The larger public has come to view the California Indians as “marginalized” and “California victims.” This image was also accompanied by the depopulation of the Native Americans in California. The Native population in California dropped from 150,000 at the beginning of the American period to under 25,000 at the

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<sup>231</sup> Kappler, ed., *Indian Affairs: Laws and Treaties*, 1081.

<sup>232</sup> *Ibid.*, 1081-85.

<sup>233</sup> Valandra, *Not Without Our Consent*, 17-70.

beginning of the twentieth century as noted previously.<sup>234</sup> Until the early 20<sup>th</sup> century, historians had written about California's history as though Native Americans hardly existed.<sup>235</sup>

It was in the 1920s and there after when various studies gave more attention to the California Indians and the political injustice they suffered following the treaty making. Sherburne F. Cook, Robert Heizer, George Harwood Phillips, W. H. Wilson and other scholars have uncovered more information about the California Indians' experiences under Spanish and Mexican subjugation and the legal and political disadvantages under U.S. "conquest."<sup>236</sup> During the same period, various anthropologists published ethnological reports on California tribes, many which mentioned the failure of the treaty making.<sup>237</sup> However, most of these scholarly works have given only passing attention to both the political injustices of the 1850s perpetuated against Native people and the detailed process of the treaty negotiations. Except for some isolated studies, including George Phillip's innovative study, *Indian and Indian Agents* (1997), which analyzes the treaty making process in California chronologically, there are virtually no good sources regarding the unratified treaties and the political injustice that resulted.<sup>238</sup>

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<sup>234</sup> Cook, *The Conflict between California Indian and White Civilization*, 4.

<sup>235</sup> Donald L. Fixico, ed., *Rethinking American Indian History* (Albuquerque: University of New Mexico Press, 1997), 3; Kelsey, "The California Indian Treaty Myth," 225-38.

<sup>236</sup> For example, see George Harwood Phillips, *Bringing them under Subjection: California's Tejon Indian Reservation and Beyond, 1852-1864* (Lincoln and London: University of Nebraska Press, 2004); *Indians and Indian Agent; Indians and Intruders in Central California*; Rawls, *Indians of California*; Hurtado, *Indian Survival on the California Frontier*; Heizer, *The Destruction of California Indians*.

<sup>237</sup> Anna H. Gayton, "The Ghost Dance of 1879 in South-Central California" *University of California Publications in American Archaeology and Ethnology*, Vol.28, No.3 (1946), 252-268; "Culture-Environment Integration: External Reference in Yokuts Life," *Southern Journal of Anthropology*, Vol 2, No.3 (Autum, 1946), 252-268; "Yokuts and Western Mono Ethnography 1"; "Yokuts-Mono Chiefs and Sharmen"; Gayton and Newman, "Yokuts and Western Mono Myths," (1940).

<sup>238</sup> There are some other studies. Kelsey, "The California Indian Treaty Myth," ; Ellison, "The Federal Indian Policy in California"; "Rejection of California Indian Treaties: A Study of local Influence on National Policy," *The Grizzly Bear*, Vol. 37 (May 1925), 4-5; No. 218, (June, 1925), 4-5; and No.219, (July, 1925), 6-7.

However, while having abundant documents produced by Indian agents, military officers, state officials, and gold miners, the lack of tribal resources makes it difficult to know tribal reactions toward the treaty making procedures and the political and social backgrounds within the treaty negotiations. For example, how were Native people politically organized (inter-tribe, tribe or band) during the treaty negotiations? What was the political organization of tribes who participated in the treaty making process? What was the nature of tribe-to-tribe relationship on the eve of the treaty negotiations? What kind of impact did the 18 unratified treaties have on the Yokuts' societies?

The rest of this chapter narrates the whole treaty making process and analyzes the tribal leaders' perspective toward the making of the treaties. I do this narration in order to draw a more detailed picture of the treaty negotiation and the subsequent influence of the treaties on California Indians. From this analysis, the chapter shows the leadership system of the California groups (Yokuts), their relationship with treaty agents who negotiated the treaties, and it uncovers the influences which this process has on the tribal organizations of the Yoktus.

### **Start of the Treaty Making Negotiations**

California's version of the treaty-making process was at loss during the confusion of the Indian Affairs in the late 1840s and 1850s. From the beginning of process, there was considerable administrative confusion. In 1849, the Indian bureau was transferred from the War Department to the new Department of Interior. The confusion of the department was with the Secretary's inability to administer due to the quick resignation of the Interior Secretary after the sudden death of President Zachary Taylor, and the

absence of the Commissioner of Indian Affairs, Luke Lea from the office. Moreover, the Act appointing the agents initially provided no appropriation for their salaries.

Moreover, the purpose of the treaty-making itself was astonishingly vague. The mission of the treaty agents was “to conciliate the good feelings of the Indians, and to get them to ratify those feelings by entering into written treaties, binding on them, towards the government and each other.”<sup>239</sup> Their instructions seemed to describe treaties of peace and friendship. It is clear that a treaty was for the peace and friendship with California Indians but did not mention how. In February 1851, the three commissioners sent a letter to Commissioner of Indian affairs, Luke Lea, “as regards the Indian title lands in this country.”<sup>240</sup> This question about Indian title was never answered by Commissioner, as well as the Congress.

Lastly, the treaty agents did not have enough knowledge about California Indians. Therefore, they needed to depend on the lower-ranked subagents for most of the negotiations. Upon arriving in San Francisco in December 1850, three agents contacted Adam Johnson, one of the two federal Indian office subagents in California since 1849, from whom they received basic information about California tribes.<sup>241</sup> First, the agents divided the state of California west of the Sierra-Nevada Mountains into eighteen unequal cession areas which included the entire region of the central valley. These areas were to be reserved for the “sole use and occupancy forever” for Native Americans in California.<sup>242</sup> From April 29, 1851 to August 22, 1852, the three agents negotiated a

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<sup>239</sup> Kelesy “California Indian Treaty Myth,” 229-230.

<sup>240</sup> Ibid.; A.S. Lughery to The Department of the Interior, October 15, 1851, U.S. Congress, Senate, 33<sup>d</sup> Cong., sp. sess., Exec. Doc. 4, Serial 688, 9.

<sup>241</sup> Ibid.

<sup>242</sup> Ibid. Charles C. Royce, *Indian Land Cessions in the United States*, Bureau of American Ethnology, Annual Report No. 18, Pt. 2 (1900).

series of eighteen treaties with a large number of California tribes. In the treaty process, the tribes were first persuaded to leave their lands to congregate upon the nearby reserves. Second, the agents purchased large quantities of land and two years worth of supplies for Native Americans. Third, the tribes throughout the state were gradually required to give up their larger tribal domains. Tribal leaders were suppose to recognize the United States as the sole sovereign over the land ceded from Mexico in 1848, and they placed themselves under the protection of the “Great Father” so to keep their autonomy and “peaceful” relationship with the new intruder, the United States.<sup>243</sup>

Three agents negotiated the first two treaties as a group. Then, in order to save time for negotiations with large numbers of tribes, they divided California into three sections, one section for each agent to negotiate individually. Agent George W. Barbour took charge of negotiating with the groups in the southern section which extended from the San Joaquin Valley south to the Mexican border and arranged four treaties with tribes in the San Joaquin Valley.<sup>244</sup> According to local historian Frank Latta in Tulare County, before the increase of the white immigrants, the Yokuts residency covered the entire San Joaquin Valley. So Barbour negotiated mainly with chiefs of Yokuts villages.<sup>245</sup>

### **Yokuts and Treaty Making**

On the eve of the treaty negotiations, there were 150,000 Native Americans throughout California. Even after the massive population decline, a large number of tribes

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<sup>243</sup> Forbes, Jack D., *Native Americans of California and Nevada*, 81.

<sup>244</sup> Barbour, McKee, and Wozencraft to Lea, U.S. Congress, Senate, 33<sup>d</sup> Cong., sp. sess., Exec. Doc. 4, Serial 688, 58.

<sup>245</sup> Frank F. Latta, *Handbook of Yokuts Indians*, 1; “The Unratified Indian Treaties of 1851,” *Los Tulares*, No. 34, March 1958, 2-3. *San Francisco Alta* May 10, 1851, 2; May 24, 1851, 2; May 31, 1851, 2.

still occupied the central valley region.<sup>246</sup> Although the number of the original Yokut tribal groups exceeded 50 in 1770, only 19 names of Yokuts tribal groups, mostly those who lived between Merced River in the north and Kern Lake in the south, appear in the treaties for several reasons.<sup>247</sup> This low number can be explained in two ways. First, because of the Yokuts depopulation from 1770 to 1851, some small groups had integrated into other surrounding groups even before the period of treaty negotiations. Second, the three federal agents had only ambiguous ideas about the political units or social construction of Yokuts with whom they dealt with as negotiators.

In California, there were already two subagents appointed by the commissioner of Indian Affairs Luke Lea. The local subagents, Adam Johnson and James Savage, who contacted each tribe in their daily practice as field workers were more knowledgeable than the three treaty agents appointed by Fillmore. However, their experience was not complete enough for them to understand the whole picture of the Yokuts' political system. Prior to the treaty negotiations, the treaty agents and the subagents usually traveled around the area, sending messages to surrounding tribes about negotiations, suggesting a particular date and place to hold the negotiations with the federal government. Without the exact knowledge of the political units, including the tribal boundaries and names of chiefs among Yokuts, however, the messages did not reach everyone. At times, the delegates representing small "villages" sent their "leaders" or "headmen" to meet with agents for the treaty making.<sup>248</sup>

Irregular communication between federal agents and Yokuts created various relationships between the Yokut groups and villages as well as between Yokuts and the

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<sup>246</sup> Alfred L. Kroeber, *Handbook of the Indians of California*, 474-475.

<sup>247</sup> Ibid.

<sup>248</sup> Ibid., 53-54.



federal agents. For example, several Yokut chiefs resisted the treaty agents, and they tried to ally with sympathetic surrounding tribes to develop an intertribal organization, both before and after the negotiations. In contrast, several cooperative Yokut chiefs took significant roles as mediators between the agents and unfriendly chiefs and brought these chiefs to the treaty negotiations. The following section details several chiefs' reactions toward the treaty negotiating process.

### **Chiefs' Resistance against the Treaty Making**

Even before the treaty negotiations, hostilities and resistance against Euroamerican intruders was not unusual among Yokuts. Since the Spanish era, the Yokuts eventually developed anger towards Europeans who intruded into San Joaquin Valley, and the Yokuts developed different resistant strategies to confront unwanted European intrusion. For example, the Yokut residential areas were shelters for runaways' neophytes from the coastal Spanish mission system. The Yokuts also tried to acquire horses and food from mission sites during the Spanish era and later from the Mexicans and Americans. Moreover, Yokuts organized into larger groups to oppose the gold miners as one miner noted in his letters. This miner wrote a letter in August of 1849, mentioning that there was an abundance of gold on the Kings River, but that the Indians were "so hostile, that those [prospectors] who attempted to work there were driven out."<sup>249</sup> Yokuts had the reputation among whites of being the most aggressive tribe in the central valley.

On the eve of the treaty negotiations, numerous small conflicts between Yokuts and whites as well as the Yokuts' distrustfulness of the federal government, as one would

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<sup>249</sup> Jeff Edwards, *Tule River Indians; Culture & Indian War* (Edwards Gallery: Porterville, California), 36.

expect, made the treaty making process difficult.<sup>250</sup> Because of hostilities, most Yokuts were targeted for treaty negotiations in the early stages. Most of these groups which were against participating in the first two treaty negotiations under Treaty M and Treaty N. They lived in the Fresno and Kings River areas in the northern part of San Joaquin Valley. Among them, were Yokut chiefs who seriously resisted against any treaty that involved negotiations of their lands.<sup>251</sup>

For example, Jose Juarez and Jose Rey were leaders of the Chauchila. In January, 1851, two months before the treaty making started, these two chiefs already had roughly 500 supporters from surrounding Yokuts groups, including Chauchila, Chukchansi, Gawia, Nulchu, Potoyanti, and Pohonichi in order to resist white settlers and traders. They later secured the support of the tribes in the area of the Yosemite Valley which was close to the trading post of James Savage, the prominent trader as well as one of the Indian subagents at that time.<sup>252</sup> The situation became strained when Jose Rey encouraged the collected members to wage war against the miners who came into the tribes' territory illegally in December of 1851.<sup>253</sup>

The subagent, James Savage, explained to them that the growing number of white populations was not an easy enemy to fight against and ordered them to stop the resistance. In response, Jose Juarez, another leader of Chauchila, replied,

My people are now ready to begin a war against the white gold diggers. If all the tribes will be as one tribe, and join with us, we will drive all the white men from out mountains. If all the tribes will unite together, the white men will run from us, and

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<sup>250</sup> Ibid., 80-82; Phillip, *Indians and Indian Agents*, 37-56.

<sup>251</sup> Ibid.

<sup>252</sup> Annie R. Michelle, "Major James D. Savage and the Tulareños," *California Historical Society Quarterly*, Vol. 28, No. 4 (December 1949), 323-41.

<sup>253</sup> Lafayette Houghton Burnell, *Discovery of the Yosemite and the Indian War of 1851* (Los Angeles: G.M. Gerlicher, 1911), 8-9.

leave their property behind them. The tribes who join in with my people will be the first to secure the property of the gold diggers.<sup>254</sup>

Jose Juarez's words as a chief of the Chauchila showed the power balance between Yokuts and white settlers on the eve of the treaty negotiations. With large populations of Yokuts, the leader challenged the coming white population and showed his opposition to white Americans settlement. However, the inter-tribal effort could not effectively deal with U.S. troops and most of the Indians retreated.

As historian George H. Phillips indicates, the eve of the treaty negotiations was also the period of the shifting power balance between tribes and whites in Central California. The treaty negotiations clearly show the transition era. The treaty was, at first, "negotiated" between tribes and agents but not protected by federal government. Instead, the Indians were forcefully removed from their ancestral lands.

In the first negotiations of Treaty M at Camp Fremont, the Chauchila's resistance against the Anglo-Americans had influenced on the treaty negotiation. Even having invitations to join the treaty negotiations for Treaty M, the chiefs from Chauchila and other tribal groups, such as Pohonich, Chukchansi, Pitkachi, Dalinchi, and Heuchi under the Chauchila leadership, never showed up to the meeting until the next round of negotiations, which were held on April 29. In contrast to the Yokuts, the chiefs of relatively friendly tribal groups, such as Nuella (Coconoon), Trypoxi (Siyante), Bautista (Potoyanti), Cypriano (Awal), Hawhaw (Apalache) and Numasecano (Apangasi), gathered at Camp Fremont and accepted the treaty M terms. The Chauchila's resistance with the inter-tribal alliance was the first and most effective resistance against whites, including the negotiations. The inter-tribal alliance influence on the surrounding tribes

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<sup>254</sup> Ibid.

was huge. The treaty agents gave up trying to deal with such bold leaders for the first round of treaty negotiations.<sup>255</sup>

Another group which was against the treaty making was the Kaweah (a Yokut tribe). For Treaty A at Camp Belt, one of three treaty agents, Barbour (who took charge of negotiating with Yokuts) sent a message to the Yokuts chiefs in the northern area of the Kern River to the Kaweah River to meet for the next round of treaty negotiations. Barbour reported, “they have all been hostile, and a majority of depredation upon the lives and property of the site in this part of the State have been committed by these tribes, the hostile tribes gathered on the meeting date.”<sup>256</sup> One wary Kaweah leader at Treaty A was Chief Francisco. According to the records, he fought the whites on the 13<sup>th</sup> of December in 1850 and attacked a small party of settlers. John Wood led this party of fifteen in number about six miles east of the present town of Visalia on the bank of the Kaweah River where they intended to form an illegal settlement. The party immediately began the construction of a house from the oak timber growing plentifully thereabouts, without any permission from Indians.<sup>257</sup>

Shortly after their first dwelling was finished, the chief of the Kaweah, Francisco, visited these pioneer settlers, accompanied by a number of armed followers. Francisco told the white settlers to depart within ten days, and at the same time informed them that “death would be the penalty for remaining longer.” They consented to leave the land

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<sup>255</sup> Barbour, McKee, and Wozencraft to Luke Lea, May 1, 1851, U.S. Congress, Senate, 33<sup>d</sup> Cong., sp. sess., Exec. Doc. 4, Serial 688, 9, 74-76.

<sup>256</sup> Barbour to Lea, May 14, 1851, U.S. Congress, Senate, 33<sup>d</sup> Cong., sp. sess., Exec. Doc. 4, Serial 688, 81.

<sup>257</sup> *Ibid.*, 81-82.

within the specified time, and hid many of the articles they had brought with them, intending to return to the place at some future date.<sup>258</sup>

However, the settlers did not prepare to leave until the eleventh day after receiving their warning from Francisco. While they were gathering up their horses and making preparations to leave, a large force of Yokuts armed with bows and arrows fell upon them suddenly, and in a very short time, killed eleven of their numbers.<sup>259</sup> Why the chief attacked the settlers who were preparing to leave was not clear. But a few days later, it was reported that the Kaweah also killed two cattle owners around Four Creeks.<sup>260</sup> Kaweah's attitude was influenced strongly by Chief Francisco's suspicious towards the white settlers and the agents. The chief strongly resisted the treaty agents when Barbour visited him in the Kings River area.

Pressured to find a means of ending the violence and hostilities from the Washington office, Barbour opened negotiations on May 12 with ten Yokuts societies and two Mono groups. He told them that "the President of the United States desired to see all of his people at peace with one another that he desired to make his Red as well as his white ones, happy." And he also mentioned that the President "had a great many warriors, and could send an Army strong enough to destroy all the Indians in California, but he did not desire to do so, and would rather be friendly with them."<sup>261</sup>

All the chiefs except Francisco, Kaweah, agreed to the provisions of the treaty. Francisco objected to giving up part of their home land which was rich in game and fish. Barbour told Francisco that if his people did not vacate the area they would be destroyed

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<sup>258</sup> Ibid.

<sup>259</sup> Ibid.

<sup>260</sup> Edwards, *Tule River Indians*, 36.

<sup>261</sup> Phillip, *Indian and Indian Agents*, 98.

by the whites.<sup>262</sup> The other chiefs persuaded Francisco to relinquish his claim to the land, and the following day, all forty Indians including Francisco signed the treaty. Barbour distributed supplies to the Indians, most departing for their respective villages outlined in the treaty.

On the other hand, the Kaweah's resistance also influenced the surrounding tribes as in the case of Chauchila in the Treaty M, Kaweah chief, Francisco, continued to encourage resistance to the other treaty making negotiations.<sup>263</sup> He then allied himself with another five Yokuts tribal groups and two groups from the Miwok. On May 29, Barbour opened negotiations with them and realized that all the leaders, except one, were willing to negotiate. Barbour recalled,

I found them (the seven tribes assembled at the Kaweah River for Treaty M), with the exception of "Ko-ya-te tribe, willing to treat upon almost any terms. The "Ko-ya-tes" being a large tribe, and the chief, (Pedro) a cunning, shrewd, and vicious Indian, I had some trouble in getting him to consent to leave the country in which he lived, and remove to the country which I proposed giving to them (the same designated in the treaty a copy of which I herewith enclosed to you,) though, after much "talk" and consulting together, he finally agreed to the terms proposed.<sup>264</sup>

Understandably, chief Pedro strongly resisted moving from his homeland to a new reservation. After the continuous meetings and negotiations, finally, these tribes (not including Koyeti) agreed to the provisions in Treaty A with agent Barbour.

The example of Kaweah and Chauchila, and the bold chiefs show that the reason for their resistance was not against the treaty making itself, but rather due to already existing distrust of the white settlers as well as the federal government. These independent groups

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<sup>262</sup> Ibid.

<sup>263</sup> Ibid.

<sup>264</sup> Barbour to Lea, July 18, 1851, U.S. Congress, Senate, 33<sup>d</sup> Cong., sp. sess., Exec. Doc. 4, Serial 688, 122-23. It seems that the Koyeti was a large tribe because some of its members and their chief were represented also in the treaty negotiations signed two weeks later, on June 3 in the Paint Creek.

finally agreed to the treaty, which shows that the treaty had somehow made the Indian chiefs satisfied with territorial borders as well as supplies. Also, the ways of resistance for these two chiefs indicates that the independent Yokuts groups shared anger towards the whites because of white's illegal intrusion to their territories before the treaty negotiations, and communicated with each other enough to make allies against the federal government.

### **Chiefs as Treaty Supporters and Negotiators**

There were also some friendly Yokuts chiefs as reported by the treaty agents. The friendliest tribes, as Barbour recalled, were four Yokuts groups; Chunut, Wowol, Yowlumne, and Koyeti (led by a different chief then Pedro) whom gathered for the negotiations of Treaty C at Camp Burton. The Yokuts around the area of Four Creeks had different attitudes toward the federal government from the Kings River Yokuts. They thought that the new intruders, the Americans, were different from the greedy Spanish and Mexican intruders, and they expected that the "Great Father" would protect their territory and food once the treaty was made.<sup>265</sup> As Barbour recalled, "they seem to possess more courage, magnanimity, and intelligence, coupled with superior physical powers, than any Indians, either in the San Joaquin or Tulare Valley."<sup>266</sup>

The agent reported that some chiefs who cooperated with the treaty-making process worked with the unfriendly tribal leaders as mediators. For example, Cypriano of Wowol, and Bautista of Potoyanti (not Yokuts) were chiefs who became mediators with unfriendly tribes. Although Crypiano used to be a notorious stock raider, he was

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<sup>265</sup> Ibid., 122-127.

<sup>266</sup> Barbour to Lea, U.S. February 2, 1852, Congress, Senate, 33<sup>d</sup> Cong., sp. sess., Exec. Doc. 4, Serial 688, 256.

supportive of the treaty negotiations. Crypiano was asked by the treaty agents to travel to the headwaters of the Mariposa, Merced, and Tuolumne Rivers as mediators and to inform the numerous angry leaders of their consent of the treaty negotiations with the federal government. The Hawhaw (Apalache) and Numasecano (Apangasi, non Yokuts) were the prominent angry leaders who Crypiano encouraged to side with the commissioners to make peace and friendship treaties.<sup>267</sup> Crypiano also negotiated with another six tribes who finally did attend the treaty negotiations.<sup>268</sup>

After the Treaty M, subagent James Savage sought out the tribes who did not send delegates and wanted to encourage them to attend the negotiations of Treaty N at Camp Barbour. These angry tribes, except Chauchila, however, soon surrendered and encamped near Savage. However, some Chauchila with injured chief, Rose Ray, who still resisted against the treaty negotiations, secretly entered into the Savage's camp and released Nukuchu (non Yokuts) led by chief Panwachee and Chowchitty.<sup>269</sup> This action shows the Chauchila's boldness to attack whites also had an influence on the surrounding Yokut tribes and kept them from attending the treaty negotiations.

Savage proceeded to the Tuolumne and Stanislaus Rivers to enlist the support of Yokuts chiefs, such as Cornelius (Toulmne), who had remained friendly to the whites and supportive to the treaty negotiations. Savage sought to enlist two hundred men, divide them into two companies, and simultaneously attacked the Indians residing on the San Joaquin and Mariposa Rivers where the Chauchila had dominated.<sup>270</sup>

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<sup>267</sup> Ibid., 250-51.

<sup>268</sup> Barbour and McKee to Lee, March 25, 1851, May 14, 1851, U.S. Congress, Senate, 33<sup>d</sup> Cong., sp. sess., Exec. Doc. 4, Serial 688, 71.

<sup>269</sup> Phillips, *Indians and Indian Agents*, 78.

<sup>270</sup> Barbour and McKee to Lee, March 25, 1851, May 14, 1851, U.S. Congress, Senate, 33<sup>d</sup> Cong., sp. sess., Exec. Doc. 4, Serial 688, 71.



Fearing both Chauchila's revenge and the powerful American troops as well, the above surrounding tribes remained neutral toward the treaty negotiations. However, it was also the negotiators who volunteered to organize the chance for negotiation between anti-treaty tribes and treaty agents. Bautista (Potoyanti, non Yokuts) who already had signed the treaty M, volunteered to bring in the Nukuchu (non Yokuts) runaways from Savage's camp and negotiate with uncooperative tribes about the treaty making. Bautista encouraged the other Yokuts tribes to negotiate, telling them that U.S. troops would protect them from Chauchila so that they did not need to be afraid of Chauchila's revenge. Soon, the Nukuchu runaways returned, following Bautista's advice. From this effort, the treaty agents gave Bautista two blankets, a pair of pantaloons, a shirt and a handkerchief.<sup>271</sup> Bautista also consulted with the angry group, Chinchilla, to come to the treaty negotiations. As a result, delegates from the 16 tribes, including the returned tribes as well as Chauchilla, numbering 500 Indians, gathered at Camp Barbour and signed the Treaty N.

The negotiation for Treaty N also provides another significant fact about the leaderships and power balance among the Yokuts who attended. For treaty N, instead of making treaties with all of the presented tribes, the agents chose three chiefs: Tomquit (Pitkachi), Pasquel (Wecheihit), and Naiyakqua (Heuchi), who represented the 16 tribes, to sign treaty N. Under the leadership of Naiyakqua, chief Heuchi, could not be the leader any more and instead, belonged to Naiyakqua's group. The said three chiefs were also

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<sup>271</sup> John McKee "Journal of United States Indian Commissioners for California," Barbour and McKee to Lee, March 25, 1851, May 14, 1851, U.S. Congress, Senate, 33<sup>d</sup> Cong., sp. sess., Exec. Doc. 4, Serial 688, 88-89. Bautista was used to be a leader of mission neophyte who resisted the missions in the coast area. When he returned to his home village, he organized the resistance never being back to the mission till he finally surrendered the Spanish troops.

supposed to become co-leaders in the domain created under the treaty N.<sup>272</sup> The co-leadership system also shows that the leadership between these angry tribes had been created during the process of the treaty negotiations. The leaders of the angry groups, such as Chauchila, were forced to subordinate to the new leadership system.<sup>273</sup>

It is clear that some chiefs took a significant role of bringing in angry tribes into the treaty negotiations. The examples of Crypiano and Bautista's role as negotiators show that some tribes positively supported the treaty making. The evidence also shows that for angry or friendly tribes, their ultimate choice was generally cooperation with other Yokuts. Having influenced each other, Yokuts somehow overcame the political and geographical boundaries. Sharing a common language and cultural understanding, each Yokut group and surrounding tribes, acted with strategies, seeking which way was more beneficial for their future, whether corporation under the federal protection in unfamiliar lands or to fight against intruders, protecting their ancestors' lands.

### **Leaders of the Resistance**

On June 1, 1852, President Fillmore submitted the treaties and documents to the Senate.<sup>274</sup> On the June 28, the senate rejected each treaty in "secret session." All thirty-seven senators present voted against ratification.<sup>275</sup> On August 30, Congress appropriated one hundred thousand dollars to preserve peace with the Indians covered in the treaties. However, the act contained an important qualification: "That nothing herein contained

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<sup>272</sup> Ibid, 93-94.

<sup>273</sup> Ibid., Phillip, *Indian and Indian Agents*, 93.

<sup>274</sup> President Millard Fillmore to the United States Senate, June 1, 1851, Kappler ed., *Indian Affairs*, 1081.

<sup>275</sup> "Eighteen Treaties Rejected," June 28, 1852 in Kappler ed., *Indian Affairs*, 1081.

shall be so construed as to imply an obligation on the part of the United States to feed and support the Indians who have been dispossessed of their land in California.”<sup>276</sup>

When Congress did not accept the 18 negotiated treaties, the status quo among the three agents, angry and friendly tribes, and negotiators started to change. When the news of the 18 treaties spread through the state, the three agents became the target of bitter attacks from local newspapers, whites, and politicians who favored removal of the California tribes without treaty making.<sup>277</sup> The agents did not anticipate congressional rejection before going back to Washington D.C.<sup>278</sup>

In Congress, the terms set by the negotiation between treaty agents and tribes were completely ignored, even though many tribes had already been removed from their homeland right after the treaty negotiations were completed. Furthermore, part of the land guaranteed to the tribe in the treaties was transferred to the public domain without the tribes being notified and were opened to white settlement. The treaty tribes including Yokuts, were not officially notified about the Congressional rejection until 1905.<sup>279</sup>

Mainly, the opposition in the Congress developed for four reasons. First, a major complaint was the failure to remove Indians from the settled areas by preserving a huge amount of land for them. It was an original hope of settlers in California to remove Indians somewhere outside of the State by treaty making. However, the pending treaties guaranteed for Indians about 7.5 % of California. That a large amount of land would be preserved for tribes, the white new comers in California including the miners and the farmers in the reservation areas convinced the California legislature to pass a resolution,

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<sup>276</sup> Phillips, *Indians and Indian Agents*, 182.

<sup>277</sup> Ellison, “Rejection of California Indian Treaties,” (May 1925), 4-5.

<sup>278</sup> Phillips, *Indians and Indian Agents*, 155-182.

<sup>279</sup> Kelsey, “California Indian Treaty Myth,” 225-38.

asking the U.S. Senate to reject the treaties. What Congress and the citizens of California really wanted was Indian removal without the need to negotiate for their land claims.<sup>280</sup> There was even an extreme suggested measure to remove them to the Pacific islands.<sup>281</sup>

Second, Congress questioned the California Indians' land titles which the pending treaties dealt with. The Jones' report was still influential.<sup>282</sup> And Senator Benton, who previously supported the Indian case, argued California land law which required Indians to come before a board for a decision on the validity of their claims. Clearly, the people who held such views ignored a legal precedent that had been set years before by chief Justice, John Marshall. In 1823 chief Justice Marshall established in *Johnson and Graham's Lessee v., McIntosh* that, although the federal government held title to Indian land by right of discovery, the Indians retained, in the words of legal expert, Monroe E. Price, "an exclusive right to occupancy." However, this legal status was never applied to the California Indians. Then, a special section of the law for the California Indian land claims required the Board of Land Commissions in California to investigate and report on certain California Indian land claims. However, the investigation never took place since none of the California tribes presented claims to the board.<sup>283</sup> The court concluded that

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<sup>280</sup> Kelsey, "California Indian Treaty Myth," 231. The California agents had done more than make treaties. They had also contracted with California merchants and growers for the delivery of nearly a million dollars worth of goods, as stipulated in the ungratified treaties. Thus the California congressmen had the precarious task of denouncing the treaties as illegal while insisting that the contracts were valid claims against the government, *Los Tulares*, March 1955.

<sup>281</sup> This was also the feeling in Oregon, where Congress had directed the treaty agents to get the Indians to agree to remove.

<sup>282</sup> Thomas S. Melendrez, "John Collier's Indian New Deal in California: Federal Indian Policy and the Sacramento Indian Agency, 1933-1945, MA thesis, California State University, Sacramento, 1979, 8-22.

<sup>283</sup> Barbour and Wozencraft to Lea, March 5, 1851, Congress, Senate, 33<sup>d</sup> Cong., sp. sess., Exec. Doc. 4, Serial 688, 61; Chauncey S. Goodrich, "The Legal Status of the California Indian," *California Law Review*, Vol. 14, No.3 (1926), 98-99.

“these almost wholly illiterate people were debarred from later establishing any interest in California lands.”<sup>284</sup>

Third, the missions of the three agents were still ambiguous, even at the end of the negotiations. As indicated by Harry Kelsey, he contended that the U.S Congress in the late 1840s never intended that three treaty agents should negotiate for the establishment of federally recognized Indian reservations. Kelsey argues that Congress intended the agents secure the Indians’ promise to maintain friendly relations. Senator David A. Atchison, chairman of the committee on Indian Affairs emphasized that the three treaty agents “had no power to make and execute a treaty.”<sup>285</sup> When they returned to Washington DC, the agents faced an atmosphere that what they negotiated was beyond their mission.

From a different perspective, historian Jack Forbes doubted the qualifications of these three agents and the federal Indian administration of California. Forbes points out agents’ influence on the later federal government Indian policy. He criticized the fact that the money and supplies such as cattle, blankets, and flour destined for natives by the federal government were either not delivered (with “kickbacks” for the agents) or sold to other Indians and whites. Blankets were cut in half when being distributed to Indians so as to supply a large number of half-blankets and thereby create a surplus of whole blankets which were then sold to whites. In brief, Forbes concluded that these agents of 1851, and 1852, set the pattern for BIA corruption and later federal appointees who,

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<sup>284</sup> Ibid.

<sup>285</sup> Heizer and Almquist, *The Other Californian*, 76-77.

almost without exception used “the Indian business” as a lucrative step towards personal wealth.<sup>286</sup>

Lastly, the reason of congressional rejection was based on the fact that there was only a vague idea of the California Indians’ political units which the federal government could hold treaties with. For example, a particular treaty was held with some small bands, and even families who the agents thought as political units. Without clear definition, the treaty negotiators dealt with the process without a full understanding of native people.<sup>287</sup>

Before the Congressional decision to not ratify the treaties, California Governor John Bugler wrote to George W. Patten, a commander of Fort Millar in Fresno on August 10, 1852, that “the Indians wish to know whether they are to be protected or not by the Government on their own Reserves.” He continued,

It is almost certain that they will all (eighteen in number, I believe) be rejected by the Senate of the United States. It may be that the Indians misunderstand the subject that they are still ignorant of the fact that the sanction of the Senate is necessary to give force and effect to the Treaties made with them by the Indian Commissioners. On this point correct information should be imparted to them. ....They should be told that the Senate of the United States has not as yet ratified the action of the Commissioners, and that until the Senate approves, the government cannot be regarded as having given its assent to the reservations, and of course, will not attempt to enforce treaty stipulations which have not and probably will not receive their approval.<sup>288</sup>

Still on August 26, 1852, two months after congressional rejection of the treaties, George W. Patten, reported that each chief was provided with a copy of the articles agreed upon between them and the treaty agents. However, since the treaty was not ratified, they were ready to open the inter-tribal initiative to fight the federal

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<sup>286</sup> Forbes, *Native American of California and Nevada*, 82; the bribery by their agents was also mentioned by Hurtado, *Indian Survival on the California Frontier*, 140.

<sup>287</sup> Kelsey, “The California Indian Treaty Myth,” 232.

<sup>288</sup> Pattern to Townsend, August 2, 1852, *Records of the U.S. Army Continental Commands, 1821-1920*, Letters Received, 1849-1853, RG 397, National Archives.

government.<sup>289</sup> Patten recommended notifying tribal chiefs of the failure of congressional ratification of the treaties; however, he was “confident it will bring about an immediate war.”<sup>290</sup> The news never reached the leaders of the Yokuts tribes. The information in those two letters indicates that the congressional failure was intentionally hidden by government officers and state legislators.

On the Fresno Reservation which was created under the Treaty N of April, 1851, the federal government stopped rations in October of the same year. Also, white settlers kept flooding over the borders of the reservation, even after 1852. Without any clear idea of the end result of the treaty, and not having enough supplies promised under the Treaty N, one option among tribes on the Fresno Reservation was to “steal” white men’s food to escape from the starvation. In the Fresno reserve, the resident Indians often had conflicts with the neighboring whites.<sup>291</sup>

These small conflicts caused tension between tribes and the U.S. military. In January 1852, a Yokut “stole” a miners’ provision. However, the failure to find the location of the goods led Panwachee, chief of Nacho (non Yokuts) and other chiefs to be arrested without any particular evidence by a commanding officer at Fort Miller. Poholeel, a Chauchila and other chiefs of the reservation assembled to fight for the release of Panwatche. This conflict was relieved by subagent James Savage who took charge of the reservation, and the subsequent release of Panwatche.<sup>292</sup>

Another option for Yokuts was to build a self-support system among themselves. For example, on the King River Reservation, Yokut groups, including Chauchila,

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<sup>289</sup> Ibid.

<sup>290</sup> Ibid.

<sup>291</sup> Phillips, *Indians and Indian Agents*, 136.

<sup>292</sup> Ibid., 136-137.

Pohonichi, Chukchansi, Heuchi, Pitkachi, Dalinchi, Dumna, Gashowu, Nutunutu, Wimilchi, Tachi, and Choinimni and some Miwok tribes finally formed an Inter-tribal organization for their economic development, such as farming efficiency and political autonomy. They elected Pasquel of the Wechihit (Yokuts) and Tomquit of Pitkachi (Yokuts) who had also signed the Treaty N as representatives as co-leaders for this inter-tribal organization.<sup>293</sup>

This economic cooperation among the Kings Reservation later developed into a strong self-defensive power against white injustice. In July, 1852 a white party rode into a Rancheria and killed several Yokuts who tried to stop outsiders' from entering into the area. While the white party ran away fearing that Pasquel, as head chief, would take revenge for the attack, all of the reservation members expressed the desire to live amicably with the whites and requested whites to keep the treaty obligations. Instead of fighting against the white communities around them, Pasquel and the said inter-tribal organization requested Tulare County to convict the murderers.<sup>294</sup>

Furthermore, when James Savage, a subagent who gained the Yokuts' trust on the Kings River Reservation, had been killed, the relationship between whites and Indian cooperation had become tense. However, Pasquel and the other chiefs held a meeting with Major George W. Patten concerning the Savage tragedy, treaty obligations, and federal responsibility of protection for Indian lands. Patten promised them food supplies with beef and beans instead of fighting against them. Having Pasquel as a leader of the

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<sup>293</sup> *San Francisco Alta* (Steamer Edition) May 31, 1852.

<sup>294</sup> Phillips, *Indian and Indian Agents*, 136-37.



intertribal organization on the Kings River reservation, the tribes started having political powers and acquired tools and strategies to negotiate in their new place.<sup>295</sup>

### **Treaty Making and the Tule River Reservation**

Barbour established a camp on Paint Creek (Present-day White River) on June, 1, 1851. Barbour chose this place as a place for his fifth treaty negotiations because he found “the chiefs, captains and principal men of four tribes, with many of there people already on the ground. These were all Yokuts tribes and included the Chunut, Wowol, and Yowlumne. According to Barbour, the Indians that had assembled represented only a portion of over 2,000 Indians who lived in the area, and whose range included the vicinity of Buena Vista Lake, Chunut and Wowol resident area, to the head waters of Tule River and Paint Creek Koyeti and Yowlumne resident area). Barbour negotiated with fourteen leaders representing the four tribes.<sup>296</sup>

The treaty C established two separate reservations on Yokuts lands where four Yokuts groups were living. The proposed Tule River Reservations extended from the Tule River south to Paint Creek and was intended for the Koyeti and Yowlumne tribes.<sup>297</sup> The reservation was to be established on Koyeti and Yowlumne lands, as Barbour reported,

...to the Ya-lum-ne and Co-ye-tie tribe, all that district of country lying between the Tule River and Paint creek, and between the Emigrant road (being the same over which the military escort accompanying the said commissioner passed to this camp) and the Sierra Nevada, running the lines from the head of Tule River

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<sup>295</sup> Pattern to Gardner, September, 26, 1852, *Records of the 10<sup>th</sup> Military Department*, Letters Received, 1846-1851, RG 98, Microcopy 210, Roll 7, National Archives.

<sup>296</sup> George W. Barbour to Commissioner of Indian Affairs, July 28, 1851, *Annual Report of the Commissioner Indian Affairs*, 1851, Senate Executive Document 1, 32<sup>nd</sup> Congress, 1<sup>st</sup> sess., serial 613, 494.

<sup>297</sup> *Ibid.*, 493.

and Paint Creek in the same general direction of said streams to the nearest points of the Sierra Nevada.<sup>298</sup>

Most of treaties with California Indians set new reserves and farms in places different from their home lands and required tribes to leave their ancestral lands, sometimes forcefully. However, the Yokuts of the Tulare Lake region (the tribes for the Treaty C) were larger than most groups and they had been much more resistant to United States. As a result, they were able to negotiate for lands they already occupied. Indeed, because the Yokuts were relatively satisfied with the treaty provisions, they refused an appeal by the messenger of Cahuilla chief Antonio Garra, from across the mountains to the southeast, to join in an uprising against the Americans.<sup>299</sup> (Figure 8)

The Yokuts of the Treaty C had never known about the treaty rejections at least officially. Disbelief and doubt must have been prevalent among the tribes because the treaty provisions were never put into effect, including the distribution of rations of beef and other supplies. Barbour had promised the Indians' leaders that the government would provide the necessary supplies, farm equipment, and respective reservations. Anthropologist Gelya Frank also believes that "one may conclude that the appearance by the federal government of fulfilling some of the treaty terms kept up the hopes among the Tule River Indians and, at the very least, kept their situation ambiguous."<sup>300</sup> Government policy toward California Indians in the 1850s appeared to be fulfilled. For example, Congress approved and funded a budget for the coming fiscal year for the California

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<sup>298</sup> Quoted in Heizer, *The Eighteen Unratified treaties of 1851-1852*, 34-35.

<sup>299</sup> George Harwood Philips, *Chiefs and Challengers: Indian Resistance and Cooperation in Southern California* (Berkeley and Los Angeles: University of California Press, 1975), 7; Gelya Frank, "The Tule River Indian Reservation, 1856-1876: Land Base and Agricultural Development," Special Report, August 28, 2006, 47-48.

<sup>300</sup> Quote in Frank, "The Tule River Indian Reservation 1856-1876," 50.

Superintendency “to purchase...oxen, mules, agricultural implements,” as well as building suppliers, 500 breeding cattle, clothing and blankets.<sup>301</sup>

But some tribes who participated in Treaty C felt betrayed and disappointed when and after they talked with the surrounding tribes. California Superintendent of Indian Affairs wrote in 1854 about the Indians dissatisfaction in the Tejon Reservations, and also the reserves for Yokuts that were established later, stemming from the failed treaty process:

During the first year of the residence of Messers Ridley and McKenzie, the Indians were continually talking about the Americans and expecting the agents and presents from our government, so lavishly promised by Col. Barbour, in 1851. They had heard also that their treaties were not ratified by our government and grew discontented. Numerous tales grew in circulation among them, to the effect that the Americans intended killing first. The position of Americans, at times, was by no means pleasant.<sup>302</sup>

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<sup>301</sup> Thomas J. Henley, Superintendent of Indian Affairs for California to George Many penny, Commissioner of Indian Affairs, December 18, 1854, *Letters Received in the Office of Indian Affairs, 1824-1881*, CS 1849-1881, Roll 34: 1854, M 234, RG 75.

<sup>302</sup> Quote in Gela Frank, “The Tule River Indian Reservation 1856-1876,” 51.

## Chapter 5 Tule River Indian War, 1856

The so-called Tule River War occurred from April to May 1856. However, it was characterized by many small conflicts between Native Californians and settlers. Some scholars, including local historians such as Jeff Edwards, observed that the entire affair was blown out of proportion and the white settlers over reacted.<sup>303</sup> It is also true that during three years since the failure of treaty making, tensions between Indians and non-Indians peaked in one of the most densely populated areas of Natives in California. There were Indians who resented the influx of the white man who mistreated the tribal people. However, it is impossible at this late day to determine the real cause that led to the war at Tule River since the events were not noted in detail at the time.<sup>304</sup>

The first non-Native hunters and trappers who entered the central valley found Indians hospitable and friendly in the earlier Spanish and Mexican eras. For example, Fremont's exploring party, among others, passed through the valley, contacting Yokuts and other native tribes there who often helped in their passing and staying. Moreover, for the tribes in the Central Valley, contacts with non-Indians could be rare.<sup>305</sup>

Introducing Christianity was soon to fail because of the resistance of Interior Yokuts and because the native population outnumbered the white population in the early contact period. As Yokuts and Miwok became successful at horse raiding against neighboring whites, the majority of whites became afraid of them, and instead of fighting against

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<sup>303</sup> Jeff Edwards, *100 year History of the Tule River Mountain Country* (Fresno: Panorama West Books, 1986), 7-16.

<sup>304</sup> Several resource including the local history collections are available concerning the Tule River War of 1956. There were different indications about date, numbers, and places of the war. *Los Tulares*, (December, 1990), 3-4; (March, 1966), 2-3 ; Kathleen Edwards Small, *History of Tulare County California*, (Exeter, California: Bear State Book, 2001), 68-102; Floyd L. Otter, *The Men of Mammoth Forest: A Hundred-year History of a Sequoia Forest and its people in Tulare county, California* (Michigan: Edwards Brothers, Inc, 1963), 14-19; Edwards, *Tule River Indian*, 35-43; William B. Secrest, *When the Great Spirit Died: The Destruction of the California Indians, 1850-1860*, (Sanger, California: Word Dancer Press, 2003), 215-234.

<sup>305</sup> Phillips, *Indians and Indian Agents*, 119-121.

Indians, the whites remained friendly with them, or at least kept away from Native people.

Since the gold rush, the relationship between Native Americans and whites started to change. Increased visits to the Yokuts villages by Lieutenant Derby and others occurred, but the Yokuts and non-Indians in 1850 maintained a friendly relationship:

We suddenly came upon a Rancheria of Indian in a sequestered nook in the hills. We swam the river and were met on the bank by all the men (60 or 70) belonging to the band. They received us favorably, although with evident distrust... I had been previously told by the captain of the Ton Taches that they were a hostile, thieving nation.... I suspected that nothing but our number and the well-armed condition of the party prevented our being treated with incivility. Many other Americans undoubtedly visited Yaudanchi villages between 1850 and 1856 and even built cabins in the area, but scant record of their observations or experiences has come down to us.<sup>306</sup>

As the population of non-Indians increased, so did the conflicts between tribes and settlers increase. In 1858, Thomas M. Heston, a pioneer Tulare county business man, recorded a previous hunting trip to Bear Creek.<sup>307</sup> He described a ‘fracas’ between the five hunters and 300 Indians, with the hunters making the Indians “vamoose the rancheria.” Heston wrote of other Indian disturbances, saying “The people in the Valley fear an attack and if it comes, there will be hard fighting.”<sup>308</sup> After five years since the gold rush, the relationship between Yokuts and white immigrants dramatically changed.

The first major bloodshed among the Yokuts in central valley occurred on the 13<sup>th</sup> of December, 1850. Kaweah Yokuts under the leadership of Francisco attacked a small party of settlers led by John Wood (Chapter 5) because the settlers intruded Kaweah territory and never followed the word of Francisco who alerted these illegal intruders into

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<sup>306</sup> Otter, *The Men of the Mammoth Forest*, 11.

<sup>307</sup> This was today’s named Mountain Home Bear Creek because he locates his camp as being forty-two miles from Visalia.

<sup>308</sup> Thomas M. Heston, “Green Horn Gulch Kern River,” *Tulare County Historical Society* (1958).

their territory to leave in 10 days. No evidence indicates why Wood did not leave immediately from there, and why the Indians suddenly raided the settler's villages. It seems clear that the Yokuts had been angry at the constant intrusion by whites into their territory.

The years from 1848 to 1852 were a transitional period of the power balance of Yokuts and new comers. Following the Guadalupe Hidalgo treaty and later California Statehood, the Indians experienced white military attacks, and were forced into legal and criminal system of the white society. Increasingly, non-Indian settlers intruded into the Indians' subsistence way of life so that Indians, in return raided horses and cattle from the settlers. It was a time when the first penalty was imposed on a young Indian, who had shot an arrow at an ox belonging to one of the settlers. The sentence was regarded as a just one by the Indians, who awaited with interest the judgment of the court, and the fine was promptly paid.<sup>309</sup> Shortly after, cattle roaming on the plains were found to have been shot with arrows. In response to this incident, whites took three Indians thought to be the offenders and whipped them severely. It was not long until more and more cattle were shot, and the whites eventually went to the chief of a group of Yokuts with their complaints. In this meeting, two Yokuts were turned over to them. One of them in attempting to escape was shot, and the other "feigned death and was afterward pardoned."<sup>310</sup>

Hearing the conflicts between whites and Yokuts, General Patten arrived at Kaweah River with a detachment of United States troops, and began to build a fort near Woodsville, the site of the conflict between Wood and the Yokuts. However, Lieutenant

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<sup>309</sup> "Tule River Indian War of 1856," *Los Tulares* (March, 1966), 1-2; (December, 1990), 3-4.

<sup>310</sup> *Ibid.*

Nugent was sent from Fort Miller with a small force of soldiers, and attacked the Indians near General Patten's unfinished fort. One Yokuts (tribe unknown) was killed in this skirmish, which lasted but a short time. Lieutenant Nugent remained in the vicinity several months when he was recalled to Fort Miller.<sup>311</sup>

In 1852, Congress, as noted, failed to pass the 18 treaties as noted. At the same time, it was inevitable that non-Indians wanted to settle on these fertile farm lands and sought to drive out the local tribes. The new California Superintendent Thomas J. Henley noted, when he visited Tule River on his field trip;

Tulare River (Tule River Indians) number 300- subsist upon fish, acorns, and grass-seeds. They are not suffering; but this country is settling, and they ought to be removed....Tulare River (Tule River) and Four creeks embraced a large extent of agricultural country of surprising fertility, very desirable for settlement, and cannot continue much longer the home of these people.<sup>312</sup>

Yokuts had become more defiant by attacking the whites who intruded into their territory following the failure of the treaty making. Of course, white presence led to the Yokuts traditional food sources becoming less. Intruding settlers cut down trees and used acorns, the staple food of Indians, to feed their hogs. Animals as a food source also had become scarce. Even though Indians' horse raiding was retaliation for whites' invasion, several whites who lost their horses, favored an immediate attack on Indian villages as retaliation. However, other whites strongly opposed to any such action. Both Indians and whites were becoming mutually suspicious of each other, preparing for the next serious conflict in the Tule River area.<sup>313</sup>

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<sup>311</sup> Ibid.

<sup>312</sup> Thos, J. Henry, Superintendent Indian Affairs, California, August 28, 1854, to George W. Manypenny, Commissioner of Indian Affairs, *Annual Report of Commissioner of Indian Affairs*, 1854, Washington D.C, 521.

<sup>313</sup> Small, *History of Tulare County*, 84-87.

After whites discovered in Kings River in 1855 and 1856, some six thousand people came into the county. Stage coach services began between the seaport of San Pedro and Ft. Tejon via Los Angeles in 1855. Porterville was a station on the stagecoach line between Fort Tejon and Visalia. As the population swelled, a brief but emotionally charged battle occurred between white settlers and Yokuts.<sup>314</sup> This part of the reason given for this conflict was that most of the post-white intruders were young adventuresome men who had no experience with Indians and were usually “looking for a fight”.<sup>315</sup> The main editor of the locally circulated magazine, *Los Tulares*, Annie Mitchell referred very apologetic reasons to whites telling that the Tule River Indian wars broke out with between young gold miners and Indians around in the area.<sup>316</sup> But in the spring of 1856, confrontation between Natives and whites became inevitable.

### **Tule River Indian War**

Tensions between the invading American settlers and California Natives reached a crisis point in the spring of 1856. The Tule River wars and other conflicts in the Tule River area show there are few academic assessments. Most of these assessments were written by the white local historians from the settler’s perspective. Several histories of Tulare County, including George W. Stewart and Anne Mitchell in *Los Tulares*, a magazine circulated in Tulare County, include some accounts of it. In January 1884 in *Overland Monthly*, George W. Stewart mentioned,

It is impossible at this late day to determine the real causes that led to the war on Tule River in the spring of 1856, since the events were not noted in detail at that time, and but few of the prominent actors are living: and, after the lapse of years, it

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<sup>314</sup> Preston, *Vanishing Landscapes*, 75.

<sup>315</sup> “Tule River Indian War of 1856,” *Los Tulares* ( March, 1966), 1-2.

<sup>316</sup> “Tule River Indian War of 1856,” *Los Tulares* (December, 1990), 2, 4.



is the most important items concerning troubles of this kind- the causes that led to them- that are soonest forgotten, only the more vivid pictures remaining distinct on memory's page. The Indians, of course, were credited at the item with the full blame of forcing the conflict; but there is much to lead to the belief that the exercise of a little moderation on the part of the white settlers would have prevented any great amount of bloodshed.<sup>317</sup>

Even the reason of the Tule River war was uncertain. Moreover, it is possible that the true reason was not reported at some point. In *Early History of Tulare County*, Katheleen Edwards Small mentions (in early March, 1855) "a report reached Visalia that five hundred head of cattle had been stolen from what is now Frazier Valley, and driven to the mountains."<sup>318</sup> However, another report placed the number at one hundred, with the additional information that they had been recovered from the Indians by the owners.<sup>319</sup> And later, it was stated that the Indians took only one calf from a band of cattle.<sup>320</sup>

At that time, however, the first report was believed to be the true one. The men in the town questioned some of the local Yokuts and decided to launch an attack back. On March 18, 1855, Judge John Cutler authorized Dr. S.F. George to open a roll book for a company of mounted riflemen to be equipped and paid by the State. Fifty-six men signed up in Visalia on March 29<sup>th</sup> and elected Foster De Masters as Captain.

Soon after, the rumor of the movements of the "angry Yokuts" became known to whites by the other friendly Indians in the settlement. On April 28th, they found the trail of a band of sixty Tejon Indians who were traveling southward in the direction of White River. While the white men were organizing in Visalia to head up the north fork of the Tule River, a group of nine men took it upon themselves to trail this small band. As dogs

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<sup>317</sup> George W. Stewart, "The Indian War on Tule River," *Overland Monthly* (January, 1884).

<sup>318</sup> Small, *History of Tulare County*, 88.

<sup>319</sup> Ibid, 87-102; *Los Tulares* (March, 1966).

<sup>320</sup> Secrest, *When the Great Spirit died*, 223.

heralded approaching whites, an Indian ran up a small hill to look around and was murdered.<sup>321</sup> From then on, the whites ambushed them on White River and killed five Tejon Indians. Actually, these Indians included women, children and the dogs, but not a war party.<sup>322</sup>

During this first attack, the party of these nine men indiscriminately attacked another group of Tejon Indians who had been visiting in the Four Creeks area. The Tejon Indians were now terrified that the whites would come there to kill them as well. These Natives from Four Creeks and Tule River quietly left and went into the mountains. A few Yokuts stayed near Visalia, and when plans were made to attack them, several prominent citizens brought them into Visalia for protection. Captain De Masters wrote to the Governor stating, "At the present time the condition of Tulare County is very disturbed." He asked for arms and ammunition as "we are very destitute comparatively of the sinews of war."<sup>323</sup> Both sides of Indians and neighboring whites were confused and terrifying each other through misunderstandings.

Other sources confirmed the whites' attacks on friendly Indians. *The San Francisco Bulletin* reported:

The poor devils were frightened out of their wits, but had enough left to strike out straight 'shirt-tall' for Campbell's reservation on Kings River, at least those on the Kaweah above Woodsville. Those down nearer the lake hid in the tules. Old Gregorio, the Capitan Grande of the lake Indians, came up on Kings River, and told a farmer there (and he told me) that he did not want to fight, and offered to give up every bow, arrow, knife, hatchet, sharp stick, and other deadly weapons in his camp, and to go anywhere the Americans wanted- (he could not have done it, for I know several that wanted him and all his tribe to go to the devil).... At last accounts they had killed 15 Indians.<sup>324</sup>

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<sup>321</sup> Ibid., 222.

<sup>322</sup> Ibid.

<sup>323</sup> Ibid.

<sup>324</sup> Quoted in Secrest, *When the Great Spirit Died*, 223-224.

The whites sent messengers to White River and Kern River, and they organized a second company and chose W.G. Poindexter as Captain.<sup>325</sup> De Masters waited until Poindexter arrived with his company. The militia of 140 settlers mounted a full-scale attack against the Indians who gathered and fortified themselves at a site known today as Battle Mountain, located above Springville, on the North Fork of the Tule River. It is unknown how many Indians were killed or wounded since they were removed through the brush during the almost a month of fighting.<sup>326</sup>

Battle Mountain traditionally belonged to the Yaudanchi tribe, and after the attack by whites, other tribes joined the Yaudanchi. The militia destroyed villages and also attacked Indians food caches in the mountains, where the women and children were hidden. The invaders eventually brought in a howitzer cannon, which finally broke down the Californian's ability to resist.<sup>327</sup>

The leaders of the volunteers also sent word and asked support to military captain Livingston who soon arrived with twenty-five soldiers. Also, about a dozen mounted cavalry came from Fort Tejon under the command of an Indian sub agent Alonso Ridley.<sup>328</sup> Soon after the first fight ended, small parties of white men began to arrive from the upper country; some from as far north as Merced, Mariposa, and Millerton. The force arrayed against the Indians numbered about four hundred. The men were divided into four groups, three of which were to attack the front and flanks of the fort, Captain Livingston and his men dragged the howitzer to an elevation where they could fire into the Yokuts' fort. The Indians attacked the regular soldiers, so Livingston started firing

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<sup>325</sup> Secrest, *When the Great Spirit Died*, 22.

<sup>326</sup> Ibid, 22.

<sup>327</sup> Gelya Frank, "The Tule River Indian Reservation, 1856-1876," 24.

<sup>328</sup> Small, *Early History of Tulare County*, 94.

and forced his way through the brush. The Yokuts, attacked from all sides, fled into the brush and up into the high mountains where they had left the women and children. The whites pursued the Indians for a day or two and returned.<sup>329</sup>

Now the fight against Yokuts was not only the conflict around the Tule River area. These citizen volunteers armed themselves because they knew that there must be a large Indian village in the Tule River. Even though the first reason of the Tule River War dealt with cattle (or hundreds heads of cattle in some resources) stolen by Indians, the war apparently accelerated distrust and conflicts between Indians and neighboring whites. All the volunteers insisted that the Indians must be removed to the Kings River farm, or be killed.<sup>330</sup> Such an ultimatum reveals whites' motives that it is possible for them to exterminate Indians if the Indians did not subordinate themselves. The Indians' traditional land ownership right meant nothing to them.<sup>331</sup>

However, the Yokuts in Tule River area were not a large party. After the last engagement, notwithstanding the blockade, small numbers of mounted Yokuts, the other white parties, succeeded in reaching the plains where the settlers lived, and they did a considerable amount of damage. Most of the cattle had been driven by the settlers near their settlement where they could now be closely herded and guarded. However, despite this move, Indians killed or drove off quite a number of cattle horses and they also burned a few houses in the foothills.<sup>332</sup>

The war had lasted six weeks with great damage to both sides. From the start of the hostilities in early 1850s to this last real engagement in 1856, no non-Indians died, but

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<sup>329</sup> Ibid.

<sup>330</sup> "Tule River Indian War of 1856," *Los Tulares* (March, 1966), 1-2.

<sup>331</sup> Ibid.

<sup>332</sup> Ibid.

107 Yokuts Indian died as a result of military operations.<sup>333</sup> A later evaluation of the Tule River War was not completely fair, nor objective. For example, *The History of Tulare County* concludes that,

Thus ended the Tule River war of 1856, a war that might have been prevented had there been an honest desire on the part of the white settlers to do so, and one that brought little glory to those who participated therein. The responsibility cannot now be fixed where it properly belongs. Possibly the Indians were to blame.<sup>334</sup>

Soon after, the white party appealed to the Indian department to take care of their land and protect the whites from Indians. The Indian department sent sub-Indian Agent Willim Capmpbell from Kings River Agency, who was instructed to seek the scattered Yokuts around the Tule River area and make peace with them. He visited Yokuts, also in the mountains, to assemble leading men of the tribes to restore peace which had since continued. All the meanwhile, the local white occupiers turned the war that was started by white volunteers over to the federal government. An outcome of the war was that the Yokuts in Tule River area returned to the valley and lived there until the federal government removed them to the newly created Tule River Reservation.<sup>335</sup>

The Tule River War of 1856, however, did not end Californian resistance. In Tulare County, trouble again erupted in early August, 1856 on the Kings River. A settler near “Campbell farm” (farm run by a white occupier) accused the natives of stealing a horse, a group of local whites quickly collected a posse and visited the Choinumni (a Yokut tribe) camp. The whites insisted the horse must be returned, or all the Indians

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<sup>333</sup> Cook, *The Conflict between the California Indian and White Civilization*, 352.

<sup>334</sup> Small, *History of Tulare County*, 96.

<sup>335</sup> Preston, *Vanishing Landscape*, 83.

would be killed. The chief, Watoka, said he would find out if any of his people stole the animal and, if need be, make up the loss from his own herd of horses.<sup>336</sup>

Finally, the stolen horse, the cause of the trouble, had been brought in by an Indian. According to Watoka, the mare had been stolen by a member of another tribe, not by a Choinumni. He said “yet the people of Kings River refuse to deliver the seven animals which they took from the Indians after the fight.” He reported that the whites also threatened the Indians with extermination if they returned to their homes in the foothills of Kings River. Superintendent Henley visited Campbell farm and the Fresno River Farm at the end of August, 1856, but his quick trip accomplished nothing. Evidently, Henley just wanted to be able to claim that he had visited the scene of the recent troubles.<sup>337</sup>

In the fall of 1858, the military escorted about two hundred Southern Valley Yokuts from Kings River and Tulare Lake to the Fresno farm. As they assembled the Yokuts, white intruders burned vacated villages.<sup>338</sup> In a letter to the subagent in charge of the Fresno reserve, the white citizens group explained that they had taken this action because of “depredations” by these Indians on the cattle and hogs of local ranchers.”<sup>339</sup>

The conflict between whites and Yokuts then moved east into the Owens Lake country. One of the final episodes took place in April 1863 at Whiskey Flat (now Kernville) where soldiers murdered thirty-five non-combatant Kern River Yokuts.<sup>340</sup> Lastly, the Owens River War in 1863, resulted in about 900 Owens’ River Indians being relocated temporary to the Tejon Reserve.<sup>341</sup>

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<sup>336</sup> Secrest, *When the Great Spirit Died*, 229-232.

<sup>337</sup> Ibid.

<sup>338</sup> Rawls, *Indians of California*, 163.

<sup>339</sup> Heizer, ed., *Destruction of California Indians*, 130-31.

<sup>340</sup> Ibid., 18.

<sup>341</sup> Small, *History of Tulare County*, 96-102.

According to Tulare County historian, Annie Mitchell, the purpose of the militia was to subdue the tribes and please the settlers who wanted the Indians placed on a reservation. After the gold rush, large number of white people rushed into the Yokuts lands. On the Indians side, diseases had serious effects on the California Indian populations, and thus led to a decreased power of the Indians against the intruders. The absolute effects of warfare on the Indian population were greater in the U.S. period than in the Spanish and Mexican period.<sup>342</sup> Roughly 150,000 Indians lived in California at the advent of the Gold Rush in 1848. By 1870 this figure had been cut in one-third, primarily by violent means. This number is a conservative figure; some casualty estimates run even higher.<sup>343</sup> Moreover, Indian tribes realized their indigenous weapons were not as effective against European style guns, as in the case of the Tule River Indian war. Annie Mitchell wrote concerning the disparity in arms, “It is only factual to report that if the Indians had been armed with guns instead of bows and arrows they probably could have run the white men out of the county.”<sup>344</sup>

### **From War to the Reservation**

Historian Charles Berdan Leonard has argued that the federal government built Indian farms because they could not afford the military forces to prevent the incoming Euroamerican population from intruding into Indian territory.<sup>345</sup> The California white, as voters, thought it was the duty of the state government and federal military forces to settle

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<sup>342</sup> Cook, *The Conflict between the California Indian and White Civilization*, 4.

<sup>343</sup> Ibid.

<sup>344</sup> Anne R. Mitchell, *Visalia: Her First Fifty Years* (Exeter, California: County of Tulare 150 Anniversary edition, 2002), 8-9.

<sup>345</sup> Charles Berdan Leonard, *The Federal Indian Policy in the San Joaquin Valley: Its Application and Results*, Ph.D diss., University of California, Riverside, 1928, 214-216.

these conflicts.<sup>346</sup> By 1854, the Indian war debt amounted to more than nine hundred thousand dollars, which the United States eventually paid, partly because the state claimed that the federal government had failed to provide necessary military aid to suppress Indians in California.<sup>347</sup>

On March 3, 1852 Edward F. Beale became the first Superintendent of Indian Affairs in California, and he started to create a California Indian policy after Congress failed to ratify the 18 treaties. He traveled around the California tribes, including the Fort Creek Yokuts and saw how serious the white-Indian conflicts had become. With a negative atmosphere and suspicion surrounding the 18 unratified treaties with the California Indians, he realized that rejection of the treaties would result in a “long and bloody war.” He thought that Indians should be separated from whites.<sup>348</sup> Almost immediately after arriving in California in September 1852, he forwarded to Washington a set of specific proposals for dealing with the California Indians. At the end of October 1852, Beale too recommended that the government set aside reservations for the state’s native people. But he had learned from the opposition to the treaties that any such plan would have to deal with the settlers’ fears and demands. To quiet white fears, the reservation would contain a military post with “the number of troops is in proportion to the population of the tribe there assembled.” Beale described it as a missionary system, meaning that reservation system would be self-supportive. The crops raised by the Indian could be used to pay the soldier’s expenses, Beale thought. Most important, the government would not have to negotiate treaties with the tribes or recognize Indian lands

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<sup>346</sup> Huratdo, *Indian Survival*, 133-134.

<sup>347</sup> Ibid. For the detailed process of the Reservation building of Tule River Reservation, see Frank, “The Tule River Indian Reservation, 1856-1876.”

<sup>348</sup> Secrest, *When the Great Spirit Died*, 227-228.



rights. Again and again he protested that it was “a crying sin that our government, so wealthy and so powerful, should shut its eyes to the miserable fate of these rightful owners of the soil.”<sup>349</sup>

In the first place, he proposed a system of “military posts” to be established on reservations, for the convenience and protection of the Indians; furthermore these reservations were to be regarded as military reservations, or government reservations. The Indians were to be invited to assemble within these reserves. A system of discipline and instruction were to be adopted by the agent who was to live at the post. Each reservation would have a military establishment, the number of troops being in proportion to the population of the tribes, there assembled. The expenses of the troops would be covered by the surplus produce of Indian labor.<sup>350</sup>

Superintendent Beale designed and gained federal approval for the establishment of a “treaty less” reservation system through executive orders and congressional authorization.<sup>351</sup> Unlike the ex-Indian agents, Wozencraft, Barbour, and McKee, who had proposed reserving several millions of acres of land for the Indians through formal treaties, Beale proposed a handful of modest reservations comprising about 75,000 acres each. No treaties were to be negotiated with the Indians. Rather the Indians could simply be “invited to assemble” on government lands.<sup>352</sup> With the appropriation of \$100,000 for the Indian policy in California, Beale’s original plan was to create reservations under the unratified treaties and also 8 for 9,000 Indians in the southern half of the state.

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<sup>349</sup> Hurtado, *Indian Survival on the California Frontier*, 61.

<sup>350</sup> Ibid.

<sup>351</sup> Concerning early reservation era under Beal administration in California, Philips, *Bringing Them under Subjugation*.

<sup>352</sup> Ibid.

Undoubtedly, he planned that the Native Americans were to be gathered and instructed under the supervision of the California Agency.<sup>353</sup> The only difference between this plan and what was being done farther east was the use of federal employees as supervisor-instructors rather than federally-subsidized missionaries.<sup>354</sup>

On March 3, 1853, Congress approved this plan, adding two limitations: the president could choose five such reservations including the Sebastian Military Reservation, now commonly known as the Tejon Reservation, established at the southern end of San Joaquin Valley. It was located adjacent to Fort Tejon and operated on the style of the old California missions, with Indians learning and performing agricultural labor and other kinds of work, contributing to European-style subsistence patterns, such as logging, construction, and blacksmithing. However, none of the five reservations could be larger than twenty-five thousand acres, and none of them could be already occupied by white men.<sup>355</sup> Eventually Congress provided for the establishment of five reservations in California and an appropriation of \$250,000.<sup>356</sup>

By August the superintendent was back in California, ready to inaugurate the new system. Beale chose the Tejon Pass area at the southern end of the San Joaquin Valley for the state's first reservation.<sup>357</sup> It was the Tejon Reservation. Beale intended the Tejon Reservation to serve as the model for future reservations in the state. At the same time,

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<sup>353</sup> *Forbes, Native Americans in California and Nevada*, 83.

<sup>354</sup> *Ibid.*, 83; Similar ideas were advocated both by Utah and Oregon agents in 1849, see Bryon Nelson Jr., *Our Home Forever: The Hupa Indians of Northern California* (Salt Lake City: Howe Brothers, 1988).

<sup>355</sup> *Ibid.*, 60.

<sup>356</sup> U.S., *Statutes at Large*, 10:238.

<sup>357</sup> U.S. Congress, Senate, 33<sup>d</sup> Cong., sp. sess., Exec. Doc. 4, Serial 688, 377-80. For the establishment of Tejon Farm, see Gelya Frank, "The Tule River Indian Reservation, 1856-1876," 15-18.

the three Indian agencies existing in California prior to the Act of March 3, 1853, were abolished, but Congress acted to restore them the following year.<sup>358</sup>

Under Beale's superintending from 1854 and 1855, Congress authorized the creation of a number of agencies and subagencies to administer the new reservations where "Indians were gathered with the intention of providing those houses and a means of livelihood through farming and stock raising."<sup>359</sup> The already vast "Indian Country" beyond the borders of white settlement required little supervision or regulation by white agents. Beale's reservation system, on the other hand, called for the concentration of Indians on relatively small parcels of land, the borders of which were to be precisely defined. The reservations were to be created within the state and were to be surrounded by areas of white settlement. The new reservations would be located on government land, whereas the earlier reserves had been recognized by treaty as belonging to the Indians, but still reservation lands. It is also important that the California reservations were to be places where Indian people were subject to "a system of discipline and instruction" administered by government agents.<sup>360</sup>

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<sup>358</sup> Rawls, *Indians of California*, 152-153.

<sup>359</sup> R.F. Heizer, "The Eighteen Unratified Treaties", 704. Ten agencies or subagencies were established in California in the 1850s and 1860s. Some of these were later abandoned or abolished while others continued in existence into the twentieth century. The ten administrative offices and their dates of original establishment were: Tejon Agency (1855), Nome Lake Agency (1854), Klamath Agency (1856), Fresno Subagency (1856), Mendocino Subagency (1855), Smith River Agency (1864), Hoopa Agency (1864), Round Valley Agency (1865), Tule River Agency (1864), and Mission Agency (1865). See Edward E. Hill, *The Office of Indian Affairs, 1824-1880, Historical Sketches* (New York: Clearwater Publishing, 1974), 19-24.

<sup>360</sup> Rawls, *Indian of California*, 149, Robert A. Trennert has demonstrated that since 1846 officials of the Office of Indian affairs had been experimenting with the idea of reservation system for the Plains Indians similar to the one proposed by Beale in 1852. Trennert acknowledges, however, that it was in California that the first modern reservation was actually established. Under the removal policy Indians had been assigned "reservations" in the unorganized land of the trans-Mississippi west. Robert A. Trennert Jr., *Alternative to Extinction: Federal Indian Policy and the Beginnings of the Reservation System, 1846-1851*, (Philadelphia: Tempe University Press, 1975); Hill, *Office of Indian Affairs*, 20; Wilcomb E. Washburn, *The Assault on Indian Tribalism: The General Allotment Law of 1887* (Philadelphia: J.P. Lippincotto, Co., 1986), 170-96.

By 1858, the California Superintendency had selected and established all the reservations authorized by the Act of March 3, 1853. Historian James Rawls elaborates in his important work on this period that eight distinct parcels of land or reservations were actually established by administrative action. Five of these reservations were designated by the Office of Indian Affairs reports as “reserves”: the Tejon Reservations, which was established in 1853; the Nome Lackee and Fresno Reservations, both established in 1855. Three of the five “reserves” had geographically non-contiguous “farms” attached to them. The Tule River farm was attached to the Tejon Reservation, while the Nome cult and Kings River farms were attached to the Nome Lackee and Fresno Reservation respectively.<sup>361</sup> Each was to be located adjacent to a military fort to protect the Indians from intruders as well as control or govern the Indians living there. Anthropologist, Gelya Frank also concludes that despite the distinction made between “reservations” or “reserves,” and “farms” by officials in the 1850s, all eight parcels of land came into existence pursuant to the Act of March 3, 1853.<sup>362</sup>

According to the Felix Cohen’s *Handbook of Federal Indian Law*, first published in 1942, the term “Indian Reservation” refers to all federally protected Indian tribal lands without any particular dependence on how the reservation was established, whether by treaty, agreement, statute, executive order or administrative action.<sup>363</sup>

Beale’s reservation policy was based on the unique situation of the California Indians in several ways. First, the reservations were created because of rapid white population growth after the gold rush and California statehood. The first reservation was made just two years after the statehood, and Congress provided the appropriation for the

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<sup>361</sup> Rawls, *Indians of California*, 152-153.

<sup>362</sup> Frank, “The Tule River Indian Reservation,” 18.

<sup>363</sup> Cohen, *Handbook of Federal Indian Law*, 34.

Beale's plan only a year after his appointment. Things were going to happen for quickly for California Indians in order to adjust to the situation of white population growth in the newly incorporated state. Beale's plan was expected to settle conflicts and to create coexistence between Indians and non-Indians on these wealthy lands.<sup>364</sup>

Second, Beale had found the inspiration for the system in the California missions which he described as being self-supportive. He had the idea that Indian reservations should be self-supporting with Indian laborers. However, the Indians' labor was just Indian sacrifice. They were forced to leave their home lands where they could survive by themselves and be self-supportive in their original life style. But under the Beale reservation system, while the Indians would be trained in mechanical and agricultural skills, their labor would also support the troops and agents assigned to the reservation.<sup>365</sup>

Third, a reservation was placed on reserved government land or the lands leased by the government, which was an important distinction between Beale's reservation plan and Indian Territory (1830-1917) which became Oklahoma in 1907. In this sense, the U.S. followed Spain and Mexico's land session for Indians, in which they did not recognized the Indian land title to all of California Indians and wanted to open Indians' homelands to newcomers.<sup>366</sup>

The reason for the acceptance of Beale's reservation plan among Congress was that it never recognized the Indian land titles that Congress ignored under the eighteen treaties. T. Butler King had reported mistakenly in 1850 that the California Indians "never pretended to hold any interest in the soil, nor have they been dealt by the Spanish

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<sup>364</sup> Phillips, *Indians and Indian Agents*, 183-190.

<sup>365</sup> Ibid.

<sup>366</sup> Ibid.

or American immigrants as possessing any. The Mexican government never treated with them for the purchase of land, or the relinquishment of any claim to it whatever.”<sup>367</sup>

Instead, Beal’s plan carved reservation lands from public domain areas and required the establishment of a military post at each reservation. The military provided the force needed to remove and relocate native groups from land attractive to white farmers, ranchers, and others. It also provided the means to exile any dissident individuals or groups who refused to accede to white authority from their home territories.<sup>368</sup>

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<sup>367</sup> Congress, 31st Cong., 1<sup>st</sup> sess., *Executive Documents* 59, 8.

<sup>368</sup> Rawls, *Indians of California*, 151.

## Chapter 6 Creation of Tule River Reservation, 1856-1878

In the following years after the California Statehood, Edward Beale, as a new federal agent and his successor, Thomas J. Henley, created several reservations authorized by executive order, not by treaties.<sup>369</sup> Beale thought the reservation system was necessary for agricultural purposes and educational programs for the Indians in California. He had established the Tejon Reserve in 1852, and, likewise Henley established a second reservation on the western side of the Sacramento Valley at a site known as Nome Lackee in September of 1854.<sup>370</sup> During the following years, Henley also established other additional reserves and “Indian farms” attached to the reservations: the Tule River farm attached to the Tejon Reservation, while the Nome cult and Kings River farm attached to the Nome Lackee and Fresno Reservation respectively.<sup>371</sup>

When reservation formation was at its peak, as many as 10,000 of the estimated 50,000 Native Americans were under the reservation system in California.<sup>372</sup> Yokuts mainly lived on the Fresno Reservation, the King’s River farm, and the Tule River farm. By 1857, the federal government finally removed the Yokut at Fresno and Kings River farms to the Tule River farm under Indian administrative reorganization.<sup>373</sup>

### Tule River Reservation

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<sup>369</sup> Rawls, *Indians of California*, 149-153. Albert Hurtado introduced the report written by B.D. Wilson who was a sub-agent under the Superintendent Beale. Wilson’s dedicated report disclosed the conditions of California Indians which Beale had lots of information for his idea for reservation. B.D. Wilson, *The Indians of Southern California in 1852* (Lincoln and London: University of Nebraska Press, 1995).

<sup>370</sup> Ibid.

<sup>371</sup> Ibid., 152.

<sup>372</sup> *San Francisco Daily Alta*, California, June 18, 1852.

<sup>373</sup> For a concise summary of the reservation system in the 1860s and early 1870s, see Hill, *The Office of Indian Affairs, 1824-1880*, 19-24. The distinction between “reserves” and “farms” during this period of federal Indian policy in California was used confusedly. Charles B. Leonard argues that the “farm” was a supplemental region to keep the reservations.

In August 1856, about three month after the Tule River war, Henley assigned Alonzo Ridley as a special agent to restore peace and provide food for Indians. Then, the federal government finally created the Tule River farm about three miles east of Porterville and on the site of a former Koyeti village. The farm was a parcel of agricultural lands and existed next to the Tejon Reservation. The farming operation then immediately started with Indians working on the reserve. In September, 1857, Alonzo Ridley, a sub-agent from the Tejon Reservation, asked Yokuts to come to the new reserve voluntarily.<sup>374</sup> At that time, many Indians between Tejon and Visalia moved there. Unlike the Fresno and King's River farms which were on the rented land, the Tule River farm was on the Koyeti village site, so-called public domain land.

Gelya Frank, who researched the origin of Tule River Reservation, mentions "the existence of a well-established Koyeti village known as Sackesale on the Tule River was ideally suited for a reservation in the vicinity."<sup>375</sup> The federal government brought mainly Yokuts from considerable distances to the reservation, and then built a number of adobe buildings for them.<sup>376</sup> There were several reasons the federal government decided to establish a farm on the site of where Tule River farm existed. First, the Indian population in this region was denser than in other California counties where the Indians had been virtually exterminated as a result of the Gold Rush. In contrast, the Indian population of Tulare County was the least disrupted. In 1852, Indians constituted 98% of the population of Tulare County; in which the county had over 8,000 Indians and almost no non-Indians.<sup>377</sup>

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<sup>374</sup> Frank, "The Tule River Indian Reservation," 52.

<sup>375</sup> Ibid.

<sup>376</sup> *Los Tulares*, (September, 1957), 2.

<sup>377</sup> Frank "The Tule River Reservation," 42.



However, the Tule River farm did not function well. In the first, Beale's successor Thomas Henry did not supply any equipment, so the initial operation at Tule River farm was on a very small scale, and the resources on the reservation were not enough for the Indians' self-support. Reservation land was productive but not enough to feed Yokuts because the lack of the agricultural land and industries. So the agents encouraged them to seek other ways to survive.

For example, Yokuts at the Fresno River Reservation hunted wild horses to supplement their diet. Some reservation Indians mined gold and worked for white ranchers.<sup>378</sup> Some statistics show that about one third of gold miners were Indians while many of them worked for white miners.<sup>379</sup> Because of the lack of the subsistence, such as farming and hunting opportunities and water systems, the BIA sent the Tule River Indians to the Tejon Reservation in 1857. At the same time, they again were sent back to Tule River farm because the Tejon Reservation also had few resources to feed the Tule River Indians<sup>380</sup>

The federal government soon tried to find a new place for Yokuts. The Tule River was a water rich site. Also, the area of Tule River proved convenient to establish a new road and supply lines because it was relatively remote and empty of settlement.<sup>381</sup> Finally the site of the Tule River reservation was located on or immediately adjacent to the proposed reservation that Koyeti leaders (along with leaders of the Yowlmni, Chunut, Wowol tribes) had negotiated with the federal government in 1851.

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<sup>378</sup> Hurtado, *Indian Survival on the California Frontier*, 152. Henry to James A. Patterson, June 14, 1857, *Letters Received by the Office of Indian Affairs*, 1824-1880, Roll 35, 1856-1857, M 234 RG 75, National Archives.

<sup>379</sup> Trafzer, *California's Indians and the Gold Rush*, 34.

<sup>380</sup> Agent J.R. Vineyard to Thomas J. Henley, August 15, 1857, Letter Received of Office of Indian affairs, 1824-1880, Roll 35, 1856-1857, M234, RG 75, National Archives.

<sup>381</sup> Frank, "The Tule River Reservation," 45.

Second, after the Tule River War, pressure from whites for Indian removal to some particular reserve was an important issue to the settlers. There was a reservation next to the Tule River farm and some 90 to 120 miles to the south from Tule River farm, the Tejon Reservation. However, moving the Tule River Indians to the Tejon Farm was impractical because of the lack of the food sources.

On September 30, 1857, Tejon Agency clerk Thomas Madden filled an application to gain personal title for 1,280 acres where the Tule River farm had been located for last a year.<sup>382</sup> He used the fraudulent stratagem of applying to the State of California for the purpose of establishing a school. Right after his request was accepted in 1860, he started charging the federal government the rental of one dollar an acre for Tule River farm. The United States paid Mr. Madden a rental for 1,280 acres for the Madden Farm at an annual rental of \$1,920 from 1860 up to 1876, when the federal government removed the Tule River Indians to the present Executive Order reservations. The so-called Madden farm with about 500 acres of Government land adjoining the farm became the new Yokuts' lands.<sup>383</sup>

The use of Madden Farm for the Tule River Indians characterized the fraudulent behavior among the BIA employees working on the reservation. Thomas P. Madden obtained personal title to land along Tule River, using state school warrants. Anthropologist Gelya Frank, uncovered the fraudulent process that Madden practiced in California to acquire additional land elsewhere in the vicinity of the new reservation. Frank indicates:

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<sup>382</sup> To acquire the site of Tule River farm, Madden made use of a law approved by Congress on September 4, 1841 entitled "An act to appropriate the proceeds of the sales of the Public Lands and to grant Pre-Emption rights." Frank, "The Tule River Reservation," 28.

<sup>383</sup> Ibid., 30.

Madden's fraudulently acquired lands had a direct impact on the ability of the federal government to carry out its intent to establish a permanent homeland for the Tule River Indians, because 1,280 acres of the land that Madden put in his own name had been already settled by the Tule River Indians under the direction of Special Agent Alonzo Ridley.<sup>384</sup>

The Tule River Reservation experienced further population growth. In 1860, the U.S. army fought Native people in the Owens Valley, on the east side of the Sierras. There the Western Mono (or Monache) and Owens Valley Paiutes fought invading miners who entered eastern California with the recent opening of an overland route. When the Euroamericans defeated the Owens Valley Indians, the federal government moved an unspecified number of them to the Tule River Farm.

In 1863, Superintendent Austin Willy sent Indians from both the Tejon Reservation and the King's river to the Tule River farm. The Indian affairs office closed both reserves because of the failure of the agriculture and the high cost of the rented private property. In fact, like in the Madden Farm, the federal government rented the Tejon Reservation from Edward Beale, the first Superintendent of California, who owned the land.<sup>385</sup> This suggests fraud and conspiracy on the part of Beale's administration.

In 1860s, there were 325 Yokuts living on the farm.<sup>386</sup> By 1865, the population of the Tule River doubled to 800. This population included some Owen's River Indians from the east side of the Sierras and all Yokuts and other Indians of the Fresno Reserve and King's River farm who also moved to Tule River reserve.<sup>387</sup>

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<sup>384</sup> Ibid., 29.

<sup>385</sup> Ibid., 54.

<sup>386</sup> William W. Robinson, *The Story of Tulare County and Visalia* (Los Angeles Title Insurance and Trust, 1955), 13.

<sup>387</sup> Also the other reservation was reorganized in the same reason. A few Klamath Indians were relocated to the new Smith River reserve, which was founded in 1862 above Crescent City in the northwestern corner of the state, but soon Smith River was abandoned in 1869. By 1862 most of the Indians had left the Nome Lackee reservation, and it was also abandoned. The remaining Nome Lackee Indians were transferred finally to the Round Valley reserve. The Mendocino reservation was abandoned in 1864, and its Indians were moved to Round Valley.

In 1864, Congress acted to remedy the fact that there were no permanent reservations in California. Much of California reservation lands existed on land rented from settlers. The Act of April 8, 1864, “An Act to Provide Better Organization of Indian Affairs in California” (also known as the “Four Reservations Act”), directed that

There shall be set apart by the President, as his discretion, not exceeding four tracts of land, within the limits of said state to be retained by the United States for the purpose of Indian Reservations, which shall be of suitable extent for the accommodation of the Indians of said state.<sup>388</sup>

The act provided enough of a land base for the Indian residents. So for the Tule River reservation, as well as other three reservations, Superintendent Austin Willy, and his successor Charles Maltby started to find an adequate land base. The four executive order reservations established became known as the Hoopa, Tule River, Round Valley, and the Mission Reservation. But in the beginning, the problem was where they could establish the reservations.

The Tule River Reservation was initially rented land called the Madden Farm. With the increased value of the Madden farm, it was almost impossible for the federal government to renew the renting contract of the farm for Tule River. The farm was in the middle of the population growth. By late 1861, white settlers established a store and shopping place along the emigrant trail by Royal Porter Putnam at what today is the northeast corner of Main and Oak Street in Porterville. By 1874, there were three general merchandise stores in Porterville, one hotel, two restaurants, two blacksmith shops and several saloons, and a population of nearly 300 settlers.<sup>389</sup>

The Madden farm has been rented for the past ten years, and occupied for the use of the Tule River and Owen’s River tribes. The lease will expire on the 31<sup>st</sup> day of December next, and I am informed by Mr. Madden that the land has advanced so

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<sup>388</sup> Quote in Frank, “The Tule River Indian Reservation,” 54.

<sup>389</sup> Small, *Early History of Tulare County, California*, 461.

much in value, and is so much sought after for private enterprise that it cannot be hired another year for less than two dollars par acres....I have herefore discouraged the rental of private farms or the use of the Indians for the most obvious reasons.<sup>390</sup>

With growing demands of the neighboring white population, the white settlers requested the moving of the Tule River people from the existing Madden Farm to the reservation. While the new settlers' presence was drastically reducing access to Indians' traditional food resources, they were afraid of potential Indian cattle theft. Ranching had been the primary occupation of the settlers and with the passage of the so-called the No Fence law (Act of February 4, 1874), which enabled farmers to confiscate stray cattle and to sue ranchers for damage to their crops, regardless of whether their fields were fenced, the farmers rapidly settled Tulare, Kern and the San Joaquin counties.<sup>391</sup> Being close to white settlers, the lack of fences had been a problem on the reservation, as reported by the agent in 1870: "The corn, potatoes, pumpkins, squashes, beans, melons, grapes, etc., were nearly destroyed by several hundred hogs belonging to white men in the neighborhood of the reservation."<sup>392</sup> Building fences were expensive in the 1870s. However, the government in Washington D.C. would not authorize funds to replace the brush fences built by the Indians with more effective barb-wire fences for their crops. White-owned livestock seriously damaged reservation lands.

Health issues also arose. About the first of February 1868, small-pox had made its appearance at Visalia, some thirty miles from Tule River Reservation. By the middle

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<sup>390</sup> Agent of Tule River Indian Reservation, August, 7<sup>th</sup>, *Annual Report of Commissioner of Indian Affairs*, 1869, 191-192.

<sup>391</sup> So-called No Fence Law reversed the stipulations of the Trespass Act, which known as the Fence Law, had permitted ranchers to let their herds roam freely over the open range. Under this Law, the farmers could sue for damages to heir crops only if their fields were fenced. Preston, *Vanishing Landscape*, 90.

<sup>392</sup> Jno W. Miller, in charge of Tule River farm, Tule River Indian Agency to Hon. E.S. Parker, Commissioner of Indian Affairs, Washington, D.C., September 30, 1870, *Annual Report of Commissioner of Indian Affairs*, 1870.

August, 1869, at least one-third of the Monaches had died of measles at Tule River. On August 2, 1869, Charles Maltby, the old agent at Tule River, sent a letter to Agent John Miller, informing him that on the night of June 24, about twenty Indians, belonging to Monache tribe, had left the reservation for Owen's River, their former home. On account of their mortality, those that escaped to Owen's River believed that all would die should they remain on the reservation.<sup>393</sup>

Maltby stated that from the fall of 1868, exactly 58 Monaches had already left the Tule River farm (sometimes, the agent mentioned the Tule River Reservation just as Tule River farm) for Owen's River. Then, one hundred and seven more left for Owens River in July, 1869, followed by thirty more Monaches by the end of 1869.<sup>394</sup> The Indians of the original Tule River farm suffered little from the measles, but seven deaths did occur in that tribe from that disease.

The white citizens became alarmed from rumors that the disease could be communicated and spread by Indians frequently passing through town. To reduce the fears of white citizens, and to prevent the spread of the fearful disease amongst the Indians, the agent collected all the Indians on the reservation, and vaccinated one hundred and ninety eight peoples.<sup>395</sup>

By 1869, 450 Indians remained on to the Tule River Reservation, but more than 150 Monaches had already left or scattered around the area voluntarily. Most of Monaches who remained were unwilling to work there. Employed by whites (from 76-81 cent / day), they were better off outside of the farm instead of working for themselves.

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<sup>393</sup> Charles Maltby, Agent of Tule River Indian Reservation, August, 7<sup>th</sup>, *Annual Report of Commissioner of Indian Affairs*, 1869, 191-192.

<sup>394</sup> Ibid.

<sup>395</sup> Ibid.

The relationship between the whites outside of the farm made it hard for the Manache to merge themselves into the life of the original Tule River Indians.<sup>396</sup>

From the beginning, when the reservation was formed, there was continuous criticism over the fact the government rented private land for Indians. The land did not belong to the Indians which apparently made it hard for Indians to be self-supportive. The Tule River Indians thus became suspicious over white criticism and they became reluctant to contribute to more than was needed for their personal subsistence. They wisely suspected that any permanent improvements on the land might not be theirs to enjoy. Living on privately rented land lacked a sense of owning land and working their own property.<sup>397</sup> The agent also mentioned that the removal was also preferable to Indians living at Tule River, saying “‘my house’ and ‘my land’ ...a feeling of independence...increased effort and activity.”<sup>398</sup>

The other reason for the removal of Indians was the necessity to stop the liquor traffic, introduced by Mexicans and whites near Tule River in the late 1860s to early 1870s.<sup>399</sup> Finally in 1877, the Commissioner of Indian Affairs argued that Indians needed to be separated from the cheap liquor sellers. These liquor sellers, who came from the towns outside of the reservation, were sometimes caught, but it was impossible to get a jury to convict them.<sup>400</sup>

There were two choices facing the Indian office in California concerning these land problems under the Four Reservation Act; either to purchase Madden Farm as

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<sup>396</sup> Jno W. Miller, in charge of the Tule River farm, September 30, 1870, *Annual Report of Commissioner of Indian Affairs*, 1870, 89-90.

<sup>397</sup> Ibid.

<sup>398</sup> W.M.R. Matter, U.S. Indian agent, August 20, 1877, *Annual Report of Commissioner of Indian Affairs*, 1877, 41-43.

<sup>399</sup> Jno H. Purcell, the first Lieutenant, U.S. Army, Indian Agent, August 5, 1870, *Annual Report of Commissioner of Indian Affairs*, 1870; Charles Maltby, Agent, September 1, 1871, *Annual Report of Commissioner of Indian Affairs*, 1871.

<sup>400</sup> August 20, 1877, *Annual Report of Commissioner of Indian Affairs*, 1877, 40.

reservation land for Yokuts, or purchase a suitable tract for them further south in San Diego or San Bernardino County.<sup>401</sup> John Miller, a person who was in charge of the Tule River farm recommended in the commissioner report of 1869 that the purchase of the Madden farm itself, as the Indians already had good adobe houses to live in, and therefore “the government should provide them with a permanent home, and hold out inducements for civilization and the cultivation of peaceful arts.”<sup>402</sup>

The federal government established the new 48,000 acres reservation south of Tule River in January 9, 1873 via President Grant’s Executive order. This is the site of the present Tule River Reservation, located in a remote mountainous location about 12 miles east of the Madden Farm.

However, the Tule River Indians were not pleased with the land even though the total acreage was much greater than the Madden Farm. The agricultural capacity of the new reservation proved to be poor since the reservation was located “in a steep river canyon characterized by rough, mountainous terrain.”<sup>403</sup> Furthermore, nine months after the reservation was established, the President Grant issued a second Executive order in October 3, 1873 that it expanded the land base of the reservation to 91,837 acres, which included the drainage between the Middle and North Fork of the Tule River.<sup>404</sup> (Figure 9)

One of the reasons for this removal of Yokuts was that the Porterville settlers denied the Indians use of the water on the Madden Farm. According to Jose Vera, the agent’s failure to protect the Indians’ water right triggered the Indians’ removal to the new Executive Order reservation. Another reason was that, the so-called Bonsell

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<sup>401</sup> August 15, 1869, *Annual Report of Commissioner of Indian Affairs*, 1869, 183.

<sup>402</sup> John Miller, in charge of Tule River Farm, September 30, 1870, *Annual Report of Commissioner of Indian Affairs*, 89-90.

<sup>403</sup> Frank, “The Tule River Indian Reservation,” 72.

<sup>404</sup> Executive Order of October 3, 1873 (Ulysses S. Grant).



Massacre happened in December 1869. As a white woman newcomer wrote about this incident:

Indians here were of a very low type and as a rule not warlike but one family near the foothills must have angered them in some way for when the husband came home from town one day he found his whole family massacred and scalped. After that the children were often reminded of it by cautious parents. It is said that Mr. Bonsell, the husband, never missed an opportunity to shoot down an Indian on sight and the settlers never reported him.<sup>405</sup>

The settlers became upset and requested the U.S. army to be stationed on the reservation. Their request to the federal government to remove the Indians from Madden Farm received public support. Jose Vera who experienced the removal from Madden Farm to the new reservation provided another reason. They moved the new reservation because the white cowboys chased the Indian girls. The white cowboys liked to come there and gamble and bet on races, so the Indians were moved to the present reservation place on the south Tule River.<sup>406</sup>

Ina Stiner who interviewed Vose Vera made it clear where the Tule River Indians stood on removal:

Chief Chico talked loud to the agent. The Indians and boys heard him. The Agent shook (he was a young man.). His hands trembled; he said "Guess we'll move up into the hills." Chief Chico said "the white people come to our country. Why don't they move back to where they came from?" The agent said: "We will move up into the hills; and you will have your own lands and ditches."<sup>407</sup>

For all of these reasons, the Tule River Indians finally had a permanent home for their own. Also removal was sometimes done by force.<sup>408</sup> Alotha Santos remembered

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<sup>405</sup> Diary of Grace Pate Heaton, titled "A Western Pioneer," written ca. 1920s-1930s.

<http://familytreemaker.genealogy.com/users/p/a/t/john-E-PATE/FILE/0001page.html?Welcome=10533137796>.

<sup>406</sup> Interview with Jose Vera by Ira Stiner, Tule River Tribal History Project.

<sup>407</sup> Ibid.

<sup>408</sup> Ibid.

stories she had heard from elders who experienced this removal first hand, and she said the removal from the Madden Farm to the new reservation was somewhat forceful:

I don't ask them just how they get up here. Maybe, walk. Maybe wagon. Maybe white people bring them here. But from there, anyplace, right here, all this way, lots and lots of deer. Somebody go there, kill deer. Pretty soon scared, they run. They run away anyplace, way up there someplace.<sup>409</sup>

She also related how they were to survive in their new homeland:

'You're going to eat acorn in there.' That's what the government worker said, I guess.... Government put all these people here.<sup>410</sup>

Another tribal member, Francis Hunter, reiterated a story which he heard from the tribal elders who experienced the removal, and which corroborated Jose Vera's version of their removal:

They (the federal government) moved them from down there up this way... Some had to come in wagons and some had to walk... whatever clothing they had to pack with.<sup>411</sup>

Therefore, the Tule River Indians were apparently never satisfied with their removal. First of all, the life on the Tule River farm (so-called Madden Farm) was generally orderly and comfortable, as the Agent's 1872 report noted:

They dress in citizens' dress, male and female, live in adobe or wooden dwellings, and many of them are now qualified and capable of becoming citizens of dissolving their tribal relations, locating homesteads, and by their industry and the knowledge they have acquired, make a comfortable and respectable living. No trouble or difficulty of any kind has occurred between the Indians and citizens, on or near the agency, during the year.<sup>412</sup>

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<sup>409</sup> Interview with Alotha Stantos by Gelya Frank in 1972, Tule River History Project.

<sup>410</sup> Ibid.

<sup>411</sup> Interview with Francis Hunter, by Gelya Frank, November 18, 1973, Tule River History project.

<sup>412</sup> Charles Maltby, Tule River Indian Agency, California, to B.C. Whiting, Superintendent of Indian Affairs, San Francisco, CA, September, 7, 1872, *Annual Report of Commissioner of Indian Affairs*, 1872, 381.

Furthermore, the Tule River people had already contributed to the Madden Farm's development. Tule River Indian labor dug a huge ditch in which men did the digging and the women carried away the dirt in baskets. The agent at Tule River wrote in 1867 that the Indians constructed a large irrigation ditch, five miles in length from Tule River with the expectation that the lands rented would be purchased by the government and that those enterprises would be of great utility and benefit to the reservation.<sup>413</sup> In 1970s, Jose Vera, who was born and raised on the Madden Farm and then moved to Tule River Reservation, explained another reason for the Tule river Indians' reluctance to move, that the Tule River Indian not only built ditches, but also extended it to the town of Porterville to service a mill. According to Jose Vera, they tried to gain the right to use the mill without charge to grind the massive amounts of grain they produced for flour.<sup>414</sup>

On December 24, 1873, Agent Vosburgh reported an unfavorable view of the new reservation to Commissioner of Indian affairs:

I do not regard the selection of the new location as the best that could have been made for a Reservation. First, because it contains very little land available for agricultural purpose. The amount of arable land will not much exceed 200 acres, and a portion of that is hilly and more or less stony and such as will be easily overcome with drought. As a farming tract could not possibly employ but a small part of the working force of the reservation and the proceeds, it seems to me could not go far by way of subsistence.<sup>415</sup>

The mass of Indians are not favorably impressed with the chances of earning a livelihood on the New Reservation, and they have some very good reasons for such unfavorable impressions. This, in addition to the fact, that they had years ago been promised the Old Reservation located on the "Madden" Ranch as a permanent above, and built themselves houses thereon, believing that such would be the case.<sup>416</sup>

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<sup>413</sup> California Superintendent's Report to the Commissioner of Indian Affairs and Secretary of Interior, *Annual Report of Commissioner of Indian Affairs*, 1867, 131.

<sup>414</sup> Frank, "The Tule River Indian Reservation," 65.

<sup>415</sup> Agent J. B. Vosburgh to Hon.E.P.Smith, Commissioner of Indian Affairs, Washington D.C. December 24, 1875, 1-2, Roll 46, Frame 873-877, *Letter Received by the Office of Indian Affairs*, M234, RG 75, National Archives.

<sup>416</sup> Agent J.B. Vosburg to Hon. E. P. Smith, Commissioner of Indian Affairs, Washington, D.C., December 24, 1875, 2,

However, in 1877, W.M. R Matter, Indian Agent of Tule River Reservation, stated “A large majority of the Indians are well satisfied with the removal, and are laboring with commendable real in making rearmament improvements and gathering around them the comforts of home.”<sup>417</sup> The Commissioner reported that to be able to say ‘my house’ and ‘my land’ created ‘a feeling of independence’ and ‘increased effort and actively’ among Tule River Indians. He mentioned “I think all of the Indians under my care can be applied with small tracts of land, within the bounds of this reservation, where they can make homes and become entirely independent of governmental assistance within two years from this writing.”<sup>418</sup>

By the fall of 1874, only seven families had moved to the new reservation. Most of the Indians still lived on the Madden Farm. And in August of 1876, only six families settled the reservation. However, in the next three month, all Madden Farm residents finally moved to the new reservation.<sup>419</sup>

But in 1877, 69 of the original Tule River farm Indians had been induced to return to the old Madden farm. According to the commissioner, a man representing himself as the owner of the land had given the Indians permission to cultivate and to live there free of rent as they pleased, assuring them at the same time that the government would finally purchase it. However, no Indians could posses the land, and later the Madden farm for them became only a place of general rendezvous.<sup>420</sup>

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Roll 46, *Letter Received by the Office of Indian Affairs*, M234, RG 75, National Archives.

<sup>417</sup> August, 20, 1877, *Annual Report of Commissioner of Indian Affairs*, 1877, 41.

<sup>418</sup> Ibid.

<sup>419</sup> G. E. Belknap to Commissioner of Indian Affairs, August 21, 1876, *Annual Report of Commissioner of Indian Affairs*, 1876, 17; Frank, “The Tule River Indian Reservation,” 78.

<sup>420</sup> G. E. Belknap to Commissioner of Indian Affairs, August 21, 1876, *Annual Report of Commissioner of Indian*

In 1878, however, Republican President Rutherford B. Hayes reduced half of the reservation land to the public domain by Executive order because the settler's desire to open the land to the public. The remainder of 64,000 acres constituted the present Tule River Reservation.<sup>421</sup>

As I had shown thus far, the Yokuts acquired their land by various executive orders through the 1870s. After more than twenty years since the treaty making, Tule River people finally settled down at their current reservation place. However, comparing the amount of land base, there was a huge difference between the land base of the proposed unratified treaty reservation and the Tule River Reservation. Article 4 of the unratified treaty B shows how large a reservation the Yokuts were to be guaranteed:

Article 4. It is agreed between the parties that the following districts of country be set apart and forever held for the sole use and occupancy of said tribes of Indians, to wit; *To the Chu-nute and Wo-wol tribes, all that district of country lying between the head of the Tulare or Tache lake and Kern or Buena Vista lake; to the Ya-lum-ne and Co-ye-tie tribes, all that district of country lying between the Tule River and Paint Creek, and between the emigrant road (being the same over which the military escort accompanying the said commissioner passed to this camp) and the Sierra Nevada, running the lines from the head of Tule River and Paint Creek in the same general direction of said streams to the nearest points of the sierra Nevada, reserving to the government of the United States and to the State of California the right of way over said territories and the right to erect any military post of posts, houses for agents, officers, and others in the service or employment of the government in each of said territories. In consideration of the foregoing, the said tribes of Indians jointly and severally forever quit claim to the government of the United States to any and all lands to which they or either of them now or may ever have had any claim or title whatsoever.* (for the map, see the appendix)<sup>422</sup> (it did not mention the actual amount of acres)

It is clear the former territory for Tule River reservation as promised under the treaty had greatly decreased from the original treaty provision lands to only 64,000 acres

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*Affairs*, 1876, 17.

<sup>421</sup> Executive Order, August 3, 1878 (Rutherford B. Hayes).

<sup>422</sup> Heizer, *The Eighteen Unratified Treaties*, 34-35.

in the 1875. Appendix A shows the population of the Tule River Reservation and Appendix B shows the population of Yokuts as a whole. Considering the Tule River population, the number of 800 Indians in 1865 was a peak, decreasing seriously to 275 by 1875, and dropping lower to only 143 in 1884. They lost large numbers because of epidemic diseases, including smallpox. A percentage of the Owen's valley Indians left Tule River reservation due to smallpox.<sup>423</sup> The appendix shows that there were 600 Yokuts in the central valley in 1880. About 200 Yokuts Indians (30 % of whole Yokuts in central valley) lived outside of the Tule River reservation.

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<sup>423</sup> There was one more break of the small pox in Tule River in 1911. ProQuest Historical Newspaper Los Angeles Times (1881-1985).

## **Chapter 7 Federal Bureaucracy on the Tule River Reservation, 1856-1932**

U.S. policy to assimilate Indians was based on the use of the English language and so-called industrial education. For Yokuts on the Tule River Reservation up to the 1930s, an unforeseen consequence of assimilation policy surfaced. They not only experienced various degree of assimilation into the dominant society, but they also created their own larger ethnic identity as Indians of Tule River Reservation, and then later as the Tule River Tribe. Of course, the federal government, although not its original intention, aided in creating the Tule River Indians out of the various reservation constituents of Yokuts and non-Yokuts groups from the 1870s to the 1930s. The remainder of this work focuses on identity building and the reservation life of the Tule River Indians administration up to the Indian Reorganization Act (IRA) of 1934.

### **The Establishment of the Federal Administration for the Yokuts Indians**

The Office of Indian Affairs (OIA), as an agency to deal with the federal Indian policy as a whole, came into existence informally in 1824 as a branch within the War Department. Later, the Congress authorized the appointment of a commissioner of Indian affairs as the top administrator of the OIA in 1832. The federal government finally transferred the OIA to the newly created Department of the Interior in 1849 and it commonly became known as the Bureau of Indian affairs (BIA). Indian affairs thus became a domestic affair rather than a foreign matter.<sup>424</sup>

The BIA was responsible for the federal government's relations with the Native American tribes that it recognized. Some groups of Indians, particularly small western tribes, have never received official recognition, and other groups ceased to function as

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<sup>424</sup> Hill, *The Office of Indian Affairs*, 5.

cohesive tribes under the BIA. The bureau ignored these tribes, and only acknowledged responsibility for Indians living on a recognized reservation or who maintained an affiliation with a recognized tribe. Many Indian descendants were not mentioned in any of the bureau's records because they did not have any connection with any federally recognized tribe.<sup>425</sup>

The BIA created an agency system in the 19<sup>th</sup> century. An agency had one or several reservations under its jurisdiction. There was usually a reservation agent who took charge of the people there. Above the agent, a Superintendent had charge of the entire geographic region. Both superintendents and agents were appointed by the national BIA headquarters in Washington D.C. Besides the Superintendent and Agency agent, there were some BIA employees on the reservation, including school teachers and others who took charge of specific tribal operations. Many of these agencies were subordinate to the superintendency which had general responsibility for Indian affairs in a larger geographic area.<sup>426</sup>

All reservations established in California fell under the umbrella of federal government's Indian policy. At the same time, California Indians had virtually no title over their own reservations in contradiction to what was specified in the 18 unratified treaties. In California, the government under its holder of "trust" property notion made it very clear that the reservations belonged to the federal government and not the Indian people.<sup>427</sup>

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<sup>425</sup> In 1831, the Bureau assumed jurisdiction over the Indians and Eskimos of Alaska from the Alaska Division of the Office of Education, which had been established in 1885 to administer education and health programs for the natives of Alaska. In 1955, most of the bureau's health activities, including the operation of Indian Hospitals, were transferred to the Public Health Service.

<sup>426</sup> Jack Forbes, *Native Americans in California and Nevada*, 93.

<sup>427</sup> Ibid.



For the Secretary of Interior, in order to send messages from the Interior department to the agencies, and to report information downward from Washington, sometimes field investigations were authorized by Commissioner of Indian Affairs (CIA) of the BIA. The Superintendency system remained in place until 1880 when the federal government abolished it, and each reservation and rancheria become its own entity under individual federal agents. As a result of this reorganization, an agent became the overall administrator and reported only to the main BIA office in Washington D.C. At Tule River Reservation, the agent served multiple roles: physician, school teacher, and field clerk. Also an agent's wife sometimes served as school teacher in the area from the beginning of the day school system.<sup>428</sup>

With Tejon tribes and other Yokuts groups moving from surrounding areas and farms, the number of the Indians in Tule River Reservation grew during the 1860s to the 1870s. As the population of various Yokuts groups grew, such as Kings River Indians and Tejon Indians, the several Yokuts societies with social and political differences coexisted on the Tule River Reservation.<sup>429</sup> In remembering the 1870s, an elder of Tule River Tribe, Alotha Santos, remembered what she heard from her family people.

We not all one language, these Indian. Different one. One comes from the Kernville: Pankalachhi, Tekon. Table Mountain, someplace in there. This way, too. Where there I a little bit leftover Indian, pick it up, put them in here. That's how we got different language everybody. We are all different one. Different Indian.<sup>430</sup>

Each Yokuts group, then, had its own traditional social systems. In reality, the people comprising Tule River reservation were not a single political entity, but coexisted as

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<sup>428</sup> Henry Word, Inspector of Tule River Agency, California, June 5, 1884; August 14, 1884, *Superintendents Annual Narratives and Statistical Reports from Fired jurisdictions of the Bureau of Indian Affairs*, 1907-1938, MC1011.

<sup>429</sup> Forbes, *Native American of California and Nevada*, 83-85.

<sup>430</sup> Alotha Santos, Tule River Tribal History Project, [http://www.tuleriver.org/familiers\\_future/interviews/](http://www.tuleriver.org/familiers_future/interviews/).

diverse Yokuts groups under different chiefs living in a government-mandated geographical area.

### **Tule River Reservation and Federal Bureaucracy**

On the other side of this diversity, the period from the 1870s to the early 1930s was time when the people at Tule River Reservation coalesced to create a more singular tribal identity as the Tule River Tribe. The most essential external reason for creating the “tribe,” was Yokuts and non-Yokuts people removed to the same reservation by two executive orders in 1870s. Sharing a common land base, these various groups gradually started to identify themselves as a single, larger entity on the Tule River Reservation.

Second, since the Tule River people had their own reservation, they were gradually integrated into the federal colonial control as a political entity. They were placed under the federal Indian administration and a federal legal system led by the Department of the Interior. When the BIA sent an agent and several BIA employees to supervise and support the people at the reservation, thus the official relationship between Tule River Reservation and Federal Government became solidified.

An internal reason for creating a single tribal identity was that the Yokuts and non-Yokuts at Tule River began to inter-marry. Tribal member Alotha Santos represented the history of the reservation and its families through her paternal grandmother Louisa’s three marriages. These marriages forged links among many of the reservation’s oldest families, and consequently Alotha Santos was related to nearly every Tule River tribal member.<sup>431</sup>

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<sup>431</sup> Ibid.

Also in the 1970s, Francis Hunter whose father was the first chair of the Tule River Tribal Council established under the Indian Reorganization Act (IRA) of 1934, and who came from the chief's family of old Tule River people, told a story that captures how various California Indians became a singular tribe, "My mother came from Fort Tejon, that's down at the Bakersfield. The chief's family married with the Tejon Tribes."<sup>432</sup> Some other elders knew in 1970s how they were connected with each other since late 19<sup>th</sup> century.

Another internal development concerned the Tule River peoples' shared mindset of putting themselves on the other side of the BIA agent. For example, at the same time of the establishment of 1877 reservation, C.G. Belknap became an agent for Tule River people with his wife as a day school teacher. Agent Belknap poorly managed the Tule River Reservation so that Indians' resistance against the BIA became highly visible as expressed in the people's oral history on Tule River Reservation and the several field reports by other BIA employees.

First of all, Belknap did not follow his duty which was to take charge of the people's economic development for their economic well-being, which was among the most important agent duties.<sup>433</sup> The main industries of the reservation, such as the stock raising and farm operation, were not appropriately managed. In 1884, there were 150 Indians living in the reservation. But there were only eight cows, six calves, four colts, ten horses, ten mares, and twenty mules, which were scattered over the reservation. The cattle industry was an important possibility for their economic self-rule; however, the amount of food resources was not enough to support all tribal members. Under these

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<sup>432</sup> Interview with Francis Hunter by Gelya Frank, November 28, 1973, Tule River Tribal History Project.

<sup>433</sup> Interview with Isadore Garfield and Veron Vera by Kumiko Noguchi, February, 2009.

conditions, the agent should have requested from the Washington office more resources for needed improvements, but Agent Belknap showed no interest in improving the situation for the Indians.<sup>434</sup>

His unpopularity among the Tule River Indians remained in place for years. Through his tenure and later agents, the Tule River people had suffered from the liquor trade. The Superintendent mentioned that “the Agent Belknap should be retained here until these Indians will take care of themselves, which they would do if white men would stop selling them whisky.”<sup>435</sup> However, Isadore Garfield, tribal chairman in 1968, told of Belknap’s irresponsibility toward the liquor problems on the reservation in the 1890s. Isadore narrated that his grandfather had told that agent Belknap was seriously drunk on the reservation.<sup>436</sup>

Field investigator Armstrong who was sent by CIA, reported on Belknap’s inability as an Indian agent,

I am of the opinion that if the Agent had made less frequent trips to Porterville and from thence to Kernville, some 60 miles distant from Porterville, to visit his wife and children, and had let the Indians have the use of the term, they would have had more land prepared for sowing.<sup>437</sup>

Armstrong also reported to the Superintendent that “Anderson, another government employee as farmer, has influence and would do better without the Agent (Belknap).”<sup>438</sup> Furthermore, at the conclusion of the report in 1887, field representative Armstrong

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<sup>434</sup> Field Inspector, Armstrong, March 12, 1887, *Superintendent’s Annual Narratives and Statistical Reports from Field Jurisdictions of the bureau of Indian Affairs, 1907-1938*, MC 1011, RG 75, National Archives.

<sup>435</sup> Inspector Persons on Tule River Agency, Feb 20<sup>th</sup>, 1886, *Superintendent’s Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>436</sup> Interview with Isadore Garfield, by Kumiko Noguchi, February, 2009; It is uncertain so far whether Belknap’s drinking problem impacted the flow of alcohol or not.

<sup>437</sup> Field Inspector, Armstrong, August 14, 1886, *Superintendent’s Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>438</sup> Ibid.

finally recommended that the Tule River Agency should be abolished, agent functions should be transferred to the Mission Agency in southern California, and a special agent should be sent to finalize agency matters and transfer functions.<sup>439</sup> The BIA field clerk strongly recommended consolidating Tule River with the Mission agency.

The unpopularity of the agent Belknap also resulted in his wife's unsuccessful work among the Indians on the reservation. Since his employment as agent, Belknap's wife served as a school teacher for Indian children in a reservation day school. The Indians on the reservation were not interested in a Euroamerican education, so students attended irregularly. Besides, the seasonal work outside of the reservation, stock raising and other family work always involved entire families, including school-age Indians. However, in 1887, Armstrong, reported the unpopularity of the school. While the Indians wanted to send their children to school, they did not like the agent's wife who taught at the school.<sup>440</sup>

### **School System in the Tule River Reservation**

Federal education policy was another external factor that caused the people to develop a common identity as Tule River Indians. There were two stages in the early history of the school system at Tule River Reservation. First, three day schools, one on the reservation and two outside, existed under the Tule River Agency in early 20<sup>th</sup> century. Second, contracting with the state public school system started in 1923, and many Indian children went to school outside of the reservation.

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<sup>439</sup> Ibid.

<sup>440</sup> Ibid.

BIA agent records show the presence of “a day school” from 1871 on the report of the CIA. However, no records existed under agent Belknap’s administration. There were three government day schools for the Indian children in the district of the Tule River Agency: the Tule River School, the Auberry School, and the Burrough School. The Tule River day school, the only school on the reservation, came into existence under the Agent Belknap’s administration, and his wife taught classes during 1884 to 1886. In 1885, only nine pupils attended the school while about fifty-five children lived on the reservation.<sup>441</sup> The Auberry day school shared space in the old church building in 1911 in Fresno County, and the BIA built the Burrough school in 1916 for the Indians outside of the reservation.<sup>442</sup> By the early 1920s, all school age children could attend one of these schools under the Tule River Agency. Students of Tule River went to the Tule River Day school. The schools included grades first through third.<sup>443</sup>

The beginning of school system both its curriculum and administration remained unorganized. The BIA superintendent hired farmers to instruct farming to the students as well as parents. Very little industrial training existed in the day schools. Not a school farm existed; instead, students and teachers used the small gardens and farms owned by surrounding Europamerican families for instructional purposes.<sup>444</sup>

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<sup>441</sup> Inspector Gardner, March 2<sup>nd</sup>, 1885, *Superintendent’s Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>442</sup> From the beginning, the school has economic burden to run the system. In the Auberry school, the school building was rented at a rental of \$5.00 per month with a temporary teacher at \$60.00 per month. However, the church building is not suitable for a school building. March 31<sup>st</sup>, 1912, *Superintendent’s Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>443</sup> Ibid.

<sup>444</sup> The total expenditures for the year 1911 were \$6105.74. That for the year 1912 was \$7538.10. (The amount for the 4<sup>th</sup> quarter approximated) The increases is owing to the establishment of a day school at Auberry California with a teacher at \$60.00 per month and the buildings for school also \$600.00 (estimated). *Superintendent’s Annual Narratives and Statistical Reports*, MC 1011, RG 75, National Archives, 1912.

The curriculum in these three day schools had gradually developed up to 1910s. For example, the BIA followed the California state course of study in the public schools as closely as possible, but in the morning, the student engaged in various kinds of works everyday. The girls engaged in domestic works, including cooking, sewing, and house keepings, whereas the boys learned the rudiments of carpentry. The teachers taught theoretical instruction in the afternoon. School examinations followed the public model.<sup>445</sup>

However, in 1917, these day schools had major problems. One problem was the lack of congressional appropriation for school operation.<sup>446</sup> The school buildings did not have the best conditions. An agent reported, “A four room cottage is urgently needed for her use. Another cabin for use of forest guard should be constructed in the southeastern part of the reservation, the one in the Northeastern part being at too great distance from valuable timber groves in the southeastern part to render proper protection in case of fire.” Insufficient amount of appropriations for the education of the Tule River affected school building conditions and the living conditions of school employees.<sup>447</sup>

The financial crisis led to the lack of teachers’ quality. Usually the agent’s wife or other white employees taught in the school. However, sometimes the positions were not filled since the school district was too rural to live comfortably for BIA Euroamerican employees. In an annual report of the Superintendent of Indian Affairs, the qualifications of the teacher in these day schools could not meet competency levels in 1877.<sup>448</sup> Also, the

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<sup>445</sup> Frank Virtue, July, 12, 1916, *Superintendent's Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>446</sup> Frank Virtue, May 19, 1916, *Superintendent's Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>447</sup> Frank Virtue, July 7, 1917, *Superintendent's Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>448</sup> Frank Virtue, May 19, 1916, *Superintendent's Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

school was located some 150 miles from the headquarters at Tule River, so that it was impossible for agents to supervise the school.<sup>449</sup>

The teacher at the Auberry Day School and the superintendent himself were perhaps the only ones who have had any interest in the school work. The male teacher at the Tule Day school was so lazy and incompetent during the year, that he resigned after one year of substandard performance. The male teacher at Burrough Day school supposedly committed bigamy, and the BIA office accepted his resignation without investigation. He was an incompetent teacher lacking moral standards.<sup>450</sup> With these problems of school administration, the day school in Tule River including the other two schools under the Tule River Agency did not attract qualified employees. However, at different times, the school house did serve as a meeting place for Indians to receive advice and instruction from the superintendent and employees. At these gatherings Indians could also express their concerns regarding reservation administration, school and housing conditions, and industrial developments. Due to having a meeting place, dialogue among the Tule River Indians reduced factional strife on the reservations and between BIA employees.<sup>451</sup>

For instance, in 1913, the commissioner report noted the following behavior of the Tule River Indians:

They (Indians) have more brotherly feeling toward individuals of opposing factions and a greater respect for the Government employees than they had the previous year largely on account of the cooperation of the employees in gaining their confidence by being strictly truthful in all matters in which they are concerned, as well as publicity in all the dealings with the Government concerning their rights.<sup>452</sup>

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<sup>449</sup> Taylor to Commissioner of Indian Affairs, January 27, 1923, Tule River Agency File, Superintendent Correspondence 1921-23, (School related issues), N.A.

<sup>450</sup> Frank Virtue, July 7, 1917, *Superintendent's Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>451</sup> Frank Virtue, May 19, 1923, *Superintendent's Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>452</sup> Ibid.



Nonetheless, among school age children, low school attendance remained. In 1913, only 12 pupils attended school regularly at Tule River. By 1920, the Tule River Day school, and the other two off-reservation government day schools, averaged 20 pupils. While the Tule River day school maintained consistent attendance, the attendance of the other two day schools gradually decreased up to 1920s. First, many of these Indian pupils accompanied parents into the valley during the fruit picking season. Doing seasonal labor was the only means to obtain income to secure basic necessities of life on the reservation. To maintain family cohesiveness, people chose not to leave their children at home. Their desire to maintain family was evident during the first month of school when they had very low attendance, followed by the second month.

The school attendance situation led the BIA to secure a public school for Indian children in 1920s. The second stage of BIA educational policy at the Tule River reservation was the contract school system which began in 1923. BIA Superintendent Taylor of Tule River agency initiated the making of contracts with county school districts for each Indian child with that county.<sup>453</sup> However by 1913, only five Indian students attended public school whose parents moved off reservation for job opportunities.<sup>454</sup> Most children lived too far from public schools to have any appreciable effect on them. However, the BIA tried to encourage parents to move near public schools, but it met with only minimal success.<sup>455</sup> Besides public schools, boarding schools also remained impractical for the Indians at Tule River. First is the lack of teachers. The schools, (especially Tule River Day school) were isolated from the surrounded towns, they did not

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<sup>453</sup> Taylor to Commissioner of Indian Affairs, September 30, 1922, Tule River Agency File, Tribal Census, 1897-1936, N.A.

<sup>454</sup> Frank Virtue, July 19, 1913, *Superintendent's Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>455</sup> March 31, 1912, *Superintendent's Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

attract teachers. Second, Indian parents did not want to be separated from their children. Besides, Indian children were important laborers among families. In 1912, only three more advanced students attended the Sherman Institute located in southern California in Riverside.<sup>456</sup> After 1920s the regional Sherman boarding school widely served older Indian students, including some from Tule River.

Even in 1920s, due to physical isolation of the reservation and its lack of a functional school system, some Indian children experienced little, if any, formalized schooling. In a 1921 investigation, a family of five children ranging from five to nineteen years of age lived on the Tule River reservation but none of the five had ever been in school. The agent immediately informed the parents that their children would be required to attend school.<sup>457</sup> Superintendent Taylor showed how he enforced recruitment of these children into school.

After a very short but pointed argument, mostly one sided, they came out....the two youngest boys attended school, the oldest girl not being physically able, the youngest girl not of school age and the oldest boy 19 years of age, so wild that nothing except a general "round up" would have been effective, we left out.<sup>458</sup>

Taylor was the first agent who pointed out the availability of the public schools for Indians at Tule River Agency, except for the reservation Indians who lived far from town. He originated a plan that the pupils who lived off reservation should go to public schools. His successor Carter asserted administrative reforms for the school system based on the following: first, the Auberry and Burrough Day school should be abolished and the pupils be sent to public schools. Second, the federal government should move the reservation

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<sup>456</sup> Ibid.

<sup>457</sup> Taylor to Commissioner of Indian Affairs, July 5, 1922, Tule River Agency File, Tribal Census, 1897-1936, N.A.

<sup>458</sup> Ibid.

headquarter to the Porterville.<sup>459</sup> Carter mentioned that the day school was too isolated from white families that regular attendance was practically impossible. Third, the federal government should make contracts with public school for all students.<sup>460</sup>

With increased interest in public schools and the lack of the funds for the BIA day schools off reservation, the BIA closed the Auberry and Burrough day school in 1922 and 1923 respectively. Both of which had been run irregularly with 20-25 students.<sup>461</sup> After the closing of the two BIA schools, Taylor initiated the contract process with County schools.

The change of the Indians legal status had influenced the BIA's interest in public schools and the contract school system. The legal status of the Yokuts changed in 1917 when the California Supreme Court declared California Indians as U.S. citizens. On a more positive note, Congress passed some measures that affected Indians on the Tule River Indian Reservation in 1928. First, a suit against the federal government authorized by the California Indian Jurisdiction Act of 1928 in the Court of Claims, allowed California tribes to receive compensation, mainly due to the senate's refusal to ratify the eighteen treaties of 1851 and 1852. This act finally led to a favorable decision in 1944 when compensation claims brought a settlement of \$5,025, 000.<sup>462</sup>

Second, an act of Congress on May 17, 1928 redrew the boundaries of the reservation in order to settle disputed territory.<sup>463</sup> Congress passed the act surreptitiously to satisfy timber interests who had bought out the original homesteaders, built a road, and

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<sup>459</sup> Carter to Supervisor W. W. Coon, San Francisco, February 14, 1923, Tule River Agency File, Spt. Correspondence 1921-23, (School related issues), N.A.

<sup>460</sup> Letter from Carter to Commissioner of Indian Affairs, January 29, 23, Tule River Agency File, Spt. Correspondence 1921-23, (School related issues), N.A.

<sup>461</sup> Carter to Miss Eva Rogers in January 27, 23, Tule River Agency File, Spt. Correspondence 1921-23, (School related issues), N.A.

<sup>462</sup> Ibid.

<sup>463</sup> Rawls, *Indians of California*, 209.

logged the area. The only thing of commercial value on the reservation, U.S. Indian Office inspectors wrote, was an abundant stand of timber in a four-mile strip along the eastern boundary. The Indian agents at Tule River in 1880s recommended selling off this resource to settlers because “the Indians could never make use of it.”<sup>464</sup> The federal government approved an erroneous or fraudulent survey by a local surveyor in 1884. On the basis of this survey, parts of the northeast corner of the Tule River Reservation passed into private ownership to settlers beginning in the 1880s. The Superintendent of the Sacramento Agency and the Tule River Indians did not become aware of the boundary change until February of the following year. Their best land and most valuable natural asset, other than the river itself, fell to commercial interests.<sup>465</sup>

California law stated that minor children over three years of age and under eighteen years of age must attend the public schools. Thus the BIA, to conform to state law, desired that all Indian children attend public schools in each county.<sup>466</sup> Once a public school made a contract to enroll Indian pupils, it sent an “application for public school contract” to the CIA. Once approved, the BIA paid the tuition of the Indian in the public schools. Based on Superintendent Taylor’s prior year submission, the BIA paid \$158.85 to the Romana school, \$395.10 to the Millerton Public School, \$456.50 to the Coarsegold for the third quarter of the year, and \$585.45 to North Fork, all in 1923.<sup>467</sup> Being in favor of public school education, the Tule River agency abolished the Tule River Day School,

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<sup>464</sup> Collier to the Indians in California, October 2, 1934, Sacramento Agency File, RG 75, N.A.

<sup>465</sup> Ibid.

<sup>466</sup> Letter from Joe. J. Taylor to County Superintendents, September 30, 1922, Tule River Agency File, N.A.

<sup>467</sup> Letter from Harry M. Carter to M.L. Richmond, June 4, 1923; letter from Harry Carter to T. J. Harrison, June 4, 1923; Letter from Henry Carter, May 1, 1923; Letter from Henry Carter, May 1, 1925, Tule River Agency File, N.A.

the only day school running on the Tule River Reservation, by June 1924.<sup>468</sup> So the transfer of the Indian education into the public school system went smoothly in California in early 1920s.

### **Alcohol Problem**

Liquor trading and consumption had always been a problem through early reservation days. In early 1870s, the agents reported the alcohol problem to the Commissioner of Indian Affairs every year. The Tule River Agent, Charles Maltby, from 1870 to 1873 also mentioned the liquor traffic on the reservation in his annual report. He noted that no trouble had occurred between the Indians on the reservation and the citizens, and the only obstacle to good order was the facilities afforded the Indians in obtaining spirituous liquors.<sup>469</sup> Mexicans sold liquor to Indians from outside the reservation. Even in 1883, Agent Belknap also reported that the Indians secured whisky as easy as any commodity, mentioning that "I have captured in two months as much as twenty quart-bottles of the very worst of spirits" in his monthly report of the whisky business. To stop the whisky transfer, which peaked in the 1890s, the commissioner recommended moving the reservation to a new place.<sup>470</sup>

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<sup>468</sup> Letter from Spt. Carter to Mr. Loson L. Odle, Yuma, Arizona, July 5, 1923, Tule River Agency File, N.A. Most Indian children were affected by the school operated by the Indian Bureau. By 1910, 35.1 % of California's Indian youth from age 5-20 were attending school, compared with 61.6 % for all rural children. By 1920, 60.4 % of the Indian youth were in school compared to 68.5 of all California's rural children. The vast bulk of these pupils were enrolled in the elementary grade. The Indian school had succeeded very slowly in reducing English illiteracy. In 1910, 63.4 % of California Indians over age 21 were still illiterate, while 16.6 % of those between age 10 and 20 were nonreaders. By 1920, these figures had declined to 46.2 % and 9.1 % respectively, as compared with 6.4 % and 1.9% for all classes of the rural population. In 1915, 316 Indian pupils were attending public school. In general this was the result of a campaign carried out by Indians, the Indian Board of Cooperation, and a new government policy of integrating Indians in public schools in areas such as California and Nevada where the native population was intermixed with white communities.

<sup>469</sup> September 1, 1871, *Annual Report of Commissioner of Indian Affairs*, 1871, 338-340.

<sup>470</sup> August 11, 1883, *Annual Report of Commissioner of Indian Affairs*, 1883, 76-78.

In fact, the alcohol was the main problem of some tragedy between the reservation Indians and neighboring whites. For example, in 1877 an intoxicated Indian shot a sheep herder, Arthur Townsend, above the Paint Rocks and buried him in a shallow grave some distance from the road.<sup>471</sup> To stem the liquor trade, the superintendent reported, in 1894, that all suspicious characters were sometimes searched by the agent, but no liquor was found.<sup>472</sup> However, liquor continued to spread underground at Tule River from people outside the reservation.<sup>473</sup>

In the 1910s, the situation fortunately seemed to change due to larger a regional opposition to alcohol. Besides several local church groups, the state law became adequate to meet most conditions, with the exception of that pertaining to liquor and gambling. The State Prohibition Act licensed saloons throughout this State and allowed a few sellers to operate within the law, but the law allowed saloons and sellers to refuse to sell liquor to Indians. However, bootleggers circumvented the laws by making sales to any persons who wished to buy. The local and Federal Officers did everything possible to curb the liquor traffic, but they made little headway, because the people of California as a whole were not in sympathy with the prohibition act. However, with the systematic liquor traffic route, it seemed impossible to stop the consumption of the liquor on the reservation. The commissioner ordered prosecution before local courts having jurisdiction and assisted special officers in all ways possible to apprehend the law's violators.<sup>474</sup>

By 1914 and 1915, however, the traffic in liquor had slowed down on the reservation as state officials closely monitored the liquor traffic on the reservation.

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<sup>471</sup> Ibid.

<sup>472</sup> Ibid.

<sup>473</sup> Alonzo Edmonson, May 31, 1912, Superintendent Report, 1912. *Annual Report of Commissioner of Indian Affairs*.

<sup>474</sup> Ibid.

Bootlegging disappeared on the reservation. Even “in the San Joan celebration, no drinking was allowed in the reservation,” the Superintendent reported.<sup>475</sup>

However, by 1916, the emerging national prohibition could not stop the illegal traffic of liquor by Mexicans from south.<sup>476</sup> It became possible for the Indians on the reservation to once again secure liquor off reservation, including Kings and Kern counties.<sup>477</sup> The state authorizers prosecuted those who handled liquor illegally, not only with fines but stiff jail sentences for the guilty of violating state liquor laws.<sup>478</sup>

Since 1888, the Tule River agency remained under the jurisdiction of the Mission Indian Agency, officially called the Mission Consolidated Agency, with headquarters in Colton, California. At that time, the Tule River agency was generally known as the “Tule and Tejon,” with the former predominating, with inclusion of the Kawai, Kings River, Monachi, and Wechumni. In 1924, the BIA abolished the Tule River Agency and transferred its duties to the Sacramento Agency.<sup>479</sup>

## Reservation Life

As internal factors influenced the reservation residents’ identity creation by early 20<sup>th</sup> century, there were various signs that the people of Tule River changed and muted some traditional ways of life with the acceptance of western ways. Sometimes periodic policies prohibited or restricted traditional religious activities, and sometimes the younger

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<sup>475</sup> Frank Virtue, July 6, 1914; July 14, 1915, *Superintendent’s Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>476</sup> Frank Virtue, July 12, 1916, *Superintendent’s Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>477</sup> Frank Virtue, July 6, July 7, 1917, *Superintendent’s Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>478</sup> Frank Virtue, July 12, 1916, *Superintendent’s Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>479</sup> “Administrative History,” in Tule River Agency File, Inventory, October 1977, Record of Bureau of Indian Affairs, California Vol.2, R.G. 75, N.A.

generation just lost interest in traditional ways. No doubt, Christianity came into the reservation and had a strong influence on reservation life.

For example, the practice of marriage and divorce became largely Christianized by the 1910s. The marriage and divorce laws of the state applied to the Indians, the same as any other race. Certain numbers of Tule River Indians were Catholic and the church did not tolerate divorce. Practically no divorce was done at all on the reservation, while the marriage ceremonies were solemnized by the priest having charge of the district.<sup>480</sup> Marriage and divorce customs conformed to the laws of the state, and the clerk of the county issued marriage licenses on the recommendation of the Superintendent.

Early in the 20<sup>th</sup> century traditional Indian dances as religious rites were rare. They were sometimes conducted by elders during fiestas, while the younger Indians showed little interest during 1910s.<sup>481</sup> However, some of the traditional customs still existed, and sometimes one of the old Indians would give a public exhibition of some tribal dance, though it was not in a ceremonial context. These dances were neither opposed nor encouraged by the BIA, and the younger generation took little or no interest in them.<sup>482</sup> Furthermore, in 1917, the BIA prohibited “the fox trot and one step” in the Indian dances on the reservation.<sup>483</sup>

In 1923, the people on the Tule River Reservation “followed” BIA’s discipline:

no gambling, dancing, drinking were done on this reservation. Peyote is unknown article. There people are all Catholic, but in the fifty years life of the reservation, have not had a place to worship, and but very little attention paid to their spiritual welfare. The object of a church or mission has been taken up with the Peyote priest.<sup>484</sup> Basketry is becoming quite an industry, the demand during the year has been

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<sup>480</sup> Frank Virtue, 1911, *Superintendent's Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>481</sup> Frank Virtue, July 12, 1916, *Superintendent's Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>482</sup> Frank Virtue, May 19, 1913, *Superintendent's Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>483</sup> Frank Virtue, July 7, 1917, *Superintendent's Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>484</sup> Frank Virtue, May 19, 1913, *Superintendent's Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.



good and the young women and girls have taken it up.<sup>485</sup> Some of the Indians have derived good winter revenue from the sake of wood which is worth five dollars a tire eight foot long and four foot high.<sup>486</sup>

Stopping the introduction of the new intertribal peyote religion and traditional ceremonies during the late 19<sup>th</sup> and early 20<sup>th</sup> century does not mean that the Tule River people gave up on religious traditions and assimilated into the American culture, however.

During the early reservation period up into the 1920s, the Tule River people shared the same experiences through the forced removal to a new reservation, relationship with the BIA agents, promotion of agriculture and other industries, and through intermarriage. With these internal and external elements, the people gradually developed an identity as people of Tule River. When the BIA headquarters in the Washington D.C. sent a letter to investigate the tribe's organization in 1931, the Tule River people answered that they were all Yokuts speaking Yowlmni as a common language. In other words, they saw themselves as the people of the Tule River.

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<sup>485</sup> Ibid.

<sup>486</sup> Frank Virtue, July 10, 1918, *Superintendent's Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

## **Chapter 8 Pre IRA Political Organization, 1933**

To evaluate the influence of a tribal government and its autonomy under the Indian Reorganization Act (IRA), what surfaces are some central questions: whether prior tribal governments existed and how a new government “replaced” existing ones. Likewise, the question of whether new IRA governments were traditional or not, and how much influence did a tribe have upon the IRA governmental format have been a central question regarding Native American patterns of governance under the IRA, as well as Yokuts’ reorganization under the IRA. While much scholarship exists on the assimilation policy on Indian societies and the development of the IRA, there is limited scholarly works on what kinds of tribal organization had functioned (or not) on Indian reservations before the 1930s. This chapter examines the various aspect of the Yokut governance before the IRA era.

### **Tribal political organization before the IRA**

In the fifty years from the end of 19<sup>th</sup> century to the beginning of the 20<sup>th</sup> century, the federal government imposed a “forced assimilation policy” on Native Americans. The land allotment system under the Dawes Act of 1887 and enforcement of Christianity and speaking English in the boarding school were typical patterns under the assimilation policy. The final purpose of this policy toward Native Americans was to integrate them into the U.S. economy and also to terminate the federal guardianship over the Native Americans. Their self-support was thought to be an essential tool for integration to

happen. Thus, industrial training and the fluency in English became important elements for the Native American education.<sup>487</sup>

At the same time, the federal government ignored existing social and political organizations on reservations as well as cultural norms and values of Native American people. When it came to recognizing the cultural heritage of Native people, the white assimilation policy sought to destroy Natives' religions, traditional marriage ceremonies, the use of Native languages, and customs, all of which were vital for tribal unity. The federal government also intentionally denied or ignored tribal entities as self-governing organizations.<sup>488</sup>

At the present, there is no definite national summary of the actual status of Native American governance. Only a few conclusive investigation and research is available about tribal governance systems from 1880s up to early 1930s, including the period of the assimilation policy and political reform. In contrast, there had been some important treatment of narratives of tribal history. Neither the BIA nor the Department of the Interior kept any meaningful documentation on this topic.<sup>489</sup> In his masterpiece on the history of the Indian tribal government, Elmer Rusco, a political scientist, provided some academic insight of pre-existing tribal organizations before the IRA, including a 1929 Survey of then-existing tribal business councils.<sup>490</sup>

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<sup>487</sup> Washburn, *The Assault on Indian Tribalism*; Margaret Connell Szasz, *Education and the American Indian: The Road to Self-Determination, 1928-1973* (Albuquerque: University of Nebraska Press, 1974).

<sup>488</sup> Rusco, *A Fateful Time*, 1-34.

<sup>489</sup> No doubt it is theoretically possible to examine the relevant portions of all these thousands of often voluminous files to develop an overall picture of the tribal government. A complete account based on government documents would have to be corrected with information from other sources; however, BIA's files are not always complete or completely accurate. The deficiency of these documents lack of tribal records or testimonies, so that it is hard to know the actual situation among the decision makers of tribal politics.

<sup>490</sup> Rusco, *A Fateful Time*, 36-49.

The 1929 Survey of the tribal business councils was the only attempt at a systematic federal survey of the nature of the Indian governments before Rhoads-Scattergood administration of the BIA in 1930. Commissioner of Indian affairs, Charles H. Burke sent a circular letter to the Agents and Superintendents of all the reservations requesting information of any kind of existing business councils on Indian reservations. Approximately 120 officials who received the circular letter, 78 replied. Eventually, these answers to the circular letter revealed that there were still various kinds of the traditional self-governing structures existing in the 1920s, even though the assimilation policy and population decrease either weakened or destroyed various facets of “traditional” Indian communities.

However, these numbers were partial responses from each agency, and no further or follow-up studies had been done until the early 1930s.<sup>491</sup> The Tule River reservation was not included in the survey list since it did not have any kind of tribal governing body which the federal government recognized. However it does not mean that there was no governing body at Tule River back then.

As shown in previous chapters, the systematic political organization among each tribe and the strong political leadership of Yokut’s chiefs were the main characteristic aspects among them. Research by some scholars, including Alfred Kroeber, Frank Latta, R.F. Heizer, and M.A. Whipple, showed there were numerous kinds of tribal and political organizations that existed before Europeans contact.<sup>492</sup> However, after the gold rush, undeclared wars, acts of genocide, coerced removals, and assimilation based education, all these factors had seriously damaged tribalism, and as a result, the political

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<sup>491</sup> Ibid.

<sup>492</sup> Kroeber, *Handbook of the Indians of California*; Frank F., *Handbook of Yokuts Indians*; Heizer and Whipple eds., *The California Indians*.

organizations of California Indians had a difficult time functioning as they had before the late 18<sup>th</sup> century.

On the Tule River reservation, the BIA agents often treated tribal people as individuals and not as a collective tribal entity. Of course, no tribal names remained in the official records of Tule River tribe when it was first established in 1873. Since that time, the Indians remained under the firm supervision of the BIA, the eyes of the agents and superintendents of the Tule River Agency, and later Sacramento Agency (1924-1948) were literally fixed on the daily activities of Indians. BIA superintendents and field agents who were sent by the Interior Department maintained direct rule over the Tule River people. In 1877, a superintendent reported that “all trouble (not much now) must come directly to the Superintendent first hand, and matters can be dealt with dispatch.”<sup>493</sup> The final purpose of direct colonial rule was to make Indians become self-supportive through assimilation and Euroamerican economic development schemes. Tribal customs, such as religious ceremonies and marriage systems, were prohibited and were punishable by the BIA. The tribal identity had been negatively affected by federal Indian policy.<sup>494</sup>

In 1917, the agent who was living on the reservation reported there were no tribal political organizations. At the same time, in the same agent’s annual report, there is a mention that the agent tried to open an Indian council among the Tule River reservation, but “council and Indian meetings here have always led to the Indian discussing their supposed grievances and have accomplished nothing in the past.”<sup>495</sup>

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<sup>493</sup> Frank Virtue, July 7, 1917, *Superintendents' Annual Narrative and Statistical Reports*, MF 1011, RG75, N.A.

<sup>494</sup> Ibid.

<sup>495</sup> Ibid.

Tribal councils led by BIA agents always failed on the Tule River Reservation. Also these meetings were not Indian self-rule but a kind of agent's "democratic control" to gather the Indians' opinion in order to make ruling smooth on the reservation.

### **Head Men as Leaders**

Regardless of BIA reports of Native self-rule on the reservations, a tribal governing system (or systems) always existed on the Tule River Reservation since its establishment, but the BIA chose to ignore it. For example, there was a tribal self-governing system in the Tule River Reservation because there existed "head men," even though no BIA report mentioned who they were and what kind of political organization existed among these head men. In the *Annual Report of Commissioner of Indian Affairs* throughout the first two decades of the 21<sup>st</sup> century, there were several affirmations that there had been some individuals who were called "head men" among Indians at Tule River.<sup>496</sup> Agents sometimes depended on or utilized the power of these headmen.

Possibly, these headmen had political influence similar to what earlier Yokut chiefs possessed. In 1913, a Superintendent of Tule River Agency in an annual report mentions, "There was no tribal council. And when required some of the head men are summoned to hear and decide cases of grievance or claims among Individuals."<sup>497</sup> This testimony suggests that there was a kind of self-governing system to solve problems or disputes among Indians of Tule River Reservation. Also, the superintendent and agents used these head men's authority to govern the reservation. The Superintendent kept

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<sup>496</sup> Ibid.

<sup>497</sup> May 19, 1913, *Superintendent's Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

constant touch with such influential Indians in 1905. He indicated, for example, how he consulted with them:

When I wish to promote a new idea (I) usually talk it over with them (head men) one at a time in a quiet way and tell them what I think, and in certain cases what I intend to do. A few of them on my side are enough. The rest will come over. Nothing succeeds with these Indians like good common sense, they have pretty good judgment and it is not often their selfish propositions are allowed to make everything else subordinate.<sup>498</sup>

Also another agent mentions in 1917 the same consultative method,

my plan of promulgating any new project is to talk it over with the most intelligent Indians first, individually. Then collectively as occasion offered, and let them disseminate the information among the other Indians. It does not take long for word to get about as to what is to be done.<sup>499</sup>

Clearly these examples show that some kind of the Indians' mutual support system or a tribal organization still existed beyond the BIA's supervision. These examples also show that the existence of the assimilation policy among the Tule River Reservation could co-exist and sometimes the BIA depended on some form of Indian tribalism.

Who were these "head men"? No one knows for certain since there was no complete documentation, and the memories and testimonies among elders recorded to know the actual characters and names of these head men remain inconclusive. However, there were several clues to determine who they were. It is helpful to read the Industrial reports of Tule River Tribe in 1922 written by agent Taylor. Taylor's report was a response to the "circular letter" from Superintendent Burke, and it showed the economic situation (jobs and properties) of each tribal member.

Having circular 1774 from Commissioner Charles C. Burke on March 1922, Taylor started investigating the economic situation of individual members on the Tule

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<sup>498</sup> Frank Virtue, July 14, 1915, *Superintendent's Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A. .

<sup>499</sup> Frank Virtue, July 7, 1917, *Superintendent's Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

River Reservation. This investigative report was the action for organizing the industrial activities on the Tule River Reservation and other areas. The Taylor report shows that there were some members who had constantly owned large amounts of property including cattle on the reservation.<sup>500</sup> It shows that there were serious economic gaps among reservation members up to the early 1920s. In 1937, Superintendent Nash mentioned that there were six tribal members on the Tule River Reservation who owned most of the tribal properties.<sup>501</sup>

In the process of creating the tribal government under the IRA, it is possible to say that economic status on the Tule River Reservation had some influence on the nomination of a chair as well as members of the tribal council as “new leaders.” The members of the IRA tribal council included the wealthy tribal elders who, as in the Taylor’s Industry report showed, succeeded in the cattle industry in the early 20<sup>th</sup> century.<sup>502</sup> Even after the IRA tribal government was created, the tribal chair, and other tribal council members, tended to be nominated from several rich families and who were the first elected council members. It was not difficult to surmise that these powerful families had become recognized tribal leaders through the stock raising in the decades up to 1930s. For these reasons, the “head men” reported in the commissioner report in the 1910s were some of the elders and headmen with powerful economic status on the Tule River Reservation.

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<sup>500</sup> “Circular letter,” 1774. March 23, 1922, Industrial Survey from Burk to Superintendent, Tule River Agency File, RG75, N.A.

<sup>501</sup> Nash, 1937, Superintendent Annual Report, *Superintendent’s Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.

<sup>502</sup> Alonzo Edmonson, May 3, 1912, *Superintendent’s Annual Narratives and Statistical Reports*, MC 1011, RG 75, N.A.



The evidence of the existence of head men or some kind of tribal governing system before the IRA remains a historical reality. For example, in carrying out of the assimilation policy, the U.S. government imposed its laws on the tribes. One of them was the Major Crimes Act of 1885, which placed 7 major crimes under federal jurisdiction if they were committed by Native American against another Native American in Indian community.<sup>503</sup> Agent C.G. Belknap of the Tule River reservation reported a crime case in 1888, and he requested the intervention of federal jurisdiction.

In 1888, Tule River reservation Indians, Bill Whaley, Pancho Francisco, Salt Lake Pete, and Juan Chino were prosecuted for the murder of Juan Baptista. Juan Baptista was a medicine man often called on to heal sick and dying people. Although a number of Yokuts under his care had died, he kept being a healer. Finally he was asked to cure Hunter Jim, the chief of the 'band' that Bill Whaley and the others belonged to. For a fee of fifty dollars, he had treated Jim for two weeks, but Jim's condition had not improved. Baptista was both respected and feared for his power, so a council of the tribe, including Bill Whaley and perhaps ten others, decided to offer him fifty dollars more to cure Hunter Jim but to make it clear that they would kill him if he failed. Baptista accepted the money and promised to cure Jim. Two weeks later, Hunter Jim died.<sup>504</sup>

On the night of Jim's death, the people in the band held 'a tribal council' and decided to kill Baptista. No attempt was made to conceal the crime. To the Yokuts it was a legal action, decided by the council according to traditional law.<sup>505</sup> The Indian agent,

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<sup>503</sup> Sindy L. Harring, *Crow Dog's Case, American Indian Sovereignty, Tribal Law, and United States Law in the Nineteenth Century* (New York: Cambridge University Press), 172.

<sup>504</sup> Ibid.

<sup>505</sup> Ibid.

C.G. Belknap, referred the case to state authorities.<sup>506</sup> The four Indians were arrested and placed in the county jail for a short time, then released because the state court held that it lacked jurisdiction over intra-Indian crimes occurring on a reservation. However a year later, in May 1888, a federal grand jury in Los Angeles indicted the four for murder. This was one among the first such prosecutions under the Major Crimes Act.<sup>507</sup>

This case showed three things related to the tribal political system on the Tule River Reservation in late 19<sup>th</sup> century. First, there were several bands coexisting on the reservation, and each band held political autonomy. Bautista and Hunter Jim were in the same band along with the four murderers. Second, there was what the report called “a tribal council” on the Tule River Reservation, in which the particular group members could decide some important things and solve the problems for the band. The traditional political system with chief’s authority and medicine men’s power to heal was still an essential part of the tribal leadership and decision makings.

### **New Age in 1930s**

The atmosphere of the 1930s encouraged the revitalization of tribal organizations which predated the IRA. The decade of the 1930s was a watershed in American Indian policy. The failure of the forced assimilation of Native Americans for the previous half a century (1880-1930) resulted in the poverty as well as the social and political confusion on Indian reservations.<sup>508</sup> The agitation for a new Indian policy had been building over the previous decade now turned into substantial action in 1930s.

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<sup>506</sup> Ibid.

<sup>507</sup> Ibid.

<sup>508</sup> Concerning to the economic, political, and social condition in the Indian reservation in late 1920s, see Meriam, Lewis, *The Problem of Indian Administration*.

The Hoover administration started the “new era” of Indian policy by softening the earlier assimilation policy.<sup>509</sup> The investigation of the Meriam Report (1928) disclosed various administrative problems. Although the scholars questioned what major role the Meriam report contributed to changing federal Indian policy, it is clear that the report provided a blueprint for coming Indian programs. By mentioning the importance of providing an alternative to the prevailing assimilation policy reforms for Indians did not result in immediate drastic changes of the earlier assimilation policy before the IRA. The report did lay the groundwork for the coming administrative changes under the New Deal Era.<sup>510</sup>

Charles J. Rhoads and L. Henry Scattergood took office as joint commissioners of the BIA in 1929 under the President Herbert Hoover and Secretary of Interior, Ray Lyman Wilbur. The Great Depression began only a few months after Wilbur, Rhoads, and Scattergood took office.<sup>511</sup> With a tight budget, the administrative efficiency as well as the need to help Indians became the urgent purpose for the federal Indian policy at the end of 1920s and the beginning of 1930s.

One of the paths of the Rhoads and Scattergood administration was to encourage the tribal autonomy under the supervision of the Superintendent. It continued one of the de facto policies of the previous administrations by encouraging the organization of new

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<sup>509</sup> Philp, *John Collier's Crusade for Indian Reform*, 92-112; Downes, “A Crusade for Indian Reform, 1922-1934,” 334-51.

<sup>510</sup> The position taken in the Meriam Report was that the work with and for the Indians must give consideration to the desires of individual Indians. The report recommended that if Indians wished to merge into the social and economic life of the prevailing civilization of this country should be given all practicable aid and advice in making the necessary adjustments., and if Indians want to remain an Indian and live according to his old culture should be aided in doing so. Meriam, *The Problem of Indian Administration*, 88; Donald T. Critchlow, “Lewis Meriam, Expertise, and Indian Reform,” *Historian* 43 (May, 1981), 328-31.

<sup>511</sup> Rusco, *A Fateful Time*, 101.

governments under written constitutions in some cases.<sup>512</sup> The new administration under President Herbert Hoover (1929-1933) tended to be supportive of tribal self-governing organizations for their self-rule. So organizing or re-organizing tribal governments, mostly under an Agent's supervision was relatively routine work. The method of bringing about new governments through the writing of constitutions and bylaws had become an established practice in federal Indian policy.<sup>513</sup>

During this time, the administration of the Tule River Agency had also been encouraged to organize a tribal council. On May 18 1928, Congress authorized an Act (45 Stat. L. 602), as amended by the act of April 29, 1930 (46 Stat. L. 259), which required each agency to take an Indian census roll. Each Indian had a right to request his/her tribal membership to Secretary of the Interior (the amending act specified that these Indians could not submit applications after May 18, 1932). The Superintendent of Sacramento, L.A. Dorrington carefully examined the application appeals before submitting a report to the Secretary of the Interior for final action.<sup>514</sup>

Based on the membership defined and approved in the Census roll of 1928, the first Tule River tribal council came into existence as a result of the general election in 1931. In the spring of 1930, Superintendent Dorrington held a meeting with "several Indians" on the Tule River Reservation for the establishment of a business council. He suggested that the meeting elect "nine committees" to look after the affairs of the reservation through his approval.<sup>515</sup> Superintendent of Dorrington finally authorized the

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<sup>512</sup> Ibid, 101,102.

<sup>513</sup> Ibid.

<sup>514</sup> "Records relating to the 1928 California Judgment Enrollment," in Preliminary Inventory of the Records of the Sacramento Area Office, January 2001, 17-18, Records of the Bureau of Indian Affairs, RG75, California, Vol.3.

<sup>515</sup> C.C. Sheward to O.H. Lipps, August 31, 1931, Records of the Indian Organization Division, Records concerning Indian Organization, 1934-1956 (1012), RG75, N.A.

committee members to be selected in an election. No Constitution and By-laws were approved and the tribal committee members convened by a call of the Chairman or at the request of the BIA superintendent.<sup>516</sup>

Under Superintendent Francis Lipps, Dorrington's successor, the Tule River people finally established a western-style tribal council in 1932 for the first time in the Tule River Indian history. The BIA tried to create "one political unit" which can delegate the people on Tule River Reservation. Besides, this BIA-sponsored tribal council represented only a group residing on the Tule River Reservation, and not the membership of Tule River Reservation living off the reservations in Kings, Kern and Tulare counties.

Moreover, this tribal government was nothing more than an artificial organization created under BIA supervision, so it hardly functioned. A year later, C.C. Sheward, a teacher at Tule River Day School, reported to Lipps that the new council was a failure. He said "as I see it, and as a great number of the Indians see it, this has been and is a detriment rather than a help to the reservation."<sup>517</sup>

However, not only did the lack of real Indian leadership contribute to this failed experiment in self-rule, but as Sheward pointed out, the lack of the unity among tribal members was a reason for the failure of this first tribal council. On the reservation, as previously mentioned in other chapters, the reservation population consisted of several different small tribes and was more or less forcibly placed on the reservation without regard to their cultural backgrounds. So they possessed little political unity. To establish

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<sup>516</sup> Ibid.

<sup>517</sup> Ibid.

one tribal council to speak for everyone was not a familiar political reality on the Tule River reservation.<sup>518</sup>

Steward also reported inter-council conflict as a reason of failure of the tribal council. The tribal council members could not cooperate with each other under Lipps' supervision.<sup>519</sup> For example, some individual council members were accused of drinking among the reservation members, including some of the council members. At that time, alcohol became a serious problem on the reservation, but no remedy was made either by the tribal council as well as the BIA Superintendent.<sup>520</sup>

The difference between the federal definition of Tule River Reservation and the self-identity of the Tule River people clearly caused problems in the federal-Tule River Council relationship. From 1928 to 1932, the certification proceeded concerning the tribal membership. It was the BIA's policy that all of tribal member needed to certify themselves as members of the Tule River Reservation on the Census Roll on June 30, 1903 to be recognized as members of Tule River Tribe. Usually the BIA did not recognize the tribal membership if he/she possessed public domain allotments, therefore, not living in the Reservation. However, newly created Tule River Council had admitted the tribal membership of Sam Lewis who claim his tribal membership but had already received an allotment on the public domain and did not in any way belong on the Tule River Reservation.

Another controversy was regarding the admission of the membership of Walter Tripp, a white man married to a tribal member. He caused considerable discontent and

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<sup>518</sup> "Questionnaire of Tribal Organization" 1933, Tule River Indian Council, California, California Files, Sacramento Agency Files, RG75, N.A.

<sup>519</sup> Ibid.

<sup>520</sup> Lipps to Sheward, August, 21, 1931, Records of the Indian Organization Division, General Records concerning Indian organization, 1934-1956 (1012): Sacramento Agency (Tule River Section) RG75, N.A.

hard feelings among tribal members who therefore opposed his membership of the tribe. During this period, the reservation matters had become more complicated as the number of whites who resided on and near the reservation grew. Conflicts between the natives and non-native were prevalent, and had influence on this newly created tribal council.

As Henry Vance, forest ranger, reported:

Stanley Diaz, native resident, started a fight with Walter Tripp and before we could get it stopped, Tripp was fairly well beaten up, a broken nose and a fractured jaw. Tripp tried to pull a gun according to some but I have not as yet got sufficient evidence to justify the accusation.<sup>521</sup>

Sheward was still reluctant to organize the council since the reservation members did not have interest in the organizing. However, Sheward eventually decided to re-elect the tribal council members once again since the existing tribal council did not work:

Complaints have come in as to the council and we are having an election next Monday for re-election of a council which they all agree to cooperate with fully, but I do not think we will have any better success than with the present, for I can say the council now in effect has done well and I do not think they can be better the situation by changing as no cooperation has been shown them by the majority and will not be with the new council.<sup>522</sup>

As a result, the new business committee was elected on January 9<sup>th</sup> and reported to Lipps on Jan. 10, 1932.<sup>523</sup> Lipps sent several messages to the newly created tribal council saying:

Unless they are willing to cooperate and to help themselves there is nothing the Government or any one else can do for them? Also make it plain to them that those Indians who can get money to spend for liquor and who get drunk and cause trouble will receive no aid from the Government in the way of support for themselves and families after their money is spent.<sup>524</sup>

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<sup>521</sup> Letter from Henry Vance to Lipps, January 3, 1932, Records of the Indian Organization Division, General Records concerning Indian organization, 1934-1956 (1012): Sacramento Agency (Tule River Section) RG75, N.A.

<sup>522</sup> Ibid.

<sup>523</sup> Letter from Henry Vance to Lipps, January 10, 1933, Records of the Indian Organization Division, General Records concerning Indian organization, 1934-1956 (1012): Sacramento Agency (Tule River Section) RG75, N.A.

<sup>524</sup> Letter from Lipps to Henry, Jan 5, 1933, Records of the Indian Organization Division, General Records concerning

Tule River Indians elected seven members, including Ross Ellis as President to the new tribal council. Then the seven members created the Tule River Business Committee on May 22, 1932.<sup>525</sup> However, the detailed process of the election, nomination, and vote were not known.<sup>526</sup>

For the IRA's legislative side, the BIA requested each agency to send the 'questionnaire on tribal relations' in order to know the situation of California Indians' political and economic organization. A compilation of these returns would be the easiest way to attempt to get a comprehensive picture of the status of Native American government at the Tule River Reservation at that time.<sup>527</sup>

The Sacramento Agency's reply to the questionnaire said that the Tule River and Fort Bidwell were the only two reservations that had some kind of the tribal or group council. BIA field clerk, W. S. Kright, reported to Superintendent Lipps that the large majority of the rancherias had no organization or tribal committees of any kind.<sup>528</sup> Lipps suggested Kright that no Indian group needed to submit the reply except Tule River and Fort Bidwell which currently had tribal councils. The lack of political organization among the California Indians was one of the main reasons that the most of the IRA referendums in the California Indians were delayed until the middle of 1935, while the Tule River referendum took place in November, 1934. Figure 10 shows the "questionnaire" for the Tule River Indian Reservation. The tribal council took a central

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Indian organization, 1934-1956 (1012): Sacramento Agency (Tule River Section) RG75, N.A.

<sup>525</sup> Letter from Henry Vance, Forest to Lipps, on August 1, 1932, Letter from Lipps to Commissioner of Indian Affairs, on August 3, 1932, Records of the Indian Organization Division, General Records concerning Indian organization, 1934-1956 (1012): Sacramento Agency (Tule River Section) RG75, N.A.

<sup>526</sup> The following members were elected as Tule River Tribal Council members in 1932. Jose Vera, Sam Garfield, Jim Alto, Larry Alto, Dan Williams, Frank Manuel, Alonzo Silvas.

<sup>527</sup> "Questionnaire of Tribal Organization" 1933, Tule River Indian Council, California, Sacramento Agency File.

<sup>528</sup> Letter from Kright to Lipps, August 7, 1934, Records of the Indian Organization Division, General Records concerning Indian organization, 1934-1956 (1012): Sacramento Agency (Tule River Section) RG75, N.A.



role in discussing IRA related issues after 1934. Also, this second tribal council started to represent the tribal members. For example, it sent its delegation to the regional Indian Congresses held for explaining the Wheeler-Howard bill in May 1934.<sup>529</sup>

When the BIA established the Tule River Reservation, the members of the reservation shared no common political identity as people of Tule River. Instead, they were different Yokuts and non-Yokuts political groups on the reservation in the beginning of the reservation days, and each of them had their own separate political and social organization. During 1870s, the BIA forced these groups to move to the current place of the reservation.

However, the Tule River people shared the common experiences through the forced removal, relationship with the agents, agriculture and other industries, and intermarriage. These internal and external elements gradually caused the people of the Tule River to develop a common identity as people of Tule River. With the investigation of the tribal organization in 1931, the tribal members answered that they were all Yokuts speaking Yowlmne as a common language. They identified themselves as the people of the Tule River.

Still, separate group identities remained intact. The case under the Major Crimes law of 1880 and the existence of the headmen show that they still kept traditional political systems under the leadership of chiefs. When the federal government introduced the idea of the tribal council in 1931, it appeared that the tribal council was just a failure. Even though they created one governing system out of these various different political groups, it was far from successful as a functioning tool of tribal autonomy in 1931.

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<sup>529</sup> Vine Deloria Jr. ed., *The Indian Reorganization Act: Congresses and Bills* (Norman; University of Oklahoma Press), 229-257.

The tribal political organization of the Tule River Reservation in the early 1930s was a collective entity of the loosely governed traditional groups of Yokuts and non-Yokuts. The Chief system remained alive. However, chiefs from each tribal group constituted the leaders, called headmen, who mainly associated with the BIA agents for reservation “decision-making.” When the Tule River people heard of the IRA of 1934, they now faced how they wanted to create new political autonomy.

## **Chapter 9 IRA Application Process in Sacramento Agency, 1933-1934**

### **Background of the Indian Reorganization Act**

When looking at the legislative process of the IRA, it is clear that the IRA was not intended for the California Indians in particular.<sup>530</sup> Neither the federal agents nor BIA Commissioner John Collier had any information concerning social and political situation of the California Indians in the early 20<sup>th</sup> century.

On the eve of the enactment of the IRA, Francis Lipps, the Superintendent of Sacramento Agency, sent some suggestions to Collier about the Indians' organizations in California, such as small scaled rancherias and reservation scattered all over the state. What he claimed was the potential difficulties of reorganizing of California Indians under the IRA because of the following reasons. First, there were few resources on California Indians and limited knowledge about California Indians' social and political situations under the Sacramento agency. Second, there were a number of small rancherias which never had any type of recognized political organization in southern California. Third, there were many severe critiques (both Indians and non-Indians) of the IRA which influenced California Indians to oppose the IRA.

For the first reason, there are numerous BIA documents which suggested that before 1934, and even during the IRA implementation, the BIA and the Sacramento agency had very little information about the California Indians, including those at Tule River. When

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<sup>530</sup> For the Legislative process of the Indian Reorganization Act, see Rusco, *A Fateful Time*.

Francis Lipps took office in 1934, he told Collier that no census had ever been taken for the California Indians except the Census Roll in 1928.<sup>531</sup>

As already indicated in this study, the Indians' legal status remained vague in California. While California Indians secured U.S. citizenship status under the Guadalupe Hidalgo treaty, the federal government and California both ignored the Indians citizenship status and most of the Indians lost their land base due to the Senate's failure to ratify treaties with California Indians. By the beginning of the 20<sup>th</sup> century, the California Indians were some of the most suppressed people in the United States with limited legal Indian rights and small land bases. The U.S. Senate had not only refused to ratify eighteen treaties with Native Americans in California, but had relegated these treaties to a secret archive.<sup>532</sup>

Thus, by the early 20<sup>th</sup> century, most California Indians had become a forgotten people. Another reason for the lack of relevant information was the result of assimilation which successfully recognized Indians as individuals instead of tribal members. Urbanization of the California Indians started in the early 1930s. Less than half the California Indian population of the jurisdiction lived on BIA reservations and rancherias

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<sup>531</sup> Lipps to Collier, January 25, 1934, Records of the Indian Organization Division, General Records concerning Indian organization, 1934-1956 (1012): California Files, Sacramento Agency Files (Tule River Section) RG75, N.A.

<sup>532</sup> The treaties were published subsequently several times in connection with hearings held by the Subcommittee of the committee on Indian Affairs, H.R.8036 and HR.9497. After the unratified treaties became public, the studies by the Common Wealth Club of California became effective. In 1928, Congress authorized a suit for which might determine the value of the land, services, etc., that the Indians did not get because the treaties were not ratified. The value of the land was set by Congress at \$1.25 per acre and judgment was to be "off-set" by any expenditure that had been made for the benefit of the Indians. The final result was a net of \$5,000,000,000 for the Indians. Although it was not intended, originally, that any money was distributed to individual Indians, a good portion of the five million was divided among the descendants of the treaty Indian, amounting to \$150.00 per capita. (A "Roll of California Indians" started in 1928 and completed in 1955 listed those eligible to receive a payment. Many are one-thirty-second or one sixty-fourth Indian blood). However, for this compensation, there were other contradictive perspective were suggested by the neighboring society. For example, the historical evaluation by Anne Michel, who is the editors of *Los Tulares*, a circulated magazine in the Tulare County where Yokuts were living closely represented the opinion of the surrounding white population. She wrote that "All Indians are citizens now and the stigma of being an Indian is passing." Anne Michel, "The Unratified Indian Treaties of 1851," *Los Tulares*, (March, 1959).

in California. Many Indians had moved to urban areas, and many others who remained in rural areas did not reside on the BIA-administered reservation and rancherias because of less job opportunities. While the Sacramento jurisdiction was geographically huge, the agency's operations centered on those areas of the jurisdiction where the Indian population was more concentrated.<sup>533</sup>

The view that the Indians were somewhat assimilated and marginalized into the "dominant society" had some truth in the actual reality of California Indians. For example, since in the late 19<sup>th</sup> century, Indian education gradually shifted from the federal day and boarding schools on or near reservations to public schools, as indicated in the Chapter 8. Under the Johnson-O'Malley Act of 1934, some of the BIA's health and educational functions were transferred to the state of California. Moreover, but the financing of these services remained the responsibility of the national government.

A prime example of this lack of the information about California Indians became evident in *The Problem of Indian Administration*, published in 1928. In the late 1920s, with the increasing demands to improve Indian affairs, the Interior Department authorized a report to investigate the Indian situation nationwide. Led by Lewis Meriam, this Meriam Report, funded by the federal government, made a total 395 visits to 95 jurisdictions in 22 states. The research staff of the report tried to make at a least one visit to each jurisdiction. However, the Meriam Report, which covered huge areas, paid little attention to California.<sup>534</sup>

The only rancheria and reservation which the Meriam Report staff came into contact with was Fort Bidwell in the Sacramento Agency. F. A. McKenzine, one of the report

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<sup>533</sup> For administration of Sacramento Agency, see Melendrez, "John Collier's Indian New Deal in California."

<sup>534</sup> Gray to McKenzie, January 23, 1927, Sac Are Office File, San Bruno; O.C. Gray to F.A. McKenzie, February 18, 1927, California Files, Sacramento Area Office Files, RG75, N.A.

staff had contacted O.C. Gray, the superintendent of the Fort Bidwell from January and July 1927, concerning the statistical data of school pupils. Having early notice that the Meriam Commission staff would come to the reservation, Superintendent Gray prepared to answer the questionnaire sometime in January and February 1927. McKenzine visited Fort Bidwell in middle February.<sup>535</sup> He received the information of 92 'Indian Survey Students Card' which was the actual number of Indian pupils attending Fort Bidwell Boarding school at this time.<sup>536</sup> After McKenzine visited, he sent a statistical report to the educational division of the Meriam commission under Will Carson Ryan on March 7<sup>th</sup>.<sup>537</sup> McKenzie again came back to visit the Fort Bidwell reservation in July 1927, but thereafter the Meriam commission did not deal with the other California reservations and the rancheria.<sup>538</sup>

Besides federal census and information takers, anthropologists and other organizations had shown some limited interest in California's 'tribal' issues. For example, there were two records available showing the California Indian situation on the eve of the IRA; the commissioner's annual report accompanied with the each superintendent reports, and the California Indian census of 1928. Both records dealt with the Indians in each jurisdiction as individuals, not as tribal members on each reservation. The 1928 census, which was a huge research undertaking on the Indian population, recorded the name of each member but not the tribe they belonged to. Long lasting assimilationist measures influenced federal officials from examining tribal communities.

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<sup>535</sup> Ibid.

<sup>536</sup> Ibid.

<sup>537</sup> March, 12, 1927, Briggs (in charge of Statistical work) to Gray Request to send the detailed information March 19, 1927, Letter on March 12, Answers to the sheet. March, 7, 1927, Gray to Will Carson Ryan, California Files, Sacramento Agency Files, RG75, N.A.

<sup>538</sup> O.C. Gray, Superintendent (Fort Bidwell) to F. A. McKenzie, July 28, 1927, California Files, Sacramento Agency Files, SB.

California Indians appeared to have accepted the assimilation policy, according to a generalized public view. The situation of the Native Americans seemed to depict Natives as politically and socially defeated.

Political scientist, Elmer Rusco in his scientific study of the IRA, mentioned that Collier had been influenced by the political, cultural, and economic situations of the Indian tribes in some particular areas, mostly in developing his policy making. Rusco indicates that Collier's bill envisioned Native Americans in general as being like the Taos Pueblo of New Mexico. Collier himself also mentioned his experience in New Mexico and how that experience influenced him on Indian policy. Furthermore, in *John Collier's Crusade for the Indian Reform*, Kenneth Philp mentions that Collier had been working against the earlier Bursum bill which had disastrous affects on the Pueblo lands. Originally, IRA policy in part had been created in the conversation between Collier and the Indians in New Mexico. All this scholarly work by Collier showed that the origins of the Collier's Indian policy tended to be based on his interactions with Indian tribes in the Southwest. On the other hand, the Collier's understanding toward the Indian groups in different legal, political and economic situations, such as California Indians, tended to be less.<sup>539</sup>

The lack of knowledge about the California Indians remained in place during the IRA's legislative process. For example, a field investigation of California Indians was not enough. In order to "study existing tribal organizations and agricultural cooperatives and discussion with Indian tribes of problems of self-government and land ownership," Collier sent three BIA employees (usually called "field agents") to the reservations all

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<sup>539</sup> Rusco, *A Fateful Time*, 137-176.

over the country.<sup>540</sup> Rusco mentions, the so-called Collier bill was largely revised by the BIA staff (two solicitors and one forest expert) who Collier himself hired to work under his supervision. The three main members, who worked to embody Collier's reform policy into a bill in the last few months before the IRA was enacted, were Felix S. Cohen, Melvin Siegel, and Ward Shepard.<sup>541</sup>

The schedule of the field agents show that they traveled to Indian reservations during the period of publicizing the Wheeler-Howard bill From November 7 to December 4, 1933. They toured the Fort Belknap Reservation in Montana, Gallup in New Mexico, and other reservations around them. It is clear that these three staff did not focus on the California Indians (Gallup is on the eastern edge of the Navajo Reservation and not far from the Hopi Villages and most of the New Mexico Pueblos).<sup>542</sup> Collier needed to submit a bill to the 73<sup>rd</sup> Congress where popularity of President Franklin Roosevelt and passage of his other new deal programs let the Collier's bill be passed easily.<sup>543</sup> In this hurry-up process, the BIA overlooked California Indians.

Instead, Collier did two large scaled research projects on the tribal organization of Native American tribes. First, in early January 1934, Collier advised all the jurisdictions to ask the tribes to answer questionnaires concerning their tribal organization. The questions were very basic and asked if there were any kind of pre-existing tribal organization. While the field agents' visited reservations, they collected the questionnaires by August 1934. In California almost all reservations and rancherias, except for eight groups, indicated that they did not have any tribal organization, or

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<sup>540</sup> Ibid., 192-207.

<sup>541</sup> Ibid.

<sup>542</sup> Ibid.

<sup>543</sup> Rusco, *A Fateful Time*, 191-192.



political units on their reservations and rancherias. On August 7<sup>th</sup> 1934, Lipps received the report from the field agent in Sacramento Agency, Kright. On sending the answers of the questionnaire from the tribes, Kright mentioned they “have been working on this and have found that the big majority of the Rancherias have no organization or tribal committee of any kind.”<sup>544</sup>

On August 15, 1934, Lipps’ report to Collier pointed out that the Tule River and Fort Bidwell were the only reservations which could organize under the IRA. He reported “none of the other rancherias or groups had any form of tribal or community organization.....they were divided into factions, two or more factions among each group. We deal with them individually, or in group meetings.”<sup>545</sup>

Second, Collier held ten regional Indian Congresses. The BIA sponsored the special regional Congresses on ten Indian reservations between March 2 and April 24, 1934, three months before the U.S. Congress passed the IRA. The Indians meetings were part of the larger hearings on the pending Indian organization legislation by the US Congress. Finally, the delegates from 111 tribes from all over the country participated in the Indian congresses and discussed Collier’s bill with the BIA officials, including Collier himself.<sup>546</sup>

This discussion provided tribal representatives with an opportunity to become acquainted with the bill and present their ideas regarding the measure. The BIA held two

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<sup>544</sup> Kright to Lipps, August 7, 1934, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>545</sup> Lipps to Collier, August 15, 1934, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>546</sup> “Proceedings of the Indian of Southern California, 1934, March, 17-18, Proceedings of the conference at Chemawa, Oregon, March 8-9,” in Deloria Jr. ed., *The Indian Reorganization Act*, 229-257.

Indian congresses which included California Indians on March 2, 1934 (the conference at Chemawa Oregon and the conference for the Indians of Southern California).<sup>547</sup>

What is clear from this Indian Congress in California is that the delegates from each tribe or group never clearly understood the contents and provisions of the bill. In fact, most opinions and questions from Indian delegates dealt with their legal status not usually related to the Collier bill itself. For example, some Indian delegates (tribe unknown) asked if they were American citizens or not.<sup>548</sup> Despite the meetings regarding Collier's bill, few questions and opinions of tribal organization, which was in fact the IRA's main concern, was presented in the congresses.

Furthermore, from the minutes of the Indian congresses, it is clear that delegates were never interested in the detailed provisions of the bill. This lack of concern by the delegates is an interesting contradiction to scholars. They tended to evaluate the provisions of the "self-government" of the Collier bill as ground breaking and a cornerstone of Indian administration reform. Most of the delegates from California Indians said that they wanted to return to their community and study the bill enough to know how the bill could benefit for their communities. The Indian Congresses disclosed that not only was the Collier's policy irrelevant for the California situation, but the "self-government" provision was an unfamiliar idea among California Indians.<sup>549</sup> There were several anti-IRA leaders in the California, and they were also against the Collier bill in the Indian congresses. Collier criticized the California Indians' negative attitudes of the IRA.<sup>550</sup>

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<sup>547</sup> Ibid.

<sup>548</sup> Ibid.

<sup>549</sup> Ibid.

<sup>550</sup> Collier to Nash, November 24, 1934, Michael Harrison to Nash, May 28, 1934, California Files, Sacramento

During this period, Superintendent Francis Lipps continued to point out to Collier that the IRA was not suitable for California Indians. On February 1, 1934, admitting the IRA might be beneficial for tribes, Lipps showed that it was impossible for California Indians, especially the fifty small scattered rancherias to organize under the IRA.<sup>551</sup> Lipps reported the condition of California Indians that showed disorganization:

These Indians were never united like many other tribes and their whole history has been one of inter-tribal warfare and family feuds engendered by suspicion and petty jealousies. There does not seem to have ever been any strong tribal cohesion...On the contrary, as far back as we have any history of them, they seem to have been divided into small disunited groups, and if they ever possessed a common tribal and strong, virile civic institutions they have long since lost them.<sup>552</sup>

The Lipps criticism of the IRA as applied to California Indians dealt with the size of the Indian groups and small reservations. Lipps suggested that the organization of these groups under the current IRA provision were nonsense because the population of each group was too small and scattered to organize.

As you are probable aware, you're Indians under the Sacramento Agency are located in small groups and on small rancherias, individual public domain homesteads and allotments and in villages.... They were never united people and I have not as yet been able to discover a single strong and able leader among them. In all of these small groups there are family feuds, pretty jealousies, and tribal factions that made it very difficult for them to work together for the common welfare of the Community. Their groups are so small, disunited and isolated that it is doubtful if we will ever be able to rehabilitate and develop them into self-supporting, progressive cooperative communities as long as they are widely scattered as they now are.<sup>553</sup>

As apparent from this letter, the commissioner had a negative look on the IRA's role in the California. Later, assistant Commissioner Zimmerman suggested a plan for the California Indians concerning the number of tribal members and the IRA. He wrote to

Agency Files, RG 75, N.A.

<sup>551</sup> Lipps to Collier, January 25, 1934, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>552</sup> Ibid.

<sup>553</sup> Ibid.

Collier that they needed to consider other plans of the IRA for the case of the incorporation of the tribe (if they accepted the IRA and want to organized), with fewer than 50 members. Zimmerman thought that the California Indians would favor other acts, such as Oklahoma Reorganization Act which authorized the reorganization with a minimum membership of 10 for Oklahoma Indians.<sup>554</sup>

Congresses passed the Oklahoma Reorganization Act and the Alaska Reorganization Act in 1935 individually to take into consideration unique situations of some Native American communities.<sup>555</sup> Superintendent Lipps also agreed with Zimmerman's recommendation, saying that these two areas were similar to California concerning several points: both Indians lived in small political units, such as rancherias or villages; second, both have strong minded "political leaders" who could show up even in the Congress. In California, there were several critiques of the Collier's Indian policy and the IRA. In some communities, these critiques were made by political leaders and opinion leaders.

Lipps concluded that the application of the IRA was impossible in California, and they needed to be exempt from it, like Oklahoma and Alaska Indians. Besides, Lipps suggested an alternative: purchase a few large tracts of suitable land and concentrate members of each small rancheria on single reservations. By organizing them in large groups according to dominant tribal affiliations, Lipps said "we might thereby direct their thoughts and interest into new channels of self-government and development and thus cause them to forget their past differences."<sup>556</sup>

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<sup>554</sup> Zimmerman to Collier, July 30, 1937, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>555</sup> Deloria and Lytle, *The Nations Within*, 176-177.

<sup>556</sup> Lipps to Collier, February 1, 1934, California Files, Sacramento Agency Files, RG 75, N.A.

In conclusion, however, the California Indians were never withdrawn from the voting lists of the IRA, nor organized into larger groups. However, Lipps showed that one of the top BIA agencies in the Sacramento Area and Washington office had serious doubts about the implementation of the IRA in California.

Lipps' opposition to applying the IRA in California was based on some legitimate points about California Indians. With the strong criticism to Collier's early plan, Lipps wrote,

It would be regarded as a backward step and as an enlarged reservation life with all the disadvantages of race segregation and benevolent paternalism. Others will see in it a simplification of the problems of administration and an opportunity for providing the Indians a more efficient medical service, better sanitary conditions, a more orderly and wholesome community life and the service of trained social workers, home demonstration teachers, extension workers, the development of tribal arts and crafts, etc.<sup>557</sup>

He basically thought that the devastating reality of the Indians in California was the result of past failures of Indian administration. Having listened to some California Indians in the south who supported the assimilation with the economic opportunities, Lipps suggested to Collier that the most important thing was California Indian economic development for their self-rule and development, not political reorganization. Acquiring additional land base should be the top priority for them. However, in response to Lipps, Collier encouraged him to try the IRA provision,

The new legislation offers an opportunity for an intelligent solution of the California problem. It is very possible that the solution would have to be along the lines you suggest, of acquiring a few comparatively large tracts of land and organizing small Indian communities or corporations. The bill is so flexible that it can be applied in many ways. The important point is to get the Indians thinking about the whole thing. Much will depend on their own initiative.<sup>558</sup>

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<sup>557</sup> Ibid.

<sup>558</sup> Collier to Lipps. February, 28, 1934, California Files, Sacramento Agency Files, RG 75, N.A.

However, from questionnaires sent to the tribes in January 1934, Lipps also realized that some reservations and rancherias in California, such as Tule River and Fort Bidwell, could organize under the IRA.<sup>559</sup> Collier, gradually came to realize the California situation, and pushed for the organization for only a few tribes.<sup>560</sup> Lipps had won out.

### **Indian Reorganization Act and the California Indians**

Basically speaking, IRA's application was initiated at the agency level in each region. Superintendents of each agency were the top supervisors of the IRA process, having been directly contacted by the Commissioner of Indian Affairs, John Collier. In California in 1934, there were three reservation agencies: Sacramento Agency, Hoopa Agency, and the Mission Agency. The Tule River Indian Reservation existed under the Sacramento Agency.

After Congress enacted the IRA on July 18, 1934, all the Indian agencies in California started to prepare for the coming new age, following the direction by the Washington Office. During Collier's commissionership between 1933 and 1945, the Sacramento Agency had three superintendents. O.H. Lipps headed the agency from 1931 until August, 1935, when he retired from the Indian Bureau. His successor was Roy Nash, who had been serving as Collier's representative with responsibility for overseeing and monitoring BIA programs in much of the Far West. Nash served until 1940, when he

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<sup>559</sup> Lipps to W.S. Kright, August, 8, 1934, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>560</sup> Collier to Lipps, August, 7, 1934, California Files, Sacramento Agency Files, RG 75, N.A.; Even a majority of the rancieria rejected the IRA, Collier still wrote to Nash that "recent events in connection with the referenda held under the Indian Reorganization Act indicate the possibility that our area leaders have not understood fully their responsibilities." Collier to Nash, Nov. 26, 1934, California Files, Sacramento Agency Files, RG 75, N.A.

was succeeded by John G. Rockwell, Jr., who retained that position for the remainder of Collier's tenure as Commissioner.<sup>561</sup>

On October 7<sup>th</sup>, 1934, Collier sent a letter to superintendents in all states to explain the IRA in detail, its concept, purpose, and idea. Furthermore, he advised the process of how the IRA can be applied to each Indian organization and organizing Indian tribes in each jurisdiction.<sup>562</sup> For the Sacramento Agency, Superintendent Lipps received his letter from Collier on October 27, 1934. The instructions indicate that each agency should 1) give the total number of ballots cast for and against, 2) report how many in each group were absentee, 3) make clear to all Indians that the right to vote in the referendum does not in itself give the individual any interest or right in tribal property which he did not have theretofore, 4) let the BIA employee be present, and 5) make notice about the referendum vote with at least 30 days in advance.<sup>563</sup> The instruction also requested the interpreters to translate Indians languages to English, and each agent needed to submit the list of eligible voters to Superintendent Lipps.<sup>564</sup>

For example, Section 18 of the IRA indicates:

This Act shall no apply to any reservation wherein a majority of the adult Indians, voting at a special election dully called by the Secretary of the Interior, shall vote against it 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.<sup>565</sup>

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<sup>561</sup> Maltinez, "John Collier's Indian New Deal," 25-32.

<sup>562</sup> Collier to Superintendent, October. 9, 1934, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>563</sup> The right to vote in the referendum did not in itself give the individual a right to vote on the ratification of a constitution under Section 16 or to vote for ratification of the charter under Section 17. The qualification or eligibility of voters under Section 16 and 17 will be different from these necessary to vote under Section 18 on the acceptance of the Act. Collier to Nash, Sep 24, 1934, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>564</sup> Ibid.

<sup>565</sup> 48 Stat. 984-25 U.S. Congress, Section 18.

If a tribe voted in favor of the act under the IRA, that tribe received certain immediate benefits, such as: their land could not be allotted, it could not be sold to non-members of the tribe, the existing trust period was extended, the tribe became eligible to have benefits from federal land purchases, the young people of the reservation became eligible to receive special educational loans, and the members of the tribe received special preference in the filling of Indian Service positions. These benefits would be provided for by Congressional funding for the IRA.<sup>566</sup>

Before the IRA referendums, Collier, field agents, and superintendents in California exchanged opinions. In August 1934, Collier requested from them information that would be of help when re-organizing,

for the benefit of the record and the file being maintained on this subject, we would appreciate a statement in triplicate listing the various Rancherias or groups of Indians, their location, the name of the county, the size of the tract, population, the fact that they have no tribal form of organization and whether there is any Individual or committee recognized as speaking for these people and with whom you do business.<sup>567</sup>

Two month after the IRA was passed by Congress, the BIA started to take detailed statistics on the Indians in California. The consensus among officials of Washington D.C. was that the Round Valley and Tule River reservation had possibilities under Sacramento Agency. However, Lipps mentioned that it was somewhat difficult for these two reservations because the tribes on both reservations were hereditary enemies who were forced onto the reservations by the military authorities in the 1870s after many years of the war with settlers. The ancient hatreds still existed, and they were almost resurfacing to satisfy some old grudge. Lipps also reported that the lack of unity and ability to

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<sup>566</sup> Zimmerman to Nash, July 21, 1936 concerning the process to make charter and business cooperation. California Files, Sacramento Agency Files, RG 75, N.A.

<sup>567</sup> Collier to Lipps, August, 1, 1934, California Files, Sacramento Agency Files, RG 75, N.A.



cooperate was a distinguishing characteristic of the California Indians, particularly those tribes in Central and Northern California.<sup>568</sup>

Another option that Lipps suggested to Collier was the purchase a few large tracts of suitable land for some groups, such as Hupa, Tule River, Round Valley, and the affiliated tribes in Lake, Mendocino, and Sonoma Counties. However, here again, there was another difficulty since there was not enough suitable land for this land purchase.<sup>569</sup>

Between the options of whether to purchase lands or organize under the IRA, there was not enough time to think about the possibilities for both the administrators and the Indians in California, since the IRA provided that the referendum should be taken within a year. Section 18 of the Wheeler-Howard Act authorized the Secretary of the Interior to call an election where the Indians could vote by secret ballot to accept or reject the act. Having to implement this provision, the Sacramento Agency first of all needed to define who could vote and how to vote on the IRA since their political and social borders were not well defined, especially on rancherias.

Also section 19 of the IRA defined the term "Indian" for the purpose of this act, and it defined those who were to be permitted to vote under Section 18.<sup>570</sup> The question was what resources the BIA could depend on for the definition of section 19, such as land allotment, annuity, per capita, and several censuses data. Lipps finally ordered that "... on these Rancherias, probably the best way would be to allow the Indians so far as possible to determine who were entitled to vote on their particular rancheria."<sup>571</sup>

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<sup>568</sup> Lipps to Collier, January 25, 1934, California Files, Sacramento Agency File, RG 75, N.A.

<sup>569</sup> Ibid.

<sup>570</sup> Section 19 of the IRA: the application of Indian benefits, under the Indian Reorganization Act, to those who are Indians by virtue of actual tribal affiliation or by virtue of possessing one-half degree or more of Indian blood.

<sup>571</sup> Lipps to E.M. Johnston, May 7, 1935, California Files, Sacramento Agency Files, RG 75, N.A.

The California referendums were finally held between November 1934 and June 1935. Segregated into 49 different groups, the elections resulted in 17 groups opposing the Act and 32 favoring it. No returns were received from 11 of the groups, most of which held no election because Indian refused to vote, or a rancheria was not occupied.<sup>572</sup>

On March, 1936, Lipps requested Collier to assign, Kenneth Marmon, an ex-field Clerk who had been doing to follow up IRA work in Nevada, as a full-time organization worker for the Sacramento Agency.<sup>573</sup> After the referendum vote, Lipps paternalistic attitude toward organization process was clear. Lipps further mentioned that these segregated California Indian groups must be regarded as “kindergartners in the school of organized planning for their economic and social betterment. He also continued:

They are woefully lacking in leadership and their future welfare and advancement would seem largely to depend on the advantages and facilities that they may possess under the Organization. Their development will be a slow process, and it will require time, effort and patience to achieve worthwhile results.”<sup>574</sup>

For the 32 groups who voted on the referendum to accept the IRA, including the Tule River Reservation, they faced another choice. Did they want to, or could they create their own tribal governments under an IRA tribal constitution? Doing so could become a great step for tribal autonomy. Encouraged by the fact that some tribes had accepted the IRA, Collier visited the California Indian tribes for an “educational campaign” in order to get them to organize a tribal government. (Figure 11)

Despite the outcomes of the referendums, Lipps persisted in his negativity toward organizing under the IRA during his whole tenure. Not surprisingly, his perspective is similar to the common words of other white commentators:

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<sup>572</sup> Lipps to Collier, June 18, 1935, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>573</sup> Lipps to Collier, March 10, 1936, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>574</sup> Ibid.

There is back of this entire California Indian problem a series of historical facts and events which profoundly affect the present condition of these unfortunate people. Dispossessed as they were by the early gold seekers and reduced to a condition of object slavery, it is no wonder they are lacking in self-confidence and in race pride. Being the weak and disunited, they were under their primitive political system. They were an easy prey to the adventurous and fearless pioneer settler. From the position of landlord and freeman, they were swiftly reduced to a state of peonage and serfdom. Never united large and powerful tribes as were the Plains Indians with able and distinguished war chiefs as their leaders, the California Indians under their patriarchal system are without the background that constitutes the main pillar and support of such tribes as the Sioux, Crow, Blackfeet, Cheyenne, etc. Their weakness has ever been their lack of tribal unity. Divided as they have been, and still are, into numerous small bands owing allegiance to no recognized tribal chief, they never developed an aptitude for large group cooperative effort.<sup>575</sup>

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<sup>575</sup> Lipps to Collier, March 10, 1936, California Files, Sacramento Agency Files, RG 75, N.A.

## **Chapter 10 Political Reorganization of Tule River Reservation, 1934-1936**

### **Tule River Reservation and the IRA Referendum**

Superintendent Lipps of the Sacramento Agency focused on the Tule River as the most likely tribe to accept IRA organization. First, the Tule River reservation had large tracts of unallotted lands on its reservation. Second, it already had the tribal political organization created in 1933 under the BIA supervision, even though the organization was a BIA sponsored government and did not efficiently function.<sup>576</sup> Before IRA enactment, Roy Nash, as a field representative of the Sacramento Agency (a position to support each tribe's organization) informed Collier that, "Tule River.... In my opinion, be most likely to accept the act with minimum discussion."<sup>577</sup>

After his report, Nash suggested to the Secretary of the Interior that the Tule River, as well as the Fort Yuma reservation, be one of the reservations in southeast California, to hold a referendum vote on the IRA earlier than other groups. Both reservations and the Round Valley reservation held referendum on November 7<sup>th</sup> 1934 while most of the other rancherias did in June 1935.<sup>578</sup>

Concerning the IRA election process, it is clear that there was some confusion because of the emergent preparation for a referendum at Tule River.<sup>579</sup> For example, Collier, right after the Nash's notice of the election date to C. H. Packer, the engineer in charge of Tule River, claimed that both Tule River and Fort Yuma under the act were not

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<sup>576</sup> Lipps, August 15, 1934, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>577</sup> Nash to Collier, September, 17, 1934, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>578</sup> Collier to Nash, September 26, 1934, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>579</sup> Dady to Nash, October 5, 1934, California Files, Sacramento Agency Files, RG 75, N.A.

included on the Secretary's list of the referendum by mistake.<sup>580</sup> The Tule River and Yuma reservation residents also realized they were not ready for the referendum earlier.<sup>581</sup> With the lack of the time to study the IRA, Nash and Lipps went to Tule River on November 6 to explain the IRA to the Indians, and they went to the Round Valley Reservation on November 11<sup>th</sup>.<sup>582</sup> Finally, Tule River people could have their counsel with the BIA officers concerning their own situation. The IRA referendum for both Yuma and Tule River reservation was not held as originally planned until November.

To make the issue more complicated, Collier suggested to Nash that additional tribes could have an election on November 17<sup>th</sup>.<sup>583</sup> With the intention that an earlier vote on the IRA would help to acquire larger support from the tribal members, Collier pushed the field agent and BIA officers to have as many election results as possible.<sup>584</sup> There were several reasons for Collier's intention for the earlier votes. First, he was afraid that non-Indian critics of the IRA would have influence on the tribal votes. Second, following Collier's letter, Lipps requested Collier to send more materials for the upcoming election, including 200 copies of the IRA, 100 copies of the election bulletin, 100 copies for the ballots for the Tule River election, and 475 ballots for the Round Valley reservation election. Lipps' request meant that the number of eligible voters had increased dramatically just before the IRA vote.<sup>585</sup>

By October 19, Collier sent the letter to the Tule River and Fort Yuma agencies, again announcing the Secretary of the Interior's call for elections which would be held on

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<sup>580</sup> Collier to Nash, September 27, 1934, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>581</sup> Nash to Collier, October 8 1934, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>582</sup> Lipps to C.H. Packer, November 6, 1934; Nash to Lipps, Oct. 25, 1934, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>583</sup> Collier to Nash, September 29, 1934, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>584</sup> Ibid

<sup>585</sup> Ibid.

October 27th and November 17th respectively.<sup>586</sup> Following the notice of October 20th, 1934, Packer wrote to Lipps that he put the notice of the vote in some places around the reservation: one notice was posted at the west gate on the road entering the reservation, one at the door of the reservation office, one at the gate at the BIA headquarters, one in a prominent place on the side of the barn at the BIA headquarters, two notices in conspicuous places at Soda springs, two notices posted in conspicuous places at Painte Rocks camp, one on the road to the Northeast section of the Reservation, and one at the junction of roads leading to the Clubhouse in the east side of the reservation.<sup>587</sup>

On November 17th, 1934, the BIA held the IRA election at Tule River Reservation. The eligible voters had to be listed on the 1930 Census. Besides those living on the reservation, one or two Indians employed off the reservation and whose names were not on the roll, sent Packer their vote.<sup>588</sup> According to Packer, the election proceeded in a businesslike way without confusion, although the rainy weather undoubtedly prevented a considerable number of Indians from coming to the polls.<sup>589</sup> The result of the referendum was fifty-two votes cast: fifty votes in favor of the reorganization, and only two against. The people of the Tule River accepted the IRA by a highly favorable percentage.

From the IRA referendum process within the Sacramento Agency, it becomes apparent that all the procedures for the application of the IRA involved conversation and close cooperation among the BIA agents, the superintendent of Sacramento agency, and Commissioner of Indian Affairs. It was, in fact, in the final vote, which was called "IRA referendum," that the Indians had opportunities to take part in this process. Because there

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<sup>586</sup> Collier to Nash, October 19, 1934, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>587</sup> C.H. Packer to Lipps, October 20, 1934, California Files, Sacramento Agency File, RG 75, N.A.

<sup>588</sup> Ibid.

<sup>589</sup> C.H. Packer to Lipps, November. 17, 1934, California Files, Sacramento Agency File, RG 75, N.A.

were numerous small rancherias under the Sacramento Agency, most with small voting memberships for making a majority vote on the referendum, and with some reservations being strong IRA critics, rancheria and reservation groups under the Sacramento Agency showed various reactions. While the Round Valley reservation had 446 eligible voters for the referendum, some rancherias only had less than 5 eligible voters under Sacramento.

After the referendum, each group who accepted the IRA moved to the next step.<sup>590</sup> Section 16 of the IRA indicates that any tribe on the same reservation may organize a tribal council under a constitution and by-laws which must be approved concurrently by majority of enrolled Indians and the Secretary of the Interior. The provision for tribal reorganization under the Section 16 of the IRA was individually applied to each rancheria and reservation which voted on the IRA and the Superintendent Nash permitted as ready-groups. Hence before going to the next stage, the field agents authorized by Nash carefully analyzed the possibilities of reorganization based on the population, land base, and the desire of the tribal members.<sup>591</sup>

Once the agents decided to let a group go under the section 16, they introduced the idea of the constitution and by-laws to the tribe. It is clear that the BIA presented the model constitution prepared by the Washington Office. The bureau persuaded the model constitution to the tribal members as a blue print for the constitution and by-laws under the IRA. After several months, with the completion of the constitutions and by-laws, the field agents and Superintendent concluded that twelve California IRA groups, among 19 groups which accepted the IRA, had possibilities to organize under provision 16 of the IRA.

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<sup>590</sup> Elmer Rusco mentions that the section 16 embodies the central purpose of the IRA. He indicates that Collier's purpose of the IRA was the tribal self-decision under the IRA tribal government.

<sup>591</sup> Lipps to Kreigh, May 7, 1935, California Files, Sacramento Agency Files, RG 75, N.A.

The Tule River and the Round Valley reservations had large populations and land bases. Therefore, these two reservations received more attention from the BIA and Sacramento Office than other groups in the reorganization process. Superintendent Nash sent a draft of the voter-approved constitutions and by-laws to Secretary of Interior, who accepted most of the drafts by the middle of September, 1935.

Starting from the election on the constitutions and by-laws at Round Valley in December 11<sup>th</sup>, 1935, most of the tribal groups finished the vote by March 11<sup>th</sup> 1936. In the Sacramento Agency, eight of the following groups under the jurisdiction accepted a constitution and by-laws: the Round Valley Reservation, the Tule River Reservation, the Fort Bidwell Reservation, the Manchester Rancheria, Stewart's Point Rancheria, the Tuolome Rancheria, Big Valley Rancheria, Colusa Rancheria, Upper Lake Rancheria, and the Wilton Rancheria. After each election, the Secretary of the Interior received each constitution from the following groups for review and approval. Once certified by the Interior Secretary, each group started down the road of "self-rule."

### **Tule River and the Constitution and By-laws**

Tule River people held a general membership meeting with a field agent on August 23<sup>rd</sup> and 24<sup>th</sup>, 1935. Through the existing tribal council, first elected in 1932 under Superintendent Lipps, the people discussed a new IRA constitution and by-laws and following tribal reorganization. The BIA field agent reported to the Secretary of the Interior that "all were favorable to organizing under a constitution" and the existing tribal



council had selected a "Constitution Committee" (members unknown) among tribal members to draw up a constitution and by-laws.<sup>592</sup>

The Tule River people as a constitution committee worked with the BIA field agent to create a draft of constitution based on the model constitution which the BIA office sent to each reservation in August 1935.<sup>593</sup> The duly appointed committee requested the field agent to submit the constitution and by-laws to the Washington office for approval and for the calling of an election thereon. Secretary of the Interior, Harold Ickes reviewed and returned the Constitutions By-laws by September 27<sup>th</sup>, 1935.<sup>594</sup>

On November 18<sup>th</sup>, 1935 Collier sent instruction to the Superintendent and field Agents engaged in reorganization work to provide a report to the membership concerning the forthcoming IRA vote on the constitution.<sup>595</sup> He confirmed the guideline defined in the IRA (section 19) saying the membership should be limited to:

Person(s) who reasonably can be expected to participate in tribal relation and affairs. Such a limitation may be framed on the basis of a requirement that both parents are recognized members of the tribe, or that the residence of the parents is within the reservation, or that the child is of a certain degree of Indian blood, or some combination of these conditions as may be best suited to the particular reservations or to the tribes or tribes occupying the same. Where automatic membership is conferred upon children born of mixed marriages wherein the parents reside permanently away from the reservation, there should be included a minimum requirement that such children be of at least one-half degree of Indian blood.<sup>596</sup>

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<sup>592</sup> Assistant Commissioner to the Supt Roy Nash, July 21, 1935, concerning the process to make charter and business cooperation, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>593</sup> Ibid.

<sup>594</sup> Zimmerman to Secretary of the Interior, November. 6. 1935, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>595</sup> Also, BIA set the condition of the degree of Indian blood. The Secretary of the Interior had approved that, in California case, any Indian whose name appears on the California roll, either on the approved roll or the roll of rejected applicants, and who possesses one-half or more degree of Indian blood was eligible to be benefits under the IRA. And that any California Indian whose name did not appear on the California roll may establish his or her eligibility by presenting other acceptable proof. It should be understood that the recognition as Indians under Section 19 of the IRA of those whose names did not appear on any approved roll did not of itself entitle them to the tribal membership. Zimmerman to Nash, Mar, 13, 1936, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>596</sup> Collier to Superintendent, Field Agent, Nov. 18, 1935, California Files, Sacramento Agency Files, RG 75, N.A.

Ninety-four members on the Tule River Reservation fulfilled the requirements. The eligible voters voted on the Tule River Constitutions and By-Laws on Dec 7, 1935. They ratified the constitution by a vote of 43 to 2. The total number of votes of 45 voter amounted to more than thirty percent of the eligible voters of 94.<sup>597</sup> The Sacramento Agency reported the result to Secretary of the Interior, Harold Ickes, and on January 15<sup>th</sup>, 1936, and he approved the Tule River Constitution and By-laws.<sup>598</sup>

Following the approval of Tule River Constitution and By-laws, Collier wrote a letter to the Tule River people,

... the eyes of the Nation have been upon you to see what the Indians would do with an opportunity such as has been afforded them, and results thus far achieved have justified both the faith we have in the Indians people and the efforts put forth to obtain this legislation for them.... I am confident that this same interest may continue, and that you will be active to the same degree in working out the other necessary steps in the communication of the program and in bringing to the Indian people of the Nation a new day, opportunity for a life more secure and more free.<sup>599</sup>

Creating a tribal constitution was an important part of the IRA process to establish political self-rule for tribe. The Tule River Reservation Constitution said “within thirty days after the ratification and approval of this constitution and by-laws a community Council meeting shall be held for the purpose of electing the officers named herein...”<sup>600</sup> On February 15, under the approved Constitution and By-Laws for the Tule River Tribe, the Tule River people elected 12 tribal members as councilmen.<sup>601</sup> Marcus Hunter became the first Chairman of the Tule River Tribal council.<sup>602</sup> (Figure 12)

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<sup>597</sup> Zimmerman to Secretary of Interior, January 7, 1936.

<sup>598</sup> Roy Nash to Collier, December 10, 1935, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>599</sup> Commissioner to Tule River, Dec 23, 1935, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>600</sup> Constitutions and By-Laws of Tule River Tribe.

<sup>601</sup> Collier to Nash, February, 5 1936, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>602</sup> Nash to Collier (Joe Jennings, Field administration in Charge, Indian Organization), March 4, 1936, California Files, Sacramento Agency Files, RG 75, N.A.

## **Indians' Participation in the Organization Process**

It is not known how many Indians participated in the whole process of tribal reorganization under the IRA. By looking at the BIA and field correspondence, the BIA already decided the steps for the organization by channeling this information through the field agent of Tule River. Until the first tribal council member elected in January, 1936, not one name from the tribal members ever came up in any documentation. It is natural to think that the already existing Tule River tribal council established in 1932, called the meeting concerning tribal re-organization under the IRA, which included the drafting of the constitution and by-laws.<sup>603</sup> However, some tribal members testified in 1970s that almost all the tribal members took part in the election to choose the tribal council members.<sup>604</sup> Louise Williams, who was the wife of a first tribal council member, testified:

They called a general meeting whenever they had to do anything that concerned all of the people. They had their general meeting and discussed all of that with all of the people that were there, voting age or however they worked it and before they decided anything.... While ago and they brought up things, they discussed it for a long time before they'd make up their mind what they wanted to do. Now you go up there to the meeting, they pass rules and regulations that nobody else knows about except the ones that's right in there at the meeting.<sup>605</sup>

The entire IRA process could have been supervised by the field agents and superintendent.

Also, the IRA tribal council members under the IRA were from various generations. Based on the census data of 1933 to 1934, among 13 councilmen, three members were under the age of 33, three were in their 40s, and four were in their 50s and

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<sup>603</sup> Ibid.

<sup>604</sup> Interview with Lupe Garfield by Gelya Frank on December 12, 1973, Tule River Tribal History Project.

<sup>605</sup> Interview with Louise and Dan William by Gelya Frank on December 13, 1973, Tule River Tribal History Project.

60s. The chairman was 31 years old at that time. There were three members who were members of the pre-IRA tribal council. These three members were all owners of large herds.

Who becomes a chairman is an important question to analyze under the new tribal leadership of the IRA. According to the prior-tribal chairman, Isadole Garfield, the first chairman was too young to be “a chief” of the tribe at that time (they called a chairman of the tribal council as a ‘chief’). Comparing to the current tribal council and tribal chairman who were mostly chosen from a younger generation, Garfield mentions that the tribal leaders on Tule River Reservation would have been much older back in 1930s.<sup>606</sup> For instance, Marcus Hunter, the first Tribal Council chairman under the IRA was not a member of the 1932 tribal council. Considering these facts, it is natural to guess that Hunter had not been a leader or one of leaders in the Tule River Tribe before the IRA. He appealed to the voters at some point in the organization process, at least after the IRA process started.

There were some reasonable points for Hunter to be the first leader under the IRA. First, he was from one of the largest and economically strongest families at that time. Considering the Industrial report of 1920s by Taylor of the Tule River Reservation, there were four big owners of cattle on the reservation. Considering the economic situation, at least four members of the tribal council of 1936 were large cattle holders of 1920s, or they came from the families of large cattle holders. The chairman was from the largest cattle family.

Second, the new chairman of the tribal council had the leadership skills plus some political strength which appealed to tribal members during this transitional IRA period.

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<sup>606</sup> Ibid.

The chairman was a fluent speaker of English as well as his native language. Some tribal members testified in the 1970s, about the first tribal council. In these testimonies, it is clear that the act's language was a huge obstacle for tribal members trying to understand the IRA, and therefore, to discuss with the BIA agents.

More people used to sit in the Tribal Council. The meeting was in English. People all talked English. There were some that didn't understand English and them always... Marcus always had somebody there; you know... if a certain party didn't understand what they were talking about he'd have this certain person tell him in Indian what they were talking about.<sup>607</sup>

Some people don't understand English very well. And Marcus Hunter, when he got to be the chairman, he used to explain it to them in their own language, see? He used to tell them what it was all about so they could vote on it.<sup>608</sup>

Such testimonies show that the first tribal chairman took the role of a mediator between the tribal members who only spoke their language and English speaking BIA agents.

Third, it is possible that Marcus Hunter was young enough to communicate effectively with the BIA agents. This communication skill let him acquire the support of the tribal members as a leader of Tule River. While some testimonies show that elderly people did not recognize what they were voting for, the tribal chairman could accept the IRA's concepts for future autonomy.

Lastly, there is also evidence which shows that the BIA considered and respected tribal members' participation in the drafting of the constitutions and by-laws. Facing the necessity of the amendment to the constitution drafted in November 1936, Assistant Commissioner Daiker sent to Critchfield, a field agent of Tule River Reservation, the following observation:

It was our opinion that the views of the Indians as embodied in the latter draft were entitled to consideration and that we should criticize their provisions with a view to

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<sup>607</sup> Interview with Francis Hunter by Gelya Frank on November 28, 1973, Tule River Tribal History Project.

<sup>608</sup> Ibid.

having the Indians themselves makes changes therein rather than send them an entirely new set of provision.<sup>609</sup>

Most critics accuse the IRA and its advocates as tool of assimilation. The Indian tribes are now under western style politics, and the evidence of a model constitution shows that the IRA tribal council and constitution and by-laws were ready-made documents prepared by the BIA. Moreover, most scholarly works criticized BIA paternalism toward the tribes during the IRA process. However, the BIA paternalism and ready-made tribal autonomy themselves were not always the sole purpose of the IRA. But in the Tule River case, the IRA was a method for tribal members, by which they could create a new style of tribal autonomy. Arguably, in the process of applying the IRA, the BIA field agents as well as the Washington officers tried to respect the tribal self-decisions.

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<sup>609</sup> Memorandum from Daiker to Critchfield, January 1, 1937, California Files, Sacramento Agency Files, RG 75, N.A.

## **Chapter 11 Tule River Cattle Association, 1936-1938**

The process of building the cattle association on Tule River Reservation disclosed the difficulties of the organization on the Tule River Reservation in the IRA era. The conflicts among tribal members based on the economic gap, rules of the tribal council concerning economic development, as well as the relationship between the tribal council and the federal government, became central issues. By 1937, a large number of the people on the Tule River Reservation wanted to build a tribal cattle association, for their economic development. This chapter analyzes what was the nature of the association under the IRA, and why it failed.

### **Background of the Tule River Business Corporation**

On October 10<sup>th</sup>, 1921, Commissioner of Indian Affairs, Charles Burke ordered Tule River Superintendent Taylor to develop the livestock interests among the Tule River Indians. As a result, Taylor's industrial report showed how much the Native people depended on the cattle industry by 1922.<sup>610</sup>

Following this order, Taylor suggested that the Tule River Indians should purchase bulls for their cattle industry. On February 27, 1922, Talyor reinforced his views on the cattle industry potential, saying;

The stock industry here on the reservation is most excellent in opportunity, and if I should remain in charge for a period of 5 or 6 years it would be my desire to see the range fully stocked with Indian cattle, and the grade of the cattle improved to the point of being the best to the range.<sup>611</sup>

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<sup>610</sup> "Circular letter 1774," March 23, 1922, California Files, Tule River Agency File, RG 75, N.A.

<sup>611</sup> Taylor to Burk, February 27, 1922, California Files, Tule River Agency File, RG 75, N.A.

Taylor's letter shows that he was the first BIA employee who seems to have had an interest in the development of the cattle industry on the Tule River Reservation.

To investigate the cattle industry, he knocked on each family's door and checked the number of family-owned cattle as well as some additional information concerning living conditions. In 1922, the Indians had over a thousand head of cattle, sheep, hogs, and horses. Without enough time as well as resources, Taylor's investigation was far from precise and complete. However, from Taylor's report, it was clear that only several owners held ownership of nearly all the cattle and sheep, while the majority of families never owned cattle, or had just a few. This gap of the economic situation gradually developed from early 1920s forward.<sup>612</sup> Taylor used his personal budget to purchase more cattle on the reservation. A resource shows that many of Indians who benefited from Taylor later became larger cattle owners<sup>613</sup> On the other hand, the Superintendent's annual report in 1923 said that "there was not poverty but of course some of the people are rather shiftless." The cattle industry thus created an economic imbalance by the 1930s.<sup>614</sup>

Economic gaps emerged in the 1920s to the 1930s. Later, under the Nash's superintendency of Sacramento Agency, his administration produced a report, "Livestock of Tule River reservation on 1937." During the New Deal era, besides the general new deal programs of Civilian Conservation Corps-Indian Division (CCC-ID), the main resource of cash income for the Tule River tribe was stock rising which had been the

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<sup>612</sup> Ibid.

<sup>613</sup> Taylor to Department of Agriculture, office of Cattle Protection, Sacramento CA, California Files, Tule River Agency File, RG 75, N.A.

<sup>614</sup> Taylor to Superintendent, Superintendents Annual Narratives, 1923, California Files, Tule River Agency File, RG 75, N.A.



main industry since Indians' removal to the reservation in 1873.<sup>615</sup> This report showed a clearer number of cattle ownership of tribal members.<sup>616</sup> It also shows a handful of tribal member who owned most of the cattle. Even though the stock raising became the main industry on the Tule River reservation, the number of the tribal members who made a living from it remained small. The rest of the tribal people earned cash from seasonal work, agriculture, handicrafts, leases, pensions and sales of wild products.<sup>617</sup> (Figure 13)

Tribal member Jose Vera was one of the large cattle owners in 1930s. He provides an example of a success story of tribal members who became large cattle owners. He was born in 1867 on the old Tule River Reservation (Madden Farm) near today's Porterville. At the age of 18 or 19 years old, he worked at herding sheep in the mountains for three different Frenchmen. He also worked for the two Cramer Brothers of Delano and for W.L. Smith and Pat Cunningham who ran sheep on government land in the southern San Joaquin Valley.<sup>618</sup>

However, he started raising his own cattle later in his life with BIA encouragement of cattle ownership. 70 year old Jose owned 70 cows, 20 heifers, 25 heifers and 10 heifer calves by 1937. Besides owning cattle, he also accumulated rental property in town and lived in Porterville after the 1930s.<sup>619</sup> Living off reservation, he became a successful tribally-enrolled Indian. However, Jose Vera's case was not typical on the reservation. In 1930s, there were serious gap in property among individual members.

After 1936 when the organization process had been completed for IRA tribes, the BIA's main concern became economic development for the IRA tribes. Therefore, as the

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<sup>615</sup> *Human Dependency and Economic Survey 1936* (Berkeley: University of California, 1939), Table 16, Figure 13.

<sup>616</sup> Ibid.

<sup>617</sup> Ibid.

<sup>618</sup> Interview with Jose Vera by Ira Stiner, Tule River Tribal History Project.

<sup>619</sup> "Cattle Owner at Tule River, January, 1937" California Files, Sacramento Agency Files, RG 75, N.A.

third step following the referendum and the creation of the tribal Constitution and By-laws under the IRA, Commissioner of Indian Affairs, John Collier, also declared the business association as the third step of his economic rehabilitation program under the IRA. This final step would encourage certain economic powers to Indian tribes. Under the IRA, the Tule River tribes with its tribal Constitution and By-laws could develop a Charter for business incorporation.

### **Tule River Reservation and Business Corporation**

The most important result of building a tribal council as well as business corporation was that the tribe could carry on business dealings outside of their reservation, and to manage its own financial affairs to a large extent. For example, tribal members could borrow money from the revolving fund set up by the IRA, the tribal council could make loans to the members of the tribe, and tribal members could enjoy increased independence of the federal government in the management of tribal property. These processes were supervised by the BIA agent and the reservation Superintendent, accompanied with the Commissioner's opinions, as the history of the Tule River tribe shows.

First, Nash mentioned in his letter to Collier on June, 15, 1936 that one of the main needs for the California Indians was better homes and economic and social rehabilitation programs.<sup>620</sup> After the Tule River Indians accepted the IRA in November, 1934, and later reorganized the Tribal Council in 1936, Nash encouraged the IRA tribes to organize a

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<sup>620</sup> The Sacramento Agency categorized Tuolumne, Upper Lake, Wilton, Stewarts point, Big Valley as the group which should not go with incorporation because of the lack of the member. Hopeland and Pinoleville should not be released, and Tule River, Yuma, Bidwell, and Covelo were categorized as which should proceed with incorporation. Manchester had completely organized business incorporation. Dailer, an assistant to the Commissioner, to Nash, June 30, 1937, California Files, Sacramento Agency Files, RG 75, N.A.

business corporation.<sup>621</sup> Nash followed the general guideline prepared by Collier to execute the IRA provisions. However not all of the IRA tribes could benefit from it. In the Sacramento Agency only three reservations and rancheria had the opportunities. After the Tule River Reservation had adopted its Constitution and By-laws under the IRA, Nash requested the allocation of \$ 40,000 for land purchase in 1936-1937 and credit for organization for the Tule River economic development.<sup>622</sup>

According to the report by the forest agent, Henry Vance, the initial tribal attitudes toward the cattle industry was favorable.<sup>623</sup> On October 24, 1936, Henry Vance, an Agent on the Tule River Reservation reported to Nash that the Tule River people discussed the matter of building a stock association under the IRA “with not more interest than on our last visit.” Therefore, he wanted the Tule River Indians to create the corporation. He continued that “very little or nothing seems to be that we can do to induce to take up the matter of an association.”<sup>624</sup>

Vance showed that the tribal opinion was not a single strong opposition against the stock association. He mentioned some factionalism among tribal members concerning the communal ownership of the tribal property.<sup>625</sup> The chair of the first IRA tribal council reported that the people had been more interested in working the federal programs for economic development or the fencing the cattle ground for the improvements and

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<sup>621</sup> Ibid.

<sup>622</sup> Daiker to Nash, June 30, 1937, California Files, Sacramento Agency Files, RG 75, N.A. For a whole Sacramento Agency, the following land purchase program be adopted in 1936-1937; For Sacramento Valley; \$80.00, Wilton; \$18.887, Auburn; \$18.000, Susanville; \$15.000, Round Valley; \$60.000, Tule River; \$ 40.000, and Tuolome \$30.000. (Total \$216.887)

<sup>623</sup> Henry Vance to Nash, October 26, 1936, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>624</sup> October 24, 1936, Henry Vance to Nash, October 24, 1936, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>625</sup> Ibid. Henry mentioned “Jarimio, Ellis, Silvas, and perhaps Fred Garfield that feel that Marcus and Larry also Jose Vera, feel and express their idea that they want nothing to do with giving the others stock and that they will not consent to any approval of such.”

conservation of the each family' stock industry, instead of a tribal communal cattle industry.<sup>626</sup>

Importantly, it is true that the gap in the economic situation among tribal members was a big obstacle for the tribal economic corporation which was based on the communal property sharing among the members of the corporation. Large stock owners strongly insisted on running the private cattle industry rather than the communal cattle ownership in the tribe. The forest ranger of Tule River Reservation, F.S. Slaugh reported to Nash that there were four tribal members who shared almost 90% of the tribal property. Slaugh suggested that the Secretary of the Interior become involved in the tribal enterprise so that the other tribal members could become involved in the tribal politics equitably. Otherwise, the tribal corporation would be impossible.<sup>627</sup>

Certainly, the large cattle owners resisted a cattle association for several reasons. In looking back at the discussion of the cattle association, Louise and Dan Williams, who were large cattle owners in the 1930s, provided another perspective.

Organization here then every individual that owned one head of stock would put an ID on there. And I've got some old frontier times and it told about different reservations, how whenever the government, whenever the Superintendent was here if he wanted that livestock sold from this one individual Indian he could go ahead and do it with that ID on there. And that's why a lot of them were against it. They'd worked for their own livestock and built their own herds. Why should they let the government come in here and stick an ID iron on their individual livestock?<sup>628</sup>

Louise and Dan Williams showed their concern about government interference in their cattle business regarding cattle branding.

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<sup>626</sup> Tule River to Nash, October 24, 1936, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>627</sup> F.S. Slaugh to Nash, November 4, 1936, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>628</sup> Interview with Louis and Dan Williams by Gelya Frank on December 13, 1973, Tule River Tribal History Project.

Another concern was the introduction of cattle conservation by the BIA. Forest ranger, Slaugh also insisted on grazing regulations so that some Indians not owning cattle could have a chance to own some. Large cattle owners resisted the conservation program. Slaugh suggested to Nash the number of potential cattle that could be raised on the reservation. He estimated that the reservation range could handle about 1,200 head of cattle and about 1,500 head of sheep.<sup>629</sup> This carrying capacity is based on available feed along with proper range management and care of the livestock. By 1936, the Indians ran approximately 800 head of cattle and some 150 head of sheep on this range.<sup>630</sup>

Slaugh argued that Tule River needed more cattle. The range could accommodate at least 500 more. Under this condition, he recommended that the Washington BIA Office provide some 500 head of re-payment heifers. Based on this recommendation, the BIA provided \$40,000 to purchase more cattle in 1936-37.<sup>631</sup> These were to be distributed to the Indians who had no cattle or those who had only a few. He also asked the Washington BIA Office to request the Secretary of the Interior to approve the placing of the Tule River Reservation under grazing regulations. If this approval could be secured, it would correct some of the maladjustments that existed on the reservation, he said.<sup>632</sup> He emphasized that some tribal members “ruin any chances of the others getting anything until it is too late to get stock on the reservation.”<sup>633</sup> Slaugh and Vance introduced the program without consulting Indian cattle owners.

The large cattle owners thought they were doing well by themselves in the 1930s. However, in fact, they could not have sold any of their livestock without the permission

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<sup>629</sup> Slaugh to Nash, Nov 4, 1936, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>630</sup> *Human Dependency and Economic Survey*, 80.

<sup>631</sup> Ibid.

<sup>632</sup> Ibid.

<sup>633</sup> F.S. Slaugh to Nash, November 4, 1936, California Files, Sacramento Agency Files, RG 75, N.A.

of the BIA. Their protest against the cattle association came from the alleged untruthfulness of the federal government and its cattle policy.<sup>634</sup> The large cattle owners, including the tribal chairman of the first IRA tribal council, opposed the BIA cattle policy.

BIA field worker Henry Vance took charge of the process of the Tule River cattle association and had been mediator between the tribe and the BIA. He reported the corruption of the Tule River Tribal Council as a reason why the BIA and people of the Reservation should not trust the tribal council as well as the council members.<sup>635</sup> It is true that the arguments concerning the cattle association between large cattle owners and small cattle owners did break out on the reservation. Louise and Dan Williams later recalled:

Of course many of the Indians didn't have anything. That might have when they got the general idea... there been complaints about some people having livestock. They didn't have any privileges and there were quite a number of them that didn't. To me there are so many different ways of looking at it. If everybody had the same privileges they went ahead and did something about it. That's always been my theory. But I just happen to be one of the luckier ones. But still if my dad hadn't left me anything I'd sure still have some cattle anyway. But like I said, I sure didn't like the work, too hard.<sup>636</sup>

Both sides had their own reason. However, the BIA agent was always on the side of the small cattle owners to create the Cattle Association under the IRA. On the other hand, the resistance of the large cattle owners against the association had grown.

In order to improve the imbalance of cattle ownership on the reservation, F. S. Slaugh, the BIA forest agent, met with 16 tribal members who were supportive of the

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<sup>634</sup> Interview with Louis and Dan Williams by Gelya Frank on December 13, 1973, Tule River Tribal History Project.

<sup>635</sup> Ibid

<sup>636</sup> Ibid.

formation of a cattle association.<sup>637</sup> However, he reported to Nash that “any attempt at corrective measures here is going to meet with a long and bitter fight” because “four Indians own about ninety percent of the stock on the reservation.” These four wealthy families felt that any curtailment of adjustment would be an infringement on their inherited property right and were going to fight the association to the finish.<sup>638</sup>

On November 4<sup>th</sup>, 1936, the supporters of the cattle association on the Tule River Reservation including the forest service agent, Slough, gathered and discussed the long lasting disputes of Tule River Cattle association. The meeting of the all day session was not documented. However, after six hours of intense discussion, the Indians voted unanimously to form a cattle association. Eighteen Indian men attended the meeting.

Then, the supporters of the cattle association and Slough assembled and made a draft of the constitution for the Cattle Association and submitted it to the Washington DC on November 9th. On November 19th, Nash requested Tribal Chairman of Tule River to inform the officers, members, organization, committees of the Tule River Cattle Association of his comments.<sup>639</sup> He continued, “... It was our opinion that the views of the Indians as embodied in the latter draft were entitled to consideration and that we should criticize their provisions with a view to having the Indians themselves makes changes therein rather than send them an entirely new set of provision.”<sup>640</sup>

Having a draft of the Constitution and By-laws of the Tule River Cattle Association on January 22, 1937, both the large and small cattle owners held a Special Meeting at the Social Hall at Tule River Reservation to roundup livestock as the

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<sup>637</sup> F.S. Slauch to Nash, November 4, 1936, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>638</sup> Ibid.

<sup>639</sup> Nash to Marcus Hunter, Chairman of Tule River Tribal Council, November. 19, 1936, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>640</sup> Memorandum from Duiker to Richfield, January 1, 1937, California Files, Sacramento Agency Files, RG 75, N.A.

first process of the communal cattle ownership under the cattle organization. Supporters and non-supporters of the cattle association discussed the further stock policy which the Tule River tribe should take. (Table 14)

In this meeting, 41 tribal members attended. From the Sacramento Office, Agent Vance was present. In the following days, there was some discussion among the members of the reservation. There were three main topics at this meeting. First was to keep their cattle off the winter range during the summer time, which would start on January 31. The round up would not work unless the whole range was put under common management.<sup>641</sup>

The second was to rebuild the fence to hold a pasture for cattle. Third was branding. The members decided to have an additional small brand made for the branding of horses. The brand ID, as chosen, was to be placed on the left shoulder of the animals.<sup>642</sup> Large cattle owners concerned themselves how new cattle would be distributed even though they considered not joining the association.<sup>643</sup>

After an all day session the Indians held a vote (practically all the Indians on the Reservation were present). In the final secret ballot tabulation the results showed 24 in favor of continuing the Association, whereas 17 opposed it. On January 28, Collier requested Nash to deal with the dispute concerning the Cattle Association with the tribal chairman. Collier insisted on his economic development theory under the IRA, saying:

we are sure that if you will fully consider the benefit to be attained from the organization of a cooperative livestock association on the Tule River Reservation, you will be convinced of the wisdom of fostering such an organization. We understand that at a present meeting a majority of the Indians present were in favor of the livestock organization, which is very encouraging news.<sup>644</sup>

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<sup>641</sup> Nash to Richfield, November 9, 1936, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>642</sup> Ibid.

<sup>643</sup> Hunter to Collier, January, 18 1937, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>644</sup> Collier to Nash, January 28, California Files, Sacramento Agency Files, RG 75, N.A.



Nash frequently contacted the chair of the Cattle Association who was elected on the last meeting, as well as Slaugh to promote the founding of the association.<sup>645</sup> This mutual help between the BIA agent and supporters of the Association was clear in the Tule River case while he often mentions that he tried to be neutral to the large and small cattle owners' desires.<sup>646</sup>

However, on March, 1937, Slaugh reported to Nash that there was a condition "anything but favorable" about the Tule River Cattle Association. He also suggested Nash not to further the Livestock Association, and no drift fences should be built there at present.<sup>647</sup> Slaugh concluded, "I feel that we should take the 'Watchful waiting' attitude toward Tule for a time at least. The Indians must have a little time to think this educational movement over and have a few ideas ripened on their mind."<sup>648</sup>

After the meeting, BIA agents, Henry Vance reported there were tribal members who were against the tribal council of Tule River Reservation and cattle owners. Vance first reported the misdemeanor of the tribal chair pointing out the corruption of the council which was reported by some tribal members. Vance continued that "the majority of the council not wishing to carry on when (chairman) was called before the council for letting several fires get away during the summer, and was fined \$50 by the council which he agreed to pay in monthly installments, which he has absolutely never made any attempt to pay."<sup>649</sup>

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<sup>645</sup> Nash to Bessie Vera, February 23, 1938, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>646</sup> Nash to Zimmerman, January 28, 1937, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>647</sup> Slaugh to Nash, March 28, 1937, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>648</sup> Ibid.

<sup>649</sup> Minutes of the Special Meeting of the Tule Rive Stock Association, January, 22. 1937; Henry Vance to Collier, January 22, 1937, California Files, Sacramento Agency Files, RG 75, N.A.

Because of the criticisms of large stock holders, including the tribal chair, it seemed that cattle association was an impractical idea. There had already been two elections to determine whether the Indian desired a stock association, and a slight majority voted for the association both times. However, Slaugh remained doubtful of the results. He interviewed each signer to give his reasons for signing the petition, and none could give any satisfactory reasons other than a few who said they did not understand it. George Silvas who was elected Vice president of the livestock advisory board and attended the meeting when he was elected, stated in writing that he did not know why he signed it, but that he did it when told to by Marcus Hunter, the first chairman of the Tule River Tribal Council. Slaugh claimed that they did so with the understanding that Slaugh would be gone on vacation.

Vance argued that the election was a fraud. He said,

the majority of the Indians with the Stock Association....should be denied the benefit for the selfishness of some three or four Indians that are fighting the association, as only about four Indians are in reality the thing that is holding up the association and by using the some few signers that sign just to present Hunter and about three others from getting mad at them.<sup>650</sup>

Having a confusion concerning the cattle association, some tribal members made the decision to transfer the bulls to individuals' cattle owners and not to the cattle association (the list was on the file).<sup>651</sup> This seemed to have consent of tribal members. In the next election of the tribal council in January 1938, the Tule River people elected the same chairman, as well as tribal council members.<sup>652</sup>

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<sup>650</sup> Ibid.

<sup>651</sup> Nash to Collier, May 28, 1937, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>652</sup> Nash to Collier, January 3, 1938, California Files, Sacramento Agency Files, RG 75, N.A.

It is difficult to say how much the dispute concerning the Tribal Cattle Association affected the tribal council election of 1938. However, the chairman who was against the cattle association maintained influence over the tribal members. On February 8, 1938, two top members of the Cattle Association requested support from Nash, telling him the majority of the families favored it, and wanted to know if the BIA could send some specialists to the reservation.<sup>653</sup> In early 1938, there were more than 26 members in the association, and 88 reservation members including children were supporting the association, while members of those who did not want the Association totaled about 38 altogether.<sup>654</sup> However, the cattle association did not become a lasting entity because of the continuous opposition from the large cattle owners.

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<sup>653</sup> Bessie Vera and William Garfield to Nash, February 8, 1938, California Files, Sacramento Agency Files, RG 75, N.A.

<sup>654</sup> Ibid.

## Conclusion

Looking at Yokuts history tells us that, before and at the time of European contact, they lived in independent villages having separate political organizations from each other. At the same time, they share a language (with various dialects) and culture. Even though the population decreased after the contact with European people, mainly due to epidemic diseases, and starvation, and social and political disruption, the Yokuts found ways to survive. Insofar as Indians lived in a transition period, they deserve full credit for successfully surviving it. Far from being passive, they fought back and accommodated according to their needs and local conditions. The Miwoks and Yokuts exemplify the flexible spirit with which Native Californians faced the abrupt changes in an unpredictable age. At times, they were supporters of newcomers, neophytes, stock raiders, gold miners, doing both resistance and negotiation. Since original contact with Spanish and Mexican people, Yokuts became adapters and survivors.

Some Yokuts later became Christian neophytes who lived out their lives in the Franciscan missions. Eventually some resisted as runaway neophytes. When they faced starvation, some chose to steal from invaders and then fight Mexicans and later Anglo-American settlers. Some later become gold miners and sought the opportunity to work for white gold miners and ranchers.

On the eve of the treaty making in 1852, Yokuts communities and populations still predominated around the central valley among indigenous and non-Indigenous people in California. While the Yokuts' consistent reactions to these transition periods and the treaty making remained rather consistent, the federal Indian policy remained inconsistent.

Through the treaty making process, it is apparent that the eighteen treaties did not clarify the Indians' legal rights and political systems. Treaty-making also showed government inefficiency. Legislators and administrators were uninformed about the Indians' social and political conditions. It was surprising that the entire treaty making process for California Indians was done only in a year and initiated by only three agents. It was an action based upon traditional U.S.-Native policy of treaties and reservations. It floundered on the reality of genocide and imperialism in California.

On the other hand, Yokuts chiefs can tell us various views and stories of the treaty negotiations. As existing scholarly work scarcely mentions tribal names, Native leaders, places, as well as tribal reaction to the treaties, it is difficult to draw the whole picture of the Indian reactions to the treaty making without knowing the social, political and cultural realities. The existing documents written by the treaty agents and federal officers, however, show some indications about the chiefs' stances toward the treaty negotiations.

The reactions to the treaty negotiations by the Yokuts also showed strong leadership by Native leaders. The treaty making process does tell of us about lively strategies, conflicts and cooperation between California Indians and the Anglo American new comers in the 1850s. By tracing the tribal reaction toward the treaty making with the understanding of Yokuts' strong political identities and the chiefs' leadership, it is apparent that the unratified eighteen treaties were not only part of federal Indian policy but also the interactions between more than a hundred Indian communities led by Indian political leaders. Also the analysis of the Yokuts' reactions toward the treaty making disclosed the character of each chiefs and inter-tribal relationships, conflict, and corporation among Yokuts.

As noted in this study, the treaties were not ratified, although they were contracts which were ignored. They kept surfacing as a central guideline of the tribal sovereignty for the California Indians through 19<sup>th</sup> century. The reservations established under presidential executive orders in the 1860s and 1870s were partly based on the 18 unratified treaties even though the established reservations were much smaller than the treaty reservations. For example, the location of the Tule River Reservation was one of the reservations promised under the unratified treaties. When the Californians realized fighting with whites could take years with not any end in sight, they peacefully chose the reservation life as their way to survive. Of all the interior Indians surviving in 1860, the Yokuts retained the largest measure of control over their communities.

Reservation life under the agent's supervision was another transition period for political and social life of Yokuts. The second transition period: the treaty negotiation period in 1850s to the New Deal era in 1930s, tells us the transformation of the Yokut leaders and their leadership. Yokut leadership transformed due to the social changes and federal Indian policy. Various groups of Yokuts and other tribal groups were forced to move to the Tule River Reservation as a result of the Indian wars. Later Tule River Reservation became a final destination for various Yokut groups because of the administrative reorganization during 1860s. In the process of the emigration and co-existence of the various tribes, this process gradually changed the strong traditional political unity of individual tribes who eventually constituted the Tule River Reservation. Inter-marriage, the agents' supervision, education systems, and economic gaps as a result of the reservation industry, were reasons that changed traditional chief system and social construction. Before the 1930s, these political units were never recognized, or admitted

by the federal government, at least officially, while the BIA agents frequently depended on the power of these existing tribal organizations and leaders to govern the reservation people.

Meanwhile, the people in the Tule River Reservation intentionally or unintentionally created a new reservation identity as people of "Tule River." The reservation community developed a loosely connected unity, consisting of the original village. The names and rule of earlier independent tribal chiefs became gradually diminished. However, Yokuts people did not become completely marginalized under the reservation system and federal administration. Instead they reorganized their original village identities, and also developed a larger autonomous entity based on the Tule River land base.

In the early 1930s, the reservation population voted in new leaders based on the leaders' economic background, traditional lineage, as well as intertribal marriage. The IRA of 1934 gave the Tule River Reservation an opportunity, although limited, for self-rule and self-support. The people of Tule River became known as the Indians of Tule River Tribe (people sharing the political and geographical belongings) not the Tule River Reservation (sharing only the geographical belongings). The IRA was a significant factor for Tule River Tribes for the first time in their reservation history, to develop a method and a strategy to claim their existence as a political unit to deal with the federal government and to the larger American society.

Beyond the academic evaluation and its impact on the future tribal autonomy among Indians and non-Indians, the IRA directed federal Indian policy to support tribal autonomy in 1930s. The IRA organized or reorganized tribes politically and

economically under its provisions. Also, for the tribes in California and other areas, with similar experiences as the Tule River Tribe, they did not possess legal and jurisdictional background as a tribe or political entity, and survived with less political and economic resources until the IRA was enactment. However, the IRA provided a new opportunity for them to survive as “a tribe” in the United States up to the 21<sup>st</sup> century.

On the eve of 1934, the people of Tule River Reservation maintained a loosely connected political organization under the BIA’s supervision. When the IRA applied to the Tule River people, it meant that the people under the jurisdiction of the Tule River Reservation organized themselves as a tribal unit. After the people accepted the IRA, they created the Tule River Tribal Council under the Tule River Constitution and By-laws in 1936. This was the first official tribal organization for Tule River people, allowing them to elect a tribal chair and tribal council members. In almost eighty years since the formation of the Tule River farm, the people of the Tule River, mainly Yokuts, acquired a tool for their self-rule and self-decision, but in a totally different way from their aboriginal form of government.

However, there were two contradictions in the IRA process. First, it was not initiated by the tribes, but by federal government. The BIA agents, superintendent, and a handful of Indian people led the organization process. The idea of the IRA tribal governments and economic corporations was western-oriented and never initiated by the Indians of Tule River. On the other hand, with the strong pressure from Collier, the Superintendent of Sacramento Agency, Francis Lipps, these officials persuaded the people of Tule River to organize. The BIA provided the direction for the organization of



the people of Tule River, who originally consisted of several collective entities who organized as a single “Reservation” Tribe.

Second, the BIA agent expected the Tule River people to handle not only the tribal decision making but also tribal economic development. There had already been serious economic gaps among members of Tule River Tribe. The process to created Tule River Cattle Association showed that the economic gap among the members became an obstacle to execute one of the other IRA objectives; that is economic development of the tribe under the business corporation. Some rich families opposed the Tule River Cattle Association and many others longed for a more efficient cattle industry on the Tule River Reservation. The political organization and economic organization could not be brought together due to the economic gap between the tribal members. Under the IRA, Collier though the “IRA tribe” could handle the tribal political (self-support) and economic (self-rule) independence under the federal government. It appears that the economic development of the “IRA tribes” expected tribal organizations to handle the capital economy of the whole tribe, not individual member’s business, which was also introduced by western industrialization. The IRA was from one perspective a capitalistic initiative. However, the economic gap among the tribal member did not adapt to this idea.

John Collier’s new policy represented cultural pluralism in the sense that it agreed with the “tribal autonomy” which the Native Americans used to have before the contact with European people. How was this Collier’s vision of the tribal autonomy accepted by Indians? One way to answer this question is to investigate how and what is a “tribe” for a Native American community. The process of the IRA is an important mirror to know how the meanings and rules of how tribal governments had changed before and after

1934. The IRA also disclosed the existing tribal organizations (pre IRA political system) up to the early century which had been almost unknown to Euroamericans before the 1930s, after almost 500 years since contact.

At the same time, the Tule River history after the 1934 shows that the Tule River tribe had consolidated under the IRA Tule River Tribal Constitution and By-laws and utilized the tribal organization for the tribal autonomy in the 20<sup>th</sup> and 21<sup>st</sup> century. Their history shows that how the IRA organization overcame the economic gaps among tribes, achieved the economic development with gaming the industry, initiated cultural survival with language revitalization and basket weaving, and kept political strength with the IRA tribal council. The IRA provided the people of the River an official political unit as a tool to deal with these tribal developments.



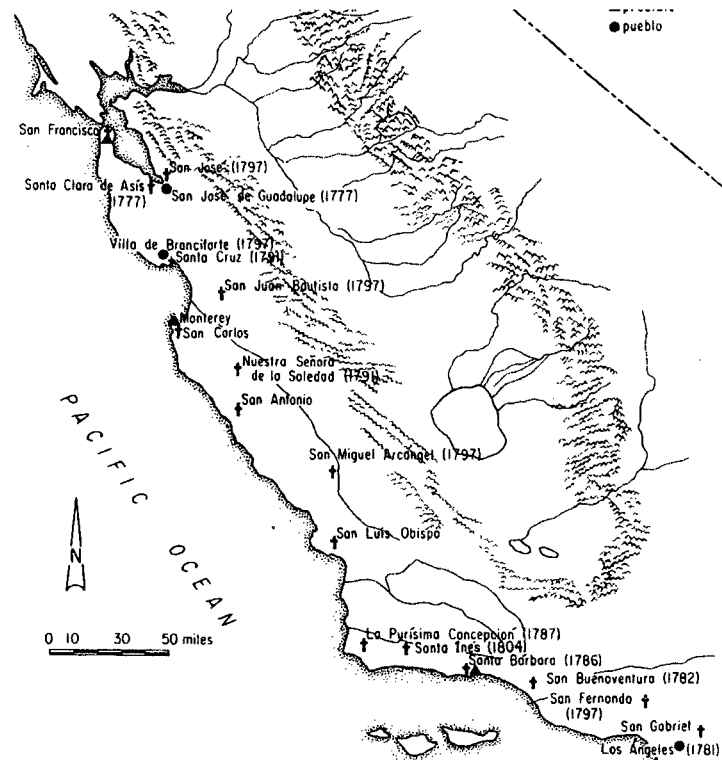


**Figure 3. "Gathering Seeds" in the San Joaquin Valley**



Source: S. Eastman from a sketch by E. M. Kern, 1865; Courtesy of the Bancroft Library, University of California, Berkeley.

**Figure 4. Spanish Occupation, 1771-**



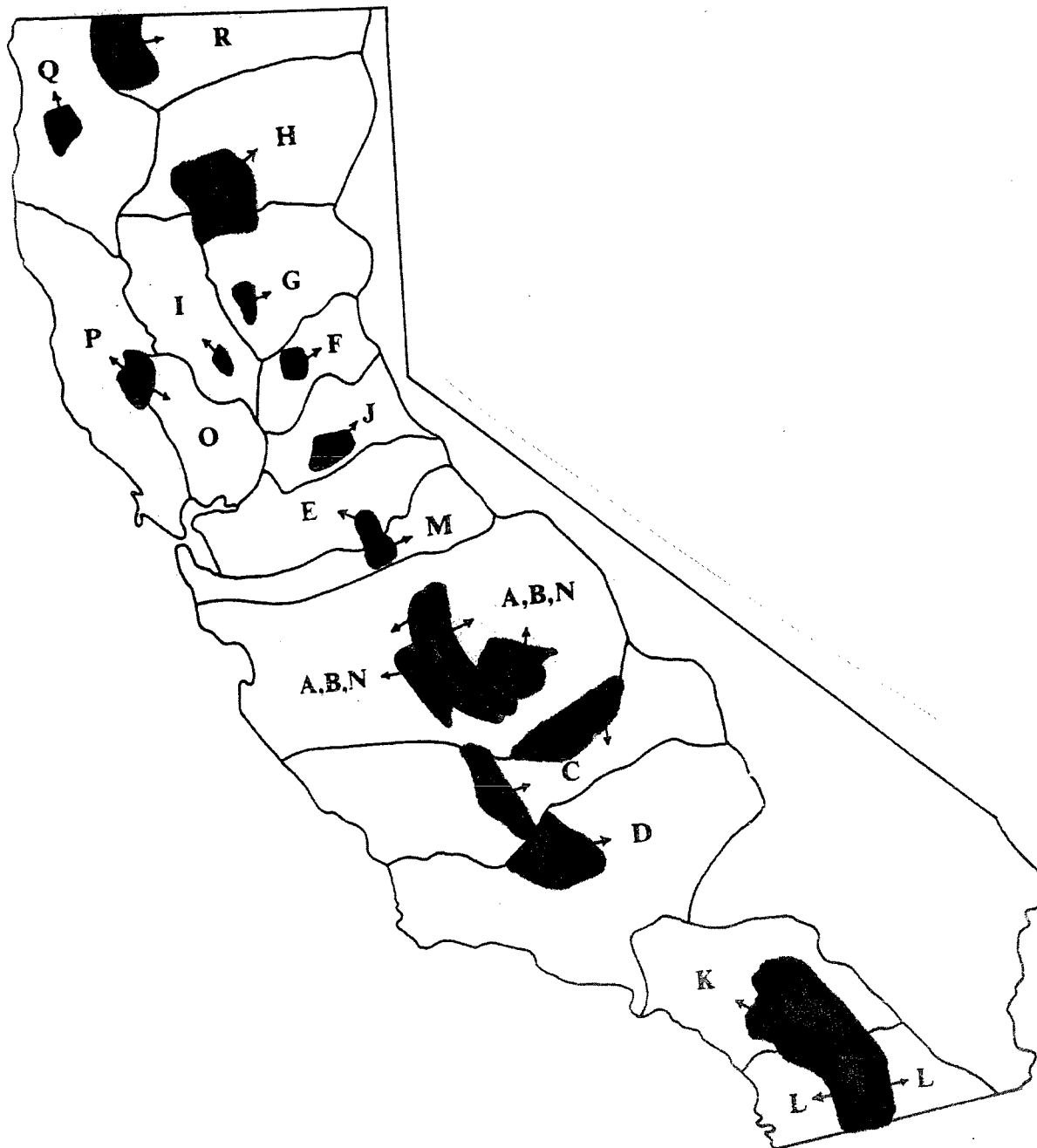
Source: George Harwood Phillips, *Indians and Indian Agents: The Origins of the Reservation System in California, 1849-1852* (Lincoln and London, University of Nebraska Press, 2004), 24.

**Figure 5. Indian Woman Panning out Gold**



Source: Albert L. Hurtado, *Indian Survival on the California Frontier* (New Haven and London: Yale University Press, 1988), 113.

**Figure 6.** Areas supposedly ceded by Indians in the 1851-1852 treaties (black areas) and areas intended to be reserved (hachured areas). Treaty designations (A-Q) are those used by the resident in 1852.



Source: Robert Heizer, *The Eighteen Unratified Treaties of 1851-1852 Between the California Indians and the United States Government* (Berkeley: University of California Archaeological Research Facility, 1972).



**Figure 7. The Eighteen Unratified Treaties of 1851-1852 between the California Indians and the United States Government**

Treaty	Name of Tribes	Date	Treaty making agents
Treaty A at Camp Belt	Taches, Cah-wia, Yo-kol, Ta-lum-ne, Wic-chum-ne, Hol-cu-ma, To-e-neche, To-huc-mach, In-tim-peach, Choinuck, We-mil-ches, Mo-ton-toes	May 13, 1851	Goerge W. Barbour
Treaty B at Camp Keyes	Ko-ya-tes, Wo-la-si, Nu-chow-we, Wach-sa-che, Pal-wis-ha, Po-ken-welle, Ya-wil-chine tribe	May 30, 1851	George W. Barbour
Treaty C at Camp Buron	Chu-nute, Wo-wol, Yo-lum-ne, Co-ye-tie	June 3, 1851	George W. Barbour
Treaty D at Camp Persifer F. Smith	Castake, Texon, San Imirio, Uvas, Carises, Buena Vista, Sena-hu-ow, holo-cla-me, Shoho-nuts, To-ci-a, Hol-mi-uh tribe	June 10, 1851	George W. Barbour
Treaty E at Dent's and Vantine's Crossings	Iou-o-lumne, We-chilla, Succah, Co-to-plammis, Chap-pah-sins, Sage-wom-nes tribe	May 28, 1851	O.M. Wozencraft
Treaty F at Camp Union	Das-pia, Ya-ma-do, Yo-la-mer, Wai-de-pa-can, On-o-po-ma, Mon-e-da, Wan-nuck, NenOs haw, Bem-pi, Ya-cum-na tribe	July 18, 1851	O.M. Wozencraft
Treaty G at Bidwell's Ranch	Mi-chop-da, Es-kuin, Ho-b-lu-pi, To-to, Su-uns, Chenno, Bat-si, Yut-duc, Sim-sa-wa tribe	August 1, 1851	O.M. Wozencraft
Treaty H at Reading's Ranch	Noe-ma-noe-ma, Y-lac-ca, Noi-me-noi-me tribe	August 16, 1851	O.M. Wozencraft
Treaty I at Camp Colus	Colus-Wileys, Co-ha-na, Tat-nah, Cha-doc-duc, Cham-net-co, Toc-de tribe	September 8, 1851	O.M. Wozencraft
Treaty J at Fork of Cosumnes River	Co-lu, Yas-si, Loc-lum-ne, Wo-pum-nes tribe	September 18, 1851	O.M. Wozencraft
Treaty K at the village of Temecula	San Luis Rey, Kah-we-as nations, the Co-com-cha-ras tribe	January 5, 1852	O.M. Wozencraft
Treaty L at the village of Santa Isabel	Diequinos nation	January 7, 1852	O.M. Wozencraft
Treaty M at Camp Fremont (Southern Costanoan Territories included)	the Si-yan-te, Po-to-yun-te, Co-co-noon, A pang-as-se, Aplache, A-wal-a-che tribe	March 19, 1851	Redick McKee, George W. Barbour & O.M. Wozencraft
Treaty N at Camp Barbour	How-ech-ees, Chook-chances, Chow-chillies, Po-ho-nuchus, Nook-choos, which five tribes acknowledge Nai-yak-quas, as their principal chief, also the Pit-cat-chees, Cas-sons, Toom-nas, Tallin-chees, and Pos-kessas which five tribes acknowledge Tom-quit as their principal chief, also the Wa-cha-et, Itachees, Choemen-nees, Cho-ki-men-as, We-mal-ches, and No-to-notos, which six tribes acknowledge Pas-qualas their principal chief.	April 29, 1851	Redick McKee, George W. Barbour & O.M. Wozencraft
Treaty O at Camp Lu-pi-yu-ma	Ca-la-na-po, Ha-bi-na-po, Da-no-ha-bo, Mo-a-kai, Che-com, How-ku-ma, Cha-ne-kai, Me-dam-a-dec tribe	August 20, 1851	Redick McKee
Treaty P at Camp Fernando Feliz	Sai-nell, Yu-ki-as, Mas-su-ta-ka-ya, Pomo	August 22, 1851	Redick McKee
Treaty Q at Camp Klamath (Lower Klamath)	Poh-lik or lower Klamaths, Peh-tsick, or upper Klamath, and Hoo-pah, or Trinity river tribes	October 6, 1851	Redick McKee
Treaty R at camp in Scott's Valley (Upper Klamath)	O-de-i-lah, I-ka-ruck, Ko-se-tah, I-da-kar-i-waka-ha, Wat-sa-he-wa, E-eh tribes	November 4, 1851	Redick McKee

Source: Robert F. Heizer, *The Eighteen unratified treaties of 1851-1852 Between the California Indians and the United States Government*, 1972.

### **Figure 8. The unratified Treaty for most of the Indians in Tule River (Treaty C)**

A treaty of peace and friendship, formed and concluded at Camp Burton, on Paint Creek, in the State of California, on the third day of June, eighteen hundred and fifty-one, between George W. Barbour, one of the commissioners appointed by the President of the United States, to make treaties with the various Indian tribes in the State of California, and having full authority to act, of the first part, and the chiefs, captains and head men of the following tribes of Indians, to wit: Chu-nute, Wo-wol, Yo-lum-ne, Co-ye-tie, of the second part.

Article 1. The said tribes of Indians jointly and severally acknowledge themselves to be under the exclusive jurisdiction control and management of the government of the United States, and undertake and promise on their part, to live on terms of peace and friendship with the government of the United States and the citizens thereof, with each other and with all Indian tribes at peace with the United States.

Article 2. It is agreed between the contracting parties, that for any wrong and injury done by individuals of either party to the person or property of those of the other, no personal or individual retaliation shall be attempted, but in all such cases the party aggrieved shall apply to the proper civil authorities for a redress of such wrong or injury; and to enable to civil authorities more effectively to suppress crime and punish guilty officers, the said Indian tribes jointly and severally promise to aid and assist in bringing to justice any person or persons that may be found at any time among them, and who shall be charged with the commission of any crime or misdemeanor.

Article 3. It is agreed between the parties that the following districts of country be set apart and forever held for the sole use and occupancy of said tribes of Indians, to wit; To the Chu-nute and Wo-wol tribes, all that district of country lying between the head of the Tulare or Tache lake and Kern or Buena Vista lake; to the Ya-lum-ne and Co-ye-tie tribes, all that district of country lying between the Tule River and Paint Creek, and between the emigrant road (being the same over which the military escort accompanying the said commissioner passed to this camp) and the Sierra Nevada, running the lines from the head of Tule River and Paint Creek in the same general direction of said streams to the nearest points of the sierra Nevada, reserving to the government of the United States and to the State of California the right of way over said territories and the right to erect any military post of posts, houses for agents, officers, and others in the service or employment of the government in each of said territories. In consideration of the foregoing, the said tribes of Indians jointly and severally forever quit claim to the government of the United States to any and all lands to which they or either of them now or may ever have had any claim or title whatsoever.

Article 4. In further consideration of the premises, and for the purpose of aiding in the subsistence of said tribes of Indians, for the period of two years from this date, it is agreed by the party of the first part to furnish said tribes jointly (to be distributed in proper proportions among them) with two hundred beef cattle to average five hundred pounds each, for each year. It is further agreed, that as soon after the ratification of this treaty by the President and Senate of the United States as may be practicable and convenient, the said tribes shall be furnished jointly (to be distributed as aforesaid) and free of charge, with the following articles of property, to wit; thirty cows and two bulls, six large and six small ploughs, twelve sets of harness complete, twelve work mules or horses, twelve yoke of California oxen, fifty axes, one hundred hoes, fifty spades or shovels, fifty mattocks or picks, all necessary seeds for sowing and planting for one year, one thousand pounds of iron, tow hundred pounds of steel, five hundred blankets, two pairs of coarse pantaloons and two flannel shirts for each man and boy over fifteen years old, one thousand yards of linsey cloth, same of cotton cloth, and the same of coarse calico, for clothing for the women and children, twenty-five pounds of thread, two thousand needles, two hundred thimbles, six dozen pairs of scissors, and six grindstones.

Articles 5. The United States agree further to furnish to each of said districts, a man skilled in the business of farming to instruct said tribes and such others as may be placed under him, in the business of farming; one blacksmith, and one man skilled in working in wood (wagon maker or rough carpenter); one supervisor and such assistant school-teachers as may be necessary, all to live among, work for and teach; said farmer, blacksmith, worker in wood, and teachers, to be supplied to said tribes and continued only so long as the President of the United States shall deem advisable; a school-house and other buildings necessary for the persons mentioned in this article to be erected at the cost of the government of the United States.

This treaty to be binding on the contracting parties when ratified and confirmed by the President and Senate of the United States of America.

In testimony whereof, the parties have hereto signed their names and affixed their seals, this the day and year first written.

G. W. Barbour

Chu-nute

JUAN, his x mark, chief  
Calistro, his x mark,  
Gaspar, his x mark  
Nicolas, his x mark,

Ya-lum-ne

JOAQUIN, his x mark, chief, chief  
JOSE MARIA, his x mark  
JUAN ANTONIO, his x mark

Ka-ye-te

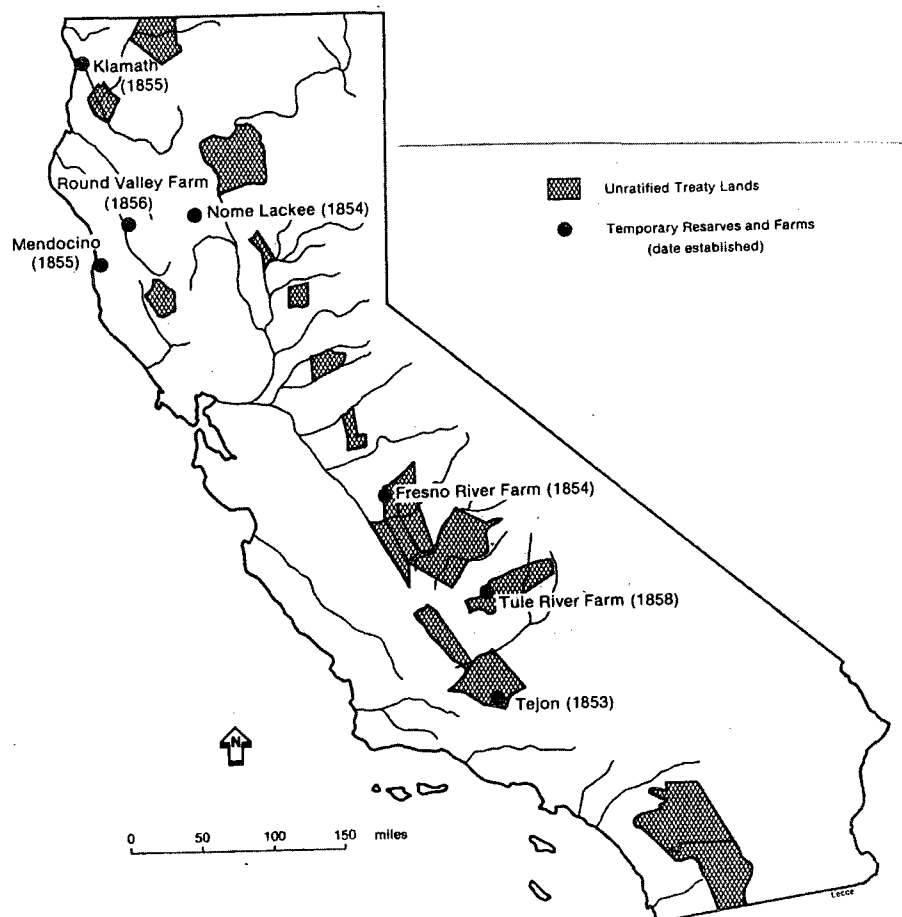
JOES ANTONIO, his x mark, chief  
JUAN MARIA, his x mark  
MANUEL, his x mark

Wo-wol

ANTONIO, his x mark, chief  
BI-TAR, his x mark  
ZA-CA-RI-AH, his x mark  
CO-MI^TES, his x mark, chief

Source: Robert F. Heizer, *The Eighteen Unratified Treaties of 1851-1852 Between the California Indians and the United States Government* (Berkeley: University of California Archaeological Research Facility, 1972).

**Figure 9. The Unratified Treaty Lands and Temporary Reserves and Farms, 1851-1860**



Source: Albert Hurtado, *Indian Survival on the California Frontier* (New Haven and London: Yale University Press, 1988), 134.

**Figure 10. Questionnaire on Tribal Organization of 1931:  
Answer by the Tule River Indian Council, California**

- 1, what form of tribal organization is there on your reservation?  
A. Local Business Committee, or Council,
- 2, If there happens to be both an organized General Tribal Council and Business Committee or other representative body on the same reservation, be sure to answer the following questions for both organizations;
  - a) How many members of the tribal council or committees?  
A. 9
  - b) What titles and functions do they have?  
A. Chairman, Secretary, and members
  - c) How do they obtain their office?  
A. By general election and by authority of the superintendent
  - d) How long do the members hold office?  
A. Until successors elected.
  - e) How many members are to be elected at the next election and when is it to be held? How is the election conducted?  
A. No election in prospect.
3. Does your council or committee or other organization represent the entire reservation or jurisdiction or are there separate organizations for each tribe?  
A. Council represents only the group residing on the Tule River Reservation, and not the scattered Indians of the same tribe s living off the reservations in Kings, Kern and Tulare Counties.
5. Is there a stated time at which the tribal council or committee meets? When? Is this fixed in the constitution or by-laws or is it subject to call?  
A. No stated time for council meetings. They meet only on call by the Chairman or at the request of the superintendent. They have no written Constitution or By-Laws.
6. If the meetings are called, by whom?  
A. Meeting are called by the chairman.
- 7 What compensation, if any, do the members of the above-mentioned organizations receive? From what fund are they paid? From what source is the fund derived?  
A. None
8. Is there an approved constitution and by-laws for this organization?  
A. No
9. Have any changes in the constitution or by-laws been made? State what they are, when they were made, and why?  
A. No constitution or by-laws.  
Like most of the other small bands of California Indians, the Tule River Indians have imbibed the doctorate but not the spirit of democracy. They are made up of several different small tribes and were more or less forceably placed on the reservation without regard to their social anthropology. They possess little unity do not seem to comprehend the principle of majority rule.  
However, it is believed they can be taught to organized and conduct a self-governing community. They have a reservation of 48.000 acres, mostly grazing land. They have in the past been successful cattle growers and they still own nearly 1000 head of cattle. As a

chartered community they should be able to stock their reservation and conduct a successful live-stock industry.

10. List the members which such committee or council or other organization is authorized to handle, such as: Approved of tribal leases, enrollment matters, filling vacancies, selection of delegates to Washington, preparation of instructions for tribal attorneys.
  - A. The council has no definite, prescribed duties; it acts on matters relative to the employment of teacher and the conduct of the local day school, through the county Superintendent of Schools and the Agency Superintendent. It also is consulted on matters pertaining to the administration of the reservation, conservation of the natural resources, law and order, etc.
- 11 How are tribal matters taken up with or by the Indians of your jurisdiction if there is no formal organization extant?
  - A. Through group meetings and through recognized leaders of the several bands.
12. State Briefly the high-lights in the history of the adoption of the present form of tribal organization. Be sure to indicate when the present organization began and whether or not there have been any changes in the past and the reasons for such changes. This is important. If necessary, consult records and files and ask the assistance of others versed in the past history of your Indians.
  - (A. See copies of letters hereto attached.----- attached letters were not found. )
13. What in your judgment are the weaknesses of the present tribal organization and what stands in the way of its exercising greater power than it now has?
  - A. Lack of legal status and indifference of the members in assuming responsibility. They are also lacking in courage and desire to improve their condition through their own effort and initiative. In short, lack of leadership is the outstanding weakness observed among all of the various tribes and bands of California Indians in this jurisdiction.
14. What criticism of the present organization do you hear from the Indians and what suggestions do they have for improvements?
  - A. The complaints largely centre around the lack of action on the part of the council They are timid and afraid.
15. Are any of your Indians, bands or tribes, affiliated with any inter-tribal or super-reservational organization such as the "Sioux Congress" the "Navajo Tribal Council," the "Confederated Bands of Utes," etc.
  - A. No.
16. Do the women of the reservation have any part in tribal business matters?
  - A. They voice their sentiments, but as a rule do not vote or hold office.
17. What provision is made for absentee members to participate in tribal matters and to express themselves on matters of great importance?
  - A. No special provision, but final action is not generally taken without consulting all members permanently residing...
18. What other Indian organizations, either local or national-are there on your reservation in addition to the recognized committee or council, e.g. business, cooperative, claims, protective organizations, etc?
  - A. None. The Tule River Indians are not even interested in the organization known as "The California Indians, Inc."
19. To what extent do heredity chiefs, or other chiefs recognized by either the people or by the government in the past or present, play a part in tribal affairs?

- A. There are no hereditary or other recognized chiefs among the Tule River Indians. They seems to know nothing about chiefs or headmen, though there are a few recognized leaders among them, usually those possessing the cattle.

Source: Record of the Indian Organization, Records concerning the Wheeler-Howard Act, 1933-1937 (1011), RG 75, National Archives, Washington, D.C.

**Figure 11. Tabulation of Election Returns on the Indian Reorganization Act, from the Rancherias under the Jurisdiction of the Sacramento Indian Agency, California, Listed in the Order in which such returns were received at the Sacramento Agency**

Accepted						
Reservation or Rancheria		Date of Referendum	Eligible Voters	30 % of Eligibles	Vote	
					For	Against
<b>Fort Yuma Agency</b>						
Imperial County	Yuma	1934/11/17	458	137	192	32
<b>Mission Agency</b>						
San Diego County	San pasqual	1934/12/18	3	1	2	1
	Laguna	1934/12/18	1	1	1	0
	La Posta	1934/12/18	3	1	2	0
	Barona	1934/12/18	32	10	22	5
<b>Santa Barbara County</b>						
	Santa Ynez	1934/12/18	48	14	20	0
<b>Hoopa Valley Agency</b>						
Del Norte County	Crescent City	1935/6/14	8	2	6	0
<b>Humboldt County</b>						
	Trinidad	1935/6/14	4	1	4	0
<b>Walker River Agency</b>						
Inyo County	Indian Ranch	1935/6/14	8	2	8	0
<b>Sacramento Agency</b>						
Amador County						
	Buena Vista	2008/6/12	8	1	2	0
	Jackson	2008/6/12	4	1	3	0
Calaveras County			3			
	Sheep Ranch	2008/6/12	1	1	1	0
Colusa County						
	Colusa	2008/6/14	36	11	25	1
Glenn County						
	Grindstone	2008/6/8	27	8	11	0
Lake County						
	Hardisty	2008/6/8	36	11	7	4
	Middletown	2008/6/8	13	4	10	0
	Robinson	2008/6/8	46	14	19	13
	Big Valley	2008/6/8	46	14	21	4
	Cache Creek	2008/6/8	15	5	7	3
	Lower Lake	2008/6/8	20	6	11	7
Lassen County						
	Susanville	2008/6/12	9	3	6	0
Mendocino County						
	Round Valley	1934/11/17	446	134	138	36
	Potter Valley	1935/6/10	26	8	10	3
	Pinoleville	2008/6/10	51	15	29	1
	Hopeland	2008/6/10	56	17	28	3
	Manchester	2008/6/11	46	14	30	0
	Guideville	2008/6/10	25	8	14	1
	Redwood Valley	2008/6/10	18	5	16	0
Hodoc County						
	Akruas	2008/6/8	13	4	6	5
	Likely	2008/6/8	30	9	19	1
	Lookout	2008/6/8	12	4	6	2
	Fort Bidwell	2008/6/8	41	12	27	2



Nevada County						
	Nevada City	2008/6/14	16	5	6	2
Plumas County						
	Taylor'sville	2008/6/12	4	1	2	0
Sacramento County						
	Wilton	2008/6/15	14	4	12	0
Shasta County						
	Montgomery Creek	2008/6/19	7	2	5	2
	Big Bend	2008/6/10	3	1	2	0
Sonoma County						
	Stewart's Point	2008/6/11	70	21	51	10
	Cloverdale	2008/6/11	20	6	10	0
	Alexander Valley	2008/6/11	14	4	14	0
Tekama County						
	Paskenta	2008/6/11	26	8	17	0
Tulare County						
	Tule River	1934/11/17	94	28	50	2
Tuolumne County						
	Tuolumne	1935/6/11	40	12	37	0
Yolo County						
	Rumsey	2008/6/12	11	3	10	0
Colusa County						
	Cortina	2008/6/12	20	6	12	0
Rejected						
Rejected						
Mission Agency						
Riverside County	Morongo	1934/12/18	173	52	25	79
	Mission Creek	1934/12/18	10	3	0	3
	Soboba	Dec 18, 1934	76	23	6	57
	Palm Springs	Dec 18, 1934	31	12	4	16
	Cahuilla	Dec 18, 1934	69	21	3	33
	Santa Rosa	Dec 18, 1934	32	10	3	13
	Cabazon	Dec 18, 1934	17	5	0	7
	Augustine	Dec 18, 1934	13	4	0	6
	Pechanga	Dec 18, 1934	156	47	14	48
	Torres-Martinez	Dec 18, 1934	117	35	11	66
San Bernardino County	San Manuel	1934/12/18	25	8	2	10
Mission Agency						
San Diego County	Pala	1934/12/18	121	36	7	66
	La Jolla	1934/12/18	145	44	28	68
	Rincon	1934/12/18	114	34	22	58
	Santa Ysabel	1934/12/18	122	37	14	47
	Mesa Grande	1934/12/18	119	36	9	64
	Los Coyotes	1934/12/18	52	16	3	37
	Capitan Grande	1934/12/18	55	17	15	30
	Inaja	1934/12/18	22	7	0	15
	Campe	1934/12/18	73	22	7	18
	Sycuan	1934/12/18	23	7	6	15
	Pauma	1934/12/18	37	11	0	23
Hoopa Valley Agency						
Del Norte County	Smith River	1935/6/14	41	12	1	31
	Klamath River	1934/12/15	375	113	38	256
Humboldt County	Hoopa	1934/12/15	242	73	8	174
	Rohnerville	1935/6/14	9	3	1	5
	Table Bluff	1935/6/14	26	8	0	10

	Red Hill	1935/6/11	19	6	1	12
	West Bishop	1935/6/11	14	4	1	9
	Ft. Independence	1935/5/24	49	15	4	29
<b>Sacramento Agency</b>						
Butte County	Berry Creek	1935/6/13	49	15	0	26
	Hooretown	1935/6/13	43	13	0	34
	Rnterprose	1935/6/13	29	9	7	17
Fresno County	Big Sandy	1935/6/8	38	11	1	25
	Cold Springs	1935/6/8	47	14	0	23
	Table Mountain	1935/6/8	16	5	2	10
Lake County	Scotts Valley	1935/6/8	17	5	0	10
	Gayserville	1935/6/11	49	15	8	17
Madera County	North Fork	1935/6/10	6	2	0	4
	Picayune	1935/6/10	11	3	3	7
Mendocino County	Laytonville	1935/6/10	29	9	7	11
	Sherwood	1935/6/10	35	11	10	12
Placer County	Auburn	1935/6/14	36	11	5	16
Shasta County	Redding	1935/6/11	12	4	2	4
	Pit River	1935/6/19	2	1	0	2
Tuolumne County	Jamestown	1935/6/11	5	2	0	5
Yuba County	Strawberry	1935/6/14	10	3	0	6
<b>30 % failed to vote</b>						
<b>Mission Agency</b>						
San Diego County	Mansanita	1934/12/18	36	11	3	0
	Cuyapaipe	1934/12/18	5	2	0	0
Hoopa Valley Agency	Blue Lake	1935/6/14	4	1	0	0
Kings County	Santa Rosa	June 8 1935	?	?	0	0
Mendocino County	Coyote Valley	June 10 1935	8	2	0	2
<b>Indian living on following Rancheria</b>						
	Cederville					
	Strathmore					
	Sebastopol					
	Millerton					
	Corfax					
	Lytton					
Colusa County	Shingle Springs	Not yet reported by Superintendent Lipps				

Source: Sacramento Agency File, RG 75, National Archives, San Bruno.

## **Figure 12. Constitution and By-Laws of the Tule River Indian Tribe of California**

### **PREAMBLE**

We, the members of the Tule River Bands of the Tule River Indian Reservation in the State of California, in order to establish our tribal organization, to conserve our tribal property, to develop our community resources, to administer justice and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this constitution and by-laws of the Tule River Indian Tribe, to serve as a guide for the deliberations of our tribal council in its administration of tribal affairs.

### **ARTICLE I TERRITORY**

The jurisdiction of the Tule River Indian Tribe shall extend to the territory within the confines of the Tule River Indian Reservation, situated in Tulare County, State of California, as established by Executive orders of January 9 and October 3, 1873, and of August 3, 1878, to all lands claimed by the tribe and to which title in the tribe may hereafter be established; and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

### **ARTICLE II MEMBERSHIP**

Section 1, The membership of the Tule River Tribe shall consist of the following,

- a) All persons of Indian blood whose names appear on the official census roll of the Tule River Indian Reservation as of January 1, 1935,
- b) All children born to any member of the Tule River Tribe, who is a resident of the reservation at the time of the birth of said children.

Section 2, The council shall have the power to propose ordinances, subject to review by the Secretary of the Interior, governing future membership, and the adoption of members by the tribe, provided that property rights shall not be changed by any action under this section.

### **ARTICLE III GOVERNING BODY**

Section 1, The governing body of the Tule River Tribe shall consist of a council, known as the Tule River Tribal Council.

Section 2, The Tule River Tribal Council shall be composed of nine councilmen elected by secret ballot.

Section 3, The Tule River Tribal Council, so organized, shall elect from its own membership, a council chairman and vice-chairman; and from within or without its own membership, a secretary, a treasurer, and such other officers and committees as may be deemed necessary:

Section 4, Councilmen shall hold office for a term of two years, or until their successors are elected except as hereinafter provided. (changed by Amendment, April 13, 1940 )

### **ARTICLE IV NOMINATION AND ELECTION**

Section 1, The five members of the Council receiving the highest vote at the 1942 election shall hold office for two years, the four receiving the lowest vote shall hold on office for a period of one year thereafter, vacancies shall be filled at annual elections for two-year term, on the third Saturday in January. (Changed by Amendment II, April 13, 1940)

Section 2, Any qualified member of the tribe may announce his or her candidacy for the tribal council by notifying the secretary of the tribal council, in writing of his or her candidacy, at least fifteen days prior to the election. To be eligible for membership on the tribal council a candidate must have reached his or her twenty-fifth birthday and be a regularly qualified voter of the Tule River Indian Tribe.

Section 3, The Tribal council, or a board appointed by the tribal council, shall determine rules and regulations governing elections and shall certify to the election of members of the tribal council, within one day after the election returns.

Section 4, Any member of the Tule River Indian Tribe, who is twenty- one years of age or over, on the date of election and who has maintained legal residence for at least one year on the Tule River Reservation, shall be entitled to vote.

#### **ARTICLE V VACANCIES AND REMOVAL FROM OFFICE**

Section 1, If a councilman, or other official, shall design, permanently leave the reservation, or be removed from office for cause, the tribal council shall declare the office vacant and appoint a successor to fill the unexpired term.

Section 2, Any councilman who is proven guilty of improper conduct, or gross neglect of duty, may be expelled from the tribal council by a two-thirds vote of the council members, provided that the accused member shall be five full opportunity to reply to any and all charges, at a designated tribal council meeting; and provided further that the accused member shall have been given a written statement of the charges against him, at least five days before the meeting at which he is to be given opportunity to reply.

#### **ARTICLE VI POWERS AND DUTIES OF THE TRIBAL COUNCIL**

Section1, The Tule River Tribal Council, subject to any limitations imposed by the statutes of the Constitution of the United States, and subject to all express restrictions upon such powers, vested in the tribe by existing law or conferred upon the tribe by the act of June 18, 1934 (48 Stat, 984), and acts amendatory thereof or supplemental thereto:

- a) To enter into negotiations with the Federal, State, and local governments on behalf of the Tule River Indian Tribe,
- b) To present and prosecute any claims or demands of the Tule River Indian tribe; to assist members of the tribe in presenting their claims or grievances at any court or agency of the Government; and employ local talent or representatives for such services, the choice of council and fixing of fees to be subject to the approval of the Secretary of the Interior.
- c) To approve or to veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the commissioner of Indian Affairs, or any other official of the Government (Changed by Amendment III, February 25, 1956)
- d) To confer with the Secretary of the Interior upon all appropriation estimates, or Federal projects, for the benefit of the tribe, prior to the submission of such estimates to the Bureau of Budget and Congress.
- e) To make assignments of tribal land to members of the Tule River Indian Tribe in conformity with article VII of this constitution.
- f) To administer any funds or property within the control of the tribe; to make expenditure from available funds for public purposes, including salaries or other remuneration to be paid only for services actually authorized in a regular and legal matter and actually rendered. All expenditure from the tribal council funds shall be by resolution, duly approved by a majority vote of the council, and the amounts so expended shall be a matter of public record at all times.
- g) To require individual members of the tribe, or other residents upon the reservation, to assist with community labor, when just cause or extreme emergency exists.
- h) To create and maintain a tribal fund by accepting grants or donation from any person, State, or the United States, or by levying assessments of not less than ten cents or more than one dollar per year, per capita on the qualified voters of the Tule River Tribe, and to require the performance of community, labor in lieu thereof, or by levying taxis and license fees

subject to review by the Secretary of the Interior, upon persons doing business within the reservation.

- i) To provide by ordinance subject to review by the Secretary of the Interior, for removal or exclusion from the reservation of any non-members whose presence may be injurious to the members of the tribe.
- j) To promulgate ordinances for the purpose of safeguarding the peace and safety of residence of the reservation, and to establish courts for the adjudication of claims or disputes arising among the members of the tribe, and for the trial and penalizing of members of the tribe charged with commission of offenses set forth in such ordinances.
- k) To regulate the inheritance of property, within the reservation, subject to review by the Secretary of the Interior.
- l) To provide by ordinance for the appointment of guardians for minors and mental incompetents, subject to the approval of the Secretary of the Interior.
- m) To adopt resolutions regulating the procedure of the tribal council itself, and of other tribal agencies and tribal officials of the reservation
- n) To charter tribal enterprises, corporations, and associations. (Changed by Amendment IV, January 26, 1974.)
- o) To join and / or charter tribal housing authorities. (Changed by Amendment V, January 26, 1974)

Section 2, Any resolution or ordinance which, by the terms of this constitution is subject to review by the Secretary of the Interior, shall be presented to the superintendent in charge of the reservation, who shall, within ten days thereafter approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy bearing his endorsement, to the Secretary of the Interior who may, within ninety days from the date of enactment, rescind the ordinance or resolution by notifying the tribal council of such action. If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days from its enactment, he shall advise the tribal council of his reasons therefore. If these reasons appear to the council insufficient it may, by a majority vote, refer the ordinance or resolution to the secretary of the interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance becomes effective.

Section 3, The council of the Tule River Indian Reservation may exercise such further powers as may in the future be delegated to the council by the secretary of the Interior, or by any other duly authorized official or agency of Government.

Section 4, Any right and powers heretofore vested in the tribe of the Tule River Indian Reservation but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Tule River Indian Reservation through the adoption of appropriate bylaws and constitutional amendments.

## **ARTICLE VII TRIBAL LANDS**

Section 1, The unallotted lands of the Tule River Reservation and all lands which may be acquired hereafter by the Tule River Tribe, or by the United States in trust for the Tule River Tribe, shall be held as tribal lands and no part of such land shall be mitigated or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Tule River Indian Tribe, or leased, or otherwise used by the tribe, as hereinafter provided.

Section 2, Tribal lands may be leased by the tribal council with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to Indian cooperative associations; and, secondly, to individual Indians who are members of the Tule River Tribe. No lease of tribal land to a non-member shall be made by the tribal council unless it shall appear that not Indian cooperative

association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the tribal council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

Section 3, In any assignments of tribal lands which are now owned by the tribe, or which hereafter may be acquired for the tribe by the United States, or purchased by the tribe out of tribal funds, preference shall be give, first, to heads of families which are entirely landless; and, secondary, to heads of families which have already received assignments consisting of less than an economic unit of agricultural land, or other land, or interests in land of equal value. The tribal council may, if it sees fit, charge a fee of not to exceed five dollars on the approval of an assignment made under this section.

Section 4, If any member of the tribe holding an assignment of land shall, for a period, of one year, fail to used the land so assigned, or shall use the land for any unlawful purpose, or determent to the community, his assignment may be canceled by the tribal council after due notice and opportunity to be head. Such land may then be available for reassignment.

Upon the death of any Indian holding an assignment his heirs or other individuals designated by him, by will or written request, shall have a preference in the reassignment of the land, provided such persons are members of the Tule River Indian Tribe who would be eligible to receive an assignment. If there are no heirs or individuals designated by him, the assignment shall automatically revert back to the tribe and then be available for reassignment.

Section 5, Improvements of any character made upon assigned land may be willed to and inherited by members of the Tule River Indian Tribe. When improvements are not possible of fair division, the tribal council shall dispose of them under such regulations as it may provide. No permanent improvements may be removed from any land without the consent of the tribal council.

Section 6, Applications for assignment shall be filled with the secretary of the tribal council and shall be in writing setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications will received by the secretary shall be posted by him in the agency office and in at least three conspicuous places on the reservation for not less than twenty days before action is taken by the tribal council. Any member of the Tule River Indian Tribe washing to oppose the granting of an assignment shall do so in writing, setting fort his objections, to be filed with the secretary of the council, and may, if he so desires, appear before the tribal council to present evidence. The secretary of the tribal council shall furnish the superintendent, or other officers in charge of the agency, a complete record of all action taken by the tribal council on applications for the assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

#### **ARTICLE VIII    AMENDMETNS**

Section 1, This constitution and bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of the tribal council, or upon presentation of a petition signed by one-third of the qualified voters, members of the tribe.

#### **BYLAWS OF THE TULE RIVER INDIAN TRIBE OF CALIFORNIA**

##### **ARTICLE 1    DUTIES OF OFFICERS**

Section 1, It shall be the duty of the chairman to preside at all meetings of the council.

Section 2, In the absence of the regular chairman, the vice-president shall preside and he shall have all powers, privileges, and duties of the regular chairman.

Section 3, It shall be the duty of the tribal secretary to keep the tribal secretary to keep a true and accurate record of all matters affecting the tribal records, to render a proper accounting of such records at all meetings of the council, and to keep an accurate records of all council proceedings, including the minutes of each special and regular meeting. Minutes of all special or regular meetings shall be in triplicate, the original copy to be presented to the superintendent, and one copy to be transmitted to the Commissioner of Indian Affairs.

Section 4, The duties of the treasure of the tribal council shall be as follows; He shall accept, receive, receipt for preserve, and safeguard all funds in the custody of the council, whether same be tribal funds or special funds for which the council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere, as directed by the council, and he shall keep an accurate record, filing same in the tribal council's office, and he shall report in writing all receipts and expenditures and accounts and the nature of all funds in his possession, or custody, once every six months to the tribal council, or at any time he is requested to do so by the tribal council.

- a) He shall not disburse any funds in his custody belonging to the council except when authorized by a motion by duly passed and properly recorded by the council.
- b) The treasure shall be requested to furnish a bond satisfactory to the council, and to the Commissioner of Indian Affairs, except that until he has been bounded, the council may make such provision for the custody and disbursements of funds as shall guarantee their safety and proper disbursement and use.
- c) The books and records of the treasure shall be audited at least once each year by a competent auditor employed by the tribal council or under the direction of the Commissioner of Indian Affairs.

## **ARTICLE II QUALIFICATION FOR OFFICE**

Any person to be elected as an officer or councilman must be a Tule River Indian, enrolled on the Tule River Reservation, and over twenty-five years of age at the time of his or her election. The tribal council shall be the sole judge of the qualifications of its own members.

Section1, It shall be the duty of the council to see that each nomination for tribal office, including membership in the council, shall be made in strict accord with the provisions of the constitution, and shall certify as to the legality of such nomination, otherwise it shall be considered illegal and ineffective by the council.

Section 2, All tribal election for officers shall be canvassed and certified by the council or by a board appointed by it within one day after such elections. No candidate shall be considered legally elected nor shall he hold office until such canvas and certification shall have been made by the council.

Section 3, All necessary details concerning tribal nominations and elections not specifically covered by these bylaws or in the constitutions shall be more fully set forth in ordinances to be hereafter established by the council.

## **ARTICLE IV MEETING AND PROCEDURES**

Section1, Immediately after the election of members of the tribal council and when the election members are duly certified as provided for in article IV of this constitution, the members shall assemble and organized for business.

Section 2, The council shall meet quarterly on the first Saturday of the month, in May, August, November, and February.

Section 3, Special meetings of the council shall be held at such times as are designated by the chairman who shall notify members at least twenty-four hours before the date of such meeting.

Section 4, At any special or regular meeting of the tribal council two thirds of the council members shall constitute a quorum and without such a quorum the chairman shall adjourn the meeting.

Section 5, Special meetings of the council shall be held upon written request of three members of the council or by petition signed by one-third of the legal voters of the tribe, such written request to be filed with the chairman or secretary of the council who shall notify the council members twenty-four hours before the date of such council meeting.

Section 6,

All meetings of the council (except executive meetings) shall be open to all members of the tribe. Balloting at all meetings shall be by roll call, or by a rising or viva voce vote. The council may, upon motion duly passed, go into executive sessions. At such executive session all persons not directly concerned with the matter under discussion shall be excluded from the council chambers, and any such person whose presence shall be required before the council shall be designated by the chairman and no other persons shall be allowed to be present other than the members of the council, the secretary, the treasure, and the sergeant at arms, but no final action on any matter shall be taken in executive session.

Section 7, The order of business at any regular or special meeting of the tribal council shall be as follows.

- a) Council called to order
- b) Roll call
- c) Reading of minutes of previous meeting
- d) Reports of standing committees
- e) Report of council treasure
- f) Reports of special committees
- g) Reading of communications and reports
- h) Unfinished business
- i) New business
- j) Adjournment

Section 8, It shall be the duty of the council to exercise care and caution to the end that a complete record is preserved all acts of the council and of all committees appointed therefore. Accurate copies of all records shall be preserved in the files of the council and accurate copies of all necessary records shall be transmitted to such bureaus, departments, or elsewhere as may be required.

Section 9, All records of the council and its committees or delegates shall at all times be a matter of public record, and any member of the Tule River Tribe his authorized officer or employee of any Government department shall have full access to same during business hours. However, it is provided that matters before the council while in executive session shall be, at the option of the council, withheld from the public or from individuals or their representatives, until after same shall have been acted upon or otherwise quietly disposed of.

Section 10, Copies of all leases, contracts, deeds, or assignments and other papers and documents pertaining to lands of any nature on the reservation shall be carefully preserved by the council, and insofar as it is possible, all other documents affecting the rights and equities of the tribe as a whole, or the individual members thereof, shall be kept and preserved in order that such information shall be available to the council and to the individual members of the tribe; and duplicates of all such documents shall be deposited in the files of the agency.



## **ARTICLE V- TRIBAL COURT (JUDICIAL CODE)**

Section 1, (a) It shall be the duty of the council to provide through the necessary bylaws or ordinances, for the establishment of a tribal court upon the reservation.

(b) This court shall have jurisdiction over all such offenses as may be provided in the ordinances of the council, unless they fall within the exclusive jurisdiction of Federal or State courts.

(c) This court shall have jurisdiction over all Indians upon the reservation and over such disputes or lawsuits as shall occur between Indians on the reservation or between Indians and non-Indians where such cases are brought before it by stipulation of both parties.

(d) The duties and jurisdiction of this court shall be more fully prescribed by appropriated bylaws or ordinances.

Section 2, It shall be the duty of the council to establish by ordinance a tribal police force which shall have full jurisdiction upon the reservation. The authorities and duties under which it will function may be outlined by the council, such policy to be employees of the council, and the force shall be an agency of the tribal court.

## **ARTICLE VI PROPERTY REGULATIONS**

Section 1, It shall be the duty of the council to pass rules and regulations to prevent unauthorized prospection of mining of any kind upon the reservation and to see that such rules and regulations are properly enforced.

Section 2, The council shall pass ordinances for the control of hunting and fishing upon the reservation, such ordinances not to be in conflict with any of the Federal game laws. The council shall enforce ordinances and cooperate with Federal authorities in the protection of game on the reservation. The council may issue licenses for hunting and fishing and prohibit hunting and fishing without such licenses.

## **ARTICLE VII PUBLIC WELFARE**

Section 1, Community welfare

- (a) The council shall determine in careful manner what constitutes just cause for aide or assistance to the indigent members of the tribe, and shall make proper provisions for recommendation to proper agencies of individual needing relief.
- (b) The council shall designate persons who shall administer welfare work on the reservation, and the solicitation and expenditure of welfare funds shall be conducted in a systematic manner so that the right to do so may not be abused. The council shall thereby render assistance or aid to the aged, the physically handicapped, and all others in actual need of assistance.
- (c) The council shall at all times endeavor to eliminate the cause for indigence, exercising wise and judicious supervision and management of tribal affairs and finances and, in so far as is possible, of the affairs and finances of individual members of the tribe, to the end that need, privation, and financial distress may be entirely eliminated among the members of the tribe.

Section 2, Education

- (a) The council shall pass necessary ordinances to promote and increase leaning and education among the members of the tribe, studying present school systems, and recommending plans for improving them to the proper bureaus or departments.
- (b) The council shall enter into negotiations with non-reservation school and procure for the members of the tribe the highest type of educational facilities, to the end that younger members of the tribe shall have every possible economic, social, and cultural advantage.
- (c) The council shall encourage and promote among the residents of the reservation by every practical means a proper system of education for members of all ages in such subjects as home economics, hygiene, child care and training, agronomy, farm, mechanics, etc., cooperating with State and Federal departments and agencies which seek to promote such work.

### **ARTICLE III LOANS**

The tribal council shall act upon all applications for loans under the revolving fund and shall have the right to make recommendations to the appropriate committees concerning loans under the reimbursable regulation for the purchase of property, stock, or equipment and loans to Indians for the payment of tuition for higher education or trade school.

### **ARTICLE IX APPLICATION FOR FUNDS**

The tribal council shall act in an advisory capacity upon all applications to the superintendent for the withdrawal from the United States Treasury of trust funds or any other tribal funds, may adopt rules and regulations not in conflict with law, subject to the approval of the superintendent, governing withdrawal of individual Indian monies.

### **ARTICLE X TRIBAL CLAIMS**

The tribal council shall make a thorough survey, research, investigation, and study of the history and title of all lands which were tribal in character in times past and shall endeavor to reestablish the tribal entity, if any, in such lands so as to obtain through proper channels just compensation for such lands as it shall find to have been unlawfully removed from the jurisdiction of the tribe without just compensation.

### **ARTICLE XI GUARDIANSHIP**

The tribal council shall pass all necessary ordinances whereby the rights of minor and incompetents shall properly safeguarded and shall see that the administration of their funds and other assets, by guardians responsible to the council, shall be for the exclusive benefit of such minors or incompetents. It shall be the duty of the council to make semi-annual reports concerning all such guardianship funds or assets, and such reports shall be matters of public record.

### **ARTICLE XII ORDINANCES AND RESOLUTIONS**

Section 1, All final decisions of the council on matter of general and permanent interest to the members of the tribal shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the tribe.

Section 2, All final decisions of the council on matters of temporary interest (such as action on the tribal budget for a single year, or petitions to Congress or the secretary of the Interior) or relating especially to particular individuals or officials (such as adoptions of members instructions for colony employees, or rules of order for the council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

Section 3, All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by action of the council or by the ruling of the chairman if no objection is heard. In all ordinances, resolutions, or motions the council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

Section 4, Every resolution shall begin with the words; "Be it resolved by the council of the Tule River Tribe..."

Section 5, Every ordinance or resolution shall contain a recital of the laws of the United States and the provisions of this constitution under which authority for the said ordinance or resolution is found.

### **Article XIII**

This constitution and bylaws, when ratified by a majority vote of the qualified voters of the Tule River Reservation voting at an election called for the purpose by the Secretary of the interior provided that at least thirty (30) percent of those entitled to vote shall vote in such election, shall be submitted

to the Secretary of the Interior and, if approved, shall be effective from the date of approval.

#### **CERTIFICATION OF ADOPTION**

Pursuant to an order, approved November 16, 1935, by the Secretary of the Interior, the attached constitution and bylaws was submitted for ratification to the members of the Tule River Bands of the Tule River Reservation and was on December 7, 1935, duly adopted by a vote of 43 for and 2 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Pub., No. 147, 74<sup>th</sup> Cong.)

Brijido Jarimio  
Chairman of Election Board  
Marcus Hunter,  
Secretary of the Election Board

Roy Nash  
Superintendent in Charge of the Reservation

#### **Amendments Constitution and Bylaws of the Tule River Indian Tribe**

##### **Amendment I**

1 Add to Article III, Section 4 of the Constitution the following; "except ad hereinafter provided."

##### **Amendment II**

2 Substitute the following for Article IV, section 1, of the Constitution:

#### **CERTIFICATION OF ADOPTION**

Pursuant to an order, approved April 13, 1940, by the Assistant Secretary of the Interior, the attached amendments to the Constitution and Bylaws of the Tule River Indian Tribe, were submitted for ratification to the qualified voters of the Tribe, and on May 24, 1940, Amendment I was adopted by a vote of 15 for, and I against, and Amendment II was adopted by a vote of 15 for and 1 against, in an election in which more than 30 per cent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378)

Ross Ellis  
Chairman, Tule River Tribal Council

##### **Amendment III**

Article VI Section 1 of the Tribal Constitution shall be amended to read as follows: (Digitizer's note: See Article VI, section 1)

#### **CERTIFICATION OF ADOPTION**

Pursuant to an order of the Assistant Secretary of the Interior, dated January 18, 1956, the attached Amendment to the Constitution and Bylaws of the Tule River Indian Tribe was submitted for ratification to an qualified voters of the Tribe and on February 25, 1956, Amendment III was adopted by a vote of 36 for and 11 against, in an election in which more than 30 percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June , 18, 1934 (48 Stat 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

Marcus Hunter  
Chairman, Tule River Tribal Council  
Bob Santos  
Secretary, Tule River Tribal Council

##### **Amendment**

Section 1 of Article VI –POWERS AND DUTIES OF THE TRIBAL COUNCIL shall be amended by adding a new subsection to read as follows;

### **CERTIFICATION OF RESULTS OF ELECTION**

Pursuant to an election authorized by the For the Assistant to the Secretary of the interior on November 12, 1973, the attached Amendment VI to the Constitution and Bylaws of the Tule River Indian Tribe, California, was submitted to the qualified voters of the tribe, and was on January 26, 1974, duly adopted by a vote of 22 for, and 10 against, in an election in which at least thirty percent of the 74 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378). One (1) voter nullified his vote by voting both "yes" and "no" on proposed amendment No. IV and no vote on proposed amendment No. V.

### **Amendment V**

Section 1 of Article VI POWERS AND DUTIES OF THE TRIBAL COUNCIL shall be amended by adding a new subsection to read as follows;

### **CERTIFICATED OF RESULTS OF ELECTION**

Pursuant to an election authorized by the For the Assistant to the Secretary of the Interior on November 12, 1973, the attached Amendment V to the Constitution and Bylaws of the Tule River Indian Tribe, California, was submitted to the qualified voters of the tribe, and was on January 26, duly adopted by a vote of 23 for and 9 against, in an election in which at least thirty percent of the 74 entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378). One (1) voter nullified his vote by voting both "yes" and "no" on proposed amendment No. IV and no vote on proposed amendment No. V.

**Figure 13. Cattle Owner at Tule River, January, 1937**

<b>Tribal Memebrrs</b>	<b>COWS</b>	<b>HEIFER 2 Y</b>	<b>HEIFER 1 Y</b>	<b>HIFER CALVES</b>
Frederic ..sterio	5	5		4
Manuel Carter	2	2		
Petra Rodolez	1			
Hence Emeterio	6	2	2	
Brijido Jarimio	5			
Fred Garfield	18	2	1	
Dan Williams	40	20	25	
Florence Silvas	68	20	35	5
Mary Whenton	30	20	22	
William Garfield	6			
John Manuel	1			
Ralph Manuel	4			
Joaquin Guadette	31	7	19	
Carson Santos		1	1	
Annie Silvas	5	1	1	
Hunter Family	40	10	16	
Pete Manuel	60	20	20	
Jose Vera	70	20	25	10
Sarah McDorment	27	8	12	
Andrew Wheaton	167			
	<b>STEERS OVER 1 Y</b>	<b>STEERS 1 Y</b>	<b>STEER CALVES</b>	<b>BULLS</b>
		1		
Remac Emeterio	2		10	2
Fred Garfield	0			0
Andrew Wheaton	20	20	5	4
Dan Williams	28	30	5	2
Florence Silvas	7	9	0	0
Mary Wheaton	0	0	1	0
Ralph Manuel	12	10	2	2
Joaquin Guadette	1			
Carson Santos				
Mary Dancing	3	12	0	3
Hunter Family	15	20		2
Peter Manuel		10	10	2
Jose Vera		13	1	0
Sarah McDorment				

	?	?	COLTS
Frederick Emeterio		1	
Manuel ....er	6	3	4
Petra Rodilez	6		
Hence Emeterio		2	
Brjido Jari...	1	2	
Fred Garfield		2	
Dan Williams	6	2	1
Florence Silvas		3	
Mary Whenton	6		
Wilaim Garfield		2	
John Manuel	1		1
Ralph Manuel		1	
Joaquin Guadette	4	3	2
Carson Santos	2	2	2
Albert Manuel		4	
Mary Dancing	1	2	1
Annis Silvas	3	1	
Hunter Family	1	8	
Peto Manuel	10	8	8
Larry Alto	2	1	
Sarah McDoement	1	3	
Andrew Whaton	1	2	
	56	62	25

#### Sheep and Goats

	SWES	RAMS	GOATS	BILLIES
Brjido Jarinio	1			
Mary Wheaton	48	1	28	2
Carmon Santos			12	
Annie Silvas	10			
Larry Alto	30	1		
Francis Christian	16			
Frederic Emeterio	10	3	8	1

(Researcher's note) These figures were given by the owners but much doubt was had as to the accuracy, as very few knew the number of stock they did own due to no proper count, and very little or no handling of the stock. This did not include 36 relief heifers nor the 33 bulls shipped in.

Source: Sacramento Agency File, RG 75, National Archives, San Bruno.

## **Figure 14. Article of Association of the Tule River Indian Livestock Association (Draft)**

### **Preamble**

We, the undersigned Indians, all of who are residents of Tule River Indian Reservations in the State of California engaged in the production of livestock and livestock products, do hereby voluntarily associate together without capital stock for the purpose of forming a cooperative livestock association.

### **Article I NAME**

The name of the association shall be the Tule River Indian Livestock Association.

### **Article II PURPOSE**

The nature of the business of the association and the objects and purpose for which, or for any of which, this association is forward ....are;

- 1) To promote the welfare and protect its members in the pursuit of the livestock industry in the Tule River Reservation
- 2) To encourage the raising of high grade livestock by prohibiting the running of any but purebred or registered bulls, bucks, rams. And stallions; and by eliminating from the range used by members of the Tule River Indian Livestock Association worthless horses, mules, burros, off-colored cattle, non-breeding or old cows, and unprofitable animals of all kinds.
- 3) To encourage all Indians on the Tule River Indian Reservation to make optimum use of their range facilities by following approved grazing practices, developing potential water supplies for stock, maintaining facilities for watering stock that are already in existence, and by adjusting the number of lives stock to the carrying capacity of the range.
- 4) To establish and enforce will organized salting plans.
- 5) To obtain the highest possible prices for livestock and livestock products sold by having definite sales dates and selling all livestock and livestock products through the association.
- 6) To buy materials, supplies, machinery, and such equipment as it necessary is the conduct of our business when it is assured that savings to members will results from such purchase.
- 7) To purchase cattle for resales to members of the associations.
- 8) To prescribe and regulations providing for the transaction of the business of the association, to charge membership fees and make such special assessments as the by-laws may prescribe.
- 9) To cooperate with the Superintendent of the Sacramento Indian Agency and other Government employees, in the conservative management of Indian Lands and herds.
- 10) To have and to exercise all powers, privileges, and rights incidental to carrying out the purpose for which this association is formed and as the by-laws any prescribe.

### **Article III Place of Business**

The association shall have its principal place of business at the community center. Tule River Indian Reservation, Tulare County, California.

### **Article IV Membership**

Any member of the Tule River Indian Tribe who is a resident of the Tule River Indian Reservation and who owns one or more head of livestock may became a member of this association by signing these Articles of Association.

### **Article V**

Section 1, All business of the association shall be managed by seven member of a Bard of Directors to be elected annually from among the active members in good standing.

Section 2, Within a week after election, the Board of Directors shall organize by electing from its membership a President, a vice-president, a Secretary, and a Treasure.

Section 3, A majority of the Board of Directors which shall include the president or vice-president shall constitute a quorum.

**Article VI      Approval**

There Articles of Association and By-Laws shall not be effective until approved by the commissioner of Indian Affairs and by the Tribal of the Tule River Indian Tribe.

**Article VII      Signature**

This association is formed to operative on a cooperative basis for the mutual benefit its members, who subscribe their name below;



**Figure 15. The History of the Tule River Indian Reservation**

- 1542 Captain Juan Rodriguez Cabrillo landed on the California coast and claimed it for Spain.
  - 1579 Sir Francis Drake landed on the California coast, spent five weeks with a local tribe, then claimed the whole area for the British Crown.
  - 1769 Spanish founded the first California mission, Mission San Diego de Alcalá.
  - 1834 Secularization: The process provided that half of all mission property would go toward the support of local Indian tribes.
  - 1848 Guadalupe Hidalgo Treaty
  - 1850 California Statehood
  - 1851 Federal Government sent three agents to negotiate treaties with California Indians including Yokuts.
  - 1852 The eighteen treaties which set aside nearly 7.5 million of California land for Indian use were blocked in Senate meeting. The Congress failed to ratify the treaties because of local opposition by settlers who objected that Indian would occupy the best farming land. (Indian were never informed this decision)
- Tulare County was established following the gold rush
- 1853 Tejon Reservation was established.
  - 1856 Tule River Indian War
  - 1856 Tule River farm was established under the regime of Thomas J. Henley, Superintendent of Indian Affairs in California. Tule River farm was on the site of a former Koyeti village at the base of the foothills near the present town of Porterville, and attached to the Tejon Reservation. By 1858, Yokuts who mainly lived on the Fresno Reservation and the King's farm were sent to Tule River farm.
  - 1858 "Tule River Farm" appeared on the Annual Report of Commissioner of Indian Affairs.
  - 1860 An Indian Service employee, Thomas P Madden, obtained title to 1,280 acres of the land which he expected the government would buy for the new farm for the Tule River Yokuts, with state school warrants and rented the land to the government for reservation purpose. This 1280 acres of land was called as Madden Farm. United States started to rent the Madden Farm for Tule River

- Indians.
- 1863 Tejon Reservation was abandoned and 200 Tejon Indians were moved to Madden Farm. The Tule River farm became the de facto successor to the Tejon Reservation.
- 1871 The report of 'Tule River Day School' appeared in the Tule River section on the Annual Report of Commissioner of Indian Affairs.
- 1873 (January)  
Tule River Reservation was officially established by Executive Order of President Ulysses S. Grant. The 48,000 acres of land was preserved for the Tule River Reservation in South of Tule River.
- (October)  
The second Executive Order by President Grant made the reservation land double in response to a BIA report that the small reservations could not support enough agriculture for the subsistence of the large number of Indian people expected to live there.
- 1878 President Rutherford B. Hays restored a small portion of the reservation to the public domain by another Executive Order. The remainder, 64,000 acres, constitutes the present Tule River Reservation (the land were cut into an half)
- 1887 Congress passed the General Allotment Act (Daws Act) which provided for the distribution of land to Indians for the various reservations, but also gave the federal government power to evict Indians from their current location. Tule River Reservation has not been allotted.
- 1909 The Commonwealth Club of San Francisco began investigation the matter of Indian land rights under the unratified treaties.
- 1917 The California Supreme Court declared California Indians as citizens, stating; "That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any to tribal or other property."
- 1923 The Tule River Agency had three day schools in its jurisdiction at Tule River, Auberry, and Burrough. And the superintendent had jurisdiction over the Indian students attending public schools in Tulare, King, Kern, Fresno, and Madera Counties.
- 1924 Indian Citizenship Act
- The Tule River Agency was abolished and its duties were transferred to the Sacramento Agency
- 1927 President John C. Coolidge's survey for the southern portion of the reservation.

He changed the reservation boundary. More than 1200 acre of the original 1440 acres which had been excluded from the reservation by the 1884 survey was back in public domain, held by US Forrest Service as part of Sequoia National Forrest.

- 1928 Act of Congress (May 17, 1928) legalized this encroachment on Indian land by redrawing the boundaries of the reservation to exclude the disputed territory. The United States congress passed the California Indian jurisdictional Act (Lea Act). For the first time, California Indians had the support of the federal courts to file a land claim based on the 18 lost treaties.
- 1928 Meriam Report was published
- 1933 John Collier became the Commissioner of Indian Affairs
- 1933 An Indian Congress for Collier bill was held for the Collier bill in Riverside, California,
- 1933 The first Tule River Tribal Council was established.
- 1934 President Franklin D Roosevelt signed the Indian Reorganization Act on June 18.
- 1935 Tule River Reservation ratified the IRA on November 17
- 1936 Tule River Reservation ratified Constitution and By Laws on January 15.

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