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9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 11 OAKLAND DIVISION

12 **BIG LAGOON RANCHERIA, a Federally**  
 13 **Recognized Indian Tribe,**  
 14 Plaintiff,  
 15 v.  
 16 **STATE OF CALIFORNIA,**  
 17 Defendant.

CV 09-1471 CW (JCS)

**REQUEST FOR JUDICIAL NOTICE IN  
 SUPPORT OF DEFENDANT’S MOTION  
 TO STAY PROCEEDINGS AND,  
 ALTERNATIVELY, TO CONTINUE  
 DISPOSITIVE MOTION FILING AND  
 HEARING DATES**

**(Fed. R. Evid. 201)**

Date: April 8, 2010  
 Time: 2 p.m.  
 Courtroom: 2, Fourth Floor  
 Judge: The Honorable Claudia Wilken  
 Trial Date: n/a  
 Action Filed: April 3, 2009

22 Defendant State of California (State) respectfully requests this Court to take judicial notice  
 23 of the following documents, true and correct copies of which are attached hereto as exhibits:

- 24 A. Memorandum from George T. Skibine, Deputy Assistant Secretary for Policy and  
 25 Economic Development, Office of the Assistant Secretary—Indian Affairs, to  
 26 Regional Directors regarding Application of the Holding in *Carcieri v. Salazar* to  
 Pending Requests to Acquire Land in Trust (Mar. 12, 2009);  
 27 B. *Ten Years Of Tribal Government Under I.R.A.* by Theodore H. Haas, Chief Counsel,  
 28 United States Indian Service (1947); and

1 C. Memorandum from United States Bureau of Indian Affairs, Superintendent, Northern  
2 California Agency, regarding "Request for Solicitor's Opinion on Acquisition of  
Permanent Road Right of Way to Big Lagoon Rancheria" (Mar. 29, 1983).

3 The State make this request pursuant to Federal Rule of Evidence 201(b), which authorizes  
4 this Court to take judicial notice of a fact "not subject to reasonable dispute in that it is either (1)  
5 generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and  
6 ready determination by a resort to sources whose accuracy cannot reasonably be questioned."  
7 Rule 201(d) makes judicial notice mandatory if requested by a party and the Court is supplied  
8 with the necessary information.

9 A court may take judicial notice of records and reports of administrative bodies. *Interstate*  
10 *Nat. Gas. Co. v. Southern Cal. Gas Co.*, 209 F.2d 380, 385 (9th Cir. 1954). The documents in  
11 Exhibits A, B and C are official records of the United States Department of the Interior. The  
12 documents are self-authenticating under Federal Rule of Evidence 902(5) and properly subject to  
13 judicial notice.

14 Dated: March 25, 2010

Respectfully submitted,

15 EDMUND G. BROWN JR.  
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# Exhibit A



## United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

MAR 12 2009

Memorandum

To: Regional Directors

From: George T. Skibine  
Deputy Assistant Secretary for Policy and Economic Development  
Office of the Assistant Secretary - Indian Affairs

Subject: Application of the Holding in *Carcieri v. Salazar* to Pending Requests to Acquire Land in Trust

On February 24, 2009, the United States Supreme Court issued its decision in *Carciere v. Salazar*. The decision held that Congress granted limited authority to the Secretary of the Interior under the Indian Reorganization Act (IRA) to acquire land-in-trust for Indian tribes. To acquire land-in-trust under section 465 of the IRA, a tribe must have been "under Federal jurisdiction" at the time the IRA was passed in June 1934. The Court did not define the phrase "under Federal jurisdiction."

The Department in consultation with the Solicitor's Office is reviewing the decision to determine the scope of its impact and how best to proceed with processing applications to acquire land-in-trust. To assist in this review, I ask that the Regional Directors provide the information identified below to my Office by March 20, 2009. In addition, this memorandum provides guidance for processing pending applications to acquire land-in-trust.

**Needed Information**

The following information is needed from the Regional Offices to identify tribes that may be impacted by the *Carciere* decision. Please compile a list that identifies:

1. Tribes that were federally acknowledged under 25 C.F.R. Part 83, restored or reaffirmed after June 1934, and any specific land acquisition authorities for those tribes;
2. Tribes with an organizational history that raises any question about whether they were under federal jurisdiction in 1934;
3. Whether those tribes identified above have had land taken in trust;
4. The total number of acres (and location(s)) of land taken in trust for those tribes;
5. The date(s) that lands were acquired in trust for those tribes;

6. The current use of those trust lands (e.g., housing, grazing, commercial leasing, etc.);
7. Which of those lands have gaming facilities already operating or planned for operation; and
8. In whose name were the deeds titled before they were transferred to the United States in trust (*i.e.*, did the United States, the tribe or a third party hold title prior to the land being held in trust?)

One source that can be used to assist in determining whether a tribe was under Federal jurisdiction is the report *Ten Cases Of Tribal Government Under The Indian Reorganization Act* by Theodore H. Haas (1947). While this is not the only or finally determinative source, it may be helpful as a starting point. Until a complete list of criteria can be developed about what constitutes "under Federal jurisdiction" in 1934, please provide any information that may be helpful in making that determination. Please consult with the Regional Tribal Operations staff while compiling this information.

#### Guidance for Processing Pending Applications

Please adhere to the following guidance in processing pending applications to acquire land in trust under 25 U.S.C. § 465.

1. For those tribes where there is no question that they were under Federal jurisdiction in 1934, continue processing the applications as usual.
2. For those tribes with an organizational history that raises any question about whether they were under Federal jurisdiction in 1934, seek advice from the Solicitor's Office as to the effect of the *Carter* decision on those tribes. It may be possible to continue processing the applications while legal advice is being sought. No final decision should, however, be made and no deeds should be approved until it has been determined whether or not they were under Federal jurisdiction in 1934.
3. For those tribes that were federally acknowledged under 25 C.F.R. Part 83, restored or reaffirmed after June 1934, seek advice from the Solicitor's Office before continuing to process the applications.
4. For those tribes which have specific land acquisition authority other than 25 U.S.C. § 465, continue processing applications because they are not affected by the *Carter* decision.

If you have any question about the applicability of the *Carter* decision to pending applications, please seek the advice of the Solicitor's Office before proceeding.

# Exhibit B

TRIBAL RELATIONS  
PAMPHLETS—1

# Ten Years of Tribal Government Under I. R. A.

By THEODORE H. HAAS, Chief Counsel  
United States Indian Service

UNITED STATES INDIAN SERVICE  
1947



**DEPARTMENT OF THE INTERIOR**

J. A. KRUG, Secretary

**UNITED STATES INDIAN SERVICE**

WILLIAM A. BROPHY, Commissioner  
WILLIAM ZIMMERMAN, JR., Assistant Commissioner  
JOHN H. PROVINSE, Assistant Commissioner

Haskell Institute Printing Department  
January 1947—10M

Additional copies of this pamphlet may be obtained from  
United States Indian Service  
Merchandise Mart, Chicago 54, Illinois



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# TEN YEARS OF TRIBAL GOVERNMENT

## Under The Indian Reorganization Act

by Theodore H. Haas, Chief Counsel

**T**HE INDIAN REORGANIZATION ACT (48 Stat. 984), one of the most important and comprehensive Indian laws, was adopted a few days before the close of the first Congress which convened in the administration of Franklin D. Roosevelt. Although approved by the President on June 18, 1934, none of the authorized appropriations became available until May 1935. Though the Act dealt with a wide variety of subjects including land, credit, education, Indian employment and tribal organizations, this article will be confined to a discussion of the self-government feature.

### KLAMATH INDIANS FIRST PROPOSED INCORPORATION IN 1927

The first suggestion for the incorporation of tribes was advanced in 1927 by the Klamath Indian tribe of Oregon. Indians of other tribes, including Vice-President Curtis, a Kaw Indian, contributed many ideas which were embodied in the bill. The Indian Reorganization Act was presaged by the enactment by Congress of the Pueblo Relief Act on May 31, 1933, prohibiting the Secretary of the Interior from spending moneys appropriated under that Act for the various Pueblos "without first obtaining the approval of the governing authorities of the Pueblo affected."

While the Indian Reorganization bill was pending in Congress, Commissioner Collier and some of his principal aides attended ten meetings in various parts of the country to discuss and consult with delegations from Indian reservations and with other Indians about the proposed legislation. These conferences constituted a new precedent. They symbolized a new relation between the Indians and the Indian Office which the Commissioner hoped would evolve. In lieu of administrative absolutism there would be developed between government officials and Indians a partnership in the determination of many policies. Instead of the superintendents or Washington officials deciding everything, there would be an area for local self-government. If the Indian councils proved capable and faithful to their trust, they would be delegated additional power by the Secretary.

Under the terms of the Indian Reorganization Act power of approval or veto over the disposition of all tribal assets was given to the Indian tribes. It also authorized them to take over control of their own resources and to con-

but tribal enterprises membership organizations which would be subject to diminishing federal supervision as the tribal leadership showed a desire for more control and an ability to direct their affairs. Other enumerated powers were the right to employ legal counsel (subject to the approval of the Secretary of the Interior with respect to the choice of counsel and the fixing of fees), the right to negotiate with federal, state and local governments, and the right to be advised of all appropriation estimates affecting the tribes before such estimates are submitted to the Bureau of the Budget and Congress.

When a tribe is ready to draft its constitution, a constitutional committee of representative tribal members is chosen. It is the duty of this committee to draw up a constitution which will fit the needs of the tribe. The Department offers its assistance in the preparation of such documents, but only to the extent that such assistance is required. Scrupulous care is exercised to see that the document as drafted represents the wishes of the Indians.

When the constitutional committee has completed its draft and is ready to present the constitution to the tribal members for a vote, an election is requested by the constitutional committee or by a petition signed by one-third of the adult members of the tribe. The calling of this election is mandatory upon the Secretary of the Interior when the request is made in the manner prescribed by law. Thus a tribe may vote repeatedly upon the question of adopting a constitution, in those cases where such elections have failed to carry. It is not within the Secretary's discretion to determine whether or not the election shall be called.

#### **CONSTITUTIONS AND BY-LAWS SUBJECT TO AMENDMENT**

The constitution and by-laws when ratified by majority vote of the adult members of the tribe or of the adult Indians residing on the reservation, as the case might be, and approved by the Secretary of the Interior, could be revoked by an election open to the same voters and conducted in the same manner. Amendments may be ratified by the tribe and approved by the Secretary in the same manner as the original constitution and by-laws. The Act also provided that it should not be applicable to any reservation wherein a majority of all of the Indians entitled to vote, voted against its application. The original act provided that elections had to be called on the Act within one year after its approval. However, by the Act of June 15, 1935, this period was extended another year. The amendment to the act modified this rule so as to require a majority of those voting in an election in which not less than 30 per cent of those entitled to vote actually vote. Although many provisions of the statute did not originally apply to the Territory of Alaska or the State of Oklahoma, the Act of May 1, 1936, (49 Stat. 1250) and the Act of June 26, 1936, (49 Stat. 1967) extended the main provisions of the Indian Reorganization Act, with minor modifications, to Alaska and to Oklahoma.

During the period in which votes were taken on whether the Indian Reorganization Act should apply to the reservations, which extended from 1934 to 1936, 258 elections were held. The Oklahoma and Alaska Indians were not concerned in these elections as they were automatically brought under the law. In this balloting, 181 tribes (representing 129,750 Indians) voted to accept the law and 77 tribes (86,365 Indians) rejected it. About half of the latter were members of the Navajo Tribe (45,000) which rejected the act by a close vote.

At the present time there are 195 tribes, bands, and communities, or groups thereof, which are under the Indian Reorganization Act, excluding Indians in Oklahoma and Alaska. The Act applies to 14 groups of Indians who did not hold elections to exclude themselves from the application of the act.

On October 4, 1935 the first constitution prepared in accordance with the Indian Reorganization Act was adopted by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, by a vote of 549 to 123. It was approved by Secretary Ickes on October 28, 1935. Shortly thereafter constitutions were adopted and approved by the Rocky Boy's, Lower Brule and Fort Belknap Reservations. Ninety-three tribes, bands or Indian communities in the United States have adopted constitutions and by-laws, and seventy-three have been granted charters, permitting them to operate as business corporations.

Many constitutional provisions are substantially the same, notably those designed to enable the tribes to take advantage of the specific powers and benefits provided for in the Act. There are wide variations, however, in the provisions regarding tribal membership, the governmental organization, the safeguards available to individual members, the methods of handling tribal business and the extent of the supervision of the Secretary of the Interior.

#### **TRIBAL GOVERNMENT TAKES MANY FORMS**

While formal tribal organization has taken many forms, some governments have been adaptations of earlier tribal organizations. Some have merged the old and new forms and provided for a modern council and at the same time invested the chieftains with some power. A few organizations like the Minnesota Chippewas are confederacies.

After adopting a constitution and by-laws a tribe may, in accordance with section 17 of the Indian Reorganization Act, request the Secretary to issue a charter to the tribe. This request is made in the form of a petition signed by one-third of the adult Indians. The charter must be ratified by the tribe in a special election called by the Secretary. As in the case of the constitution, the calling of an election on the charter is mandatory when a petition is presented to the Secretary. A charter thus issued by the Secretary and ratified by the tribe may not be revoked or surrendered except by an Act of Congress.

**CHARTERED TRIBES BECOME BUSINESS CORPORATIONS**

Most tribes subsequently supplemented their constitutions and by-laws by adopting charters. The Indian Reorganization Act provides for the issuance to organized Indian tribes of charters containing such powers as are incident to the normal functioning of a business corporation, such as capacity to make contracts, to adopt and use its corporate seal, to sue and be sued in courts of competent jurisdiction, and other powers as set forth in the following language of section 17: "to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands, and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, not inconsistent with law, . . . .".

The exercise of corporate authority by a tribe is limited in certain respects by specific prohibitions against any sale, mortgage, or a lease for more than ten years, of any land within the reservation boundaries. The grant of a charter is made to enable a tribe more effectively to utilize the powers which it already possesses as an organized body, (55 I. D. 14), in promoting the welfare of its members. It bestows legal responsibility upon the organization and it adds weight to the legal status of the government body charged by the members with the duty and authority to administer the tribe's powers.

**TRIBAL POWERS LIMITED**

Neither the constitution and by-laws nor a corporate charter give the Tribal Council power to control the conduct of members of the tribe except in respect to the matters set forth therein. They do not interfere with the pursuit by the members of their own private objectives except in such ways and to such an extent as the members themselves have agreed. They do not interfere with allotment rights or shares in tribal benefits. The property with which the Tribal Council may deal is only the property of the tribe as a whole, not that of the individual members. Several tribes, which have constitutions but failed to ratify charters, have recently ratified charters, and thus have become eligible for loans under the revolving credit fund.

Many tribal governments are approaching the end of the first decade of their operation. To some tribes with corporate charters the end of the first ten years has a special significance. Most of the I. R. A. charters provide that after the charters have been in effect for a specified period of years certain supervisory powers of the Secretary of the Interior may be terminated by action of the tribal council, the Secretary and the tribe. In some charters the supervisory powers of the Secretary may be terminated after a period of five years. If the Secretary disapproves the request for termination by the tribal council, the council may be freed from this supervision if two-thirds of the eligible voters of the tribe concur.

### SOME DIFFICULTIES OF TRIBAL GOVERNMENT

Before the various aspects of tribal governments are discussed, some of their difficulties, past and present, will be reviewed under the following headings:

1. Federal Indian Policy.
2. Institutional opposition to tribal government within the Indian Office.
3. Lack of familiarity among the Indians with white culture.
4. Misunderstandings and misinterpretations of the Indian Reorganization Act.
5. The war.
6. Abolition of the direct governmental services to tribal government.

1. **Federal Indian Policy.** Until comparatively recently the policy of the Federal Government has been to convert the Indian to the conventional land owning white farmer. The first step consisted in an attempt to break up tribal assets into individual allotments, to terminate historical tribal governments, and to suppress Indian customs and tribal laws. As a result some tribal governments had virtually disintegrated or had lost a great deal of their original vigor and importance. Broken treaties and promises, and harsh to cruel treatment naturally caused many Indians to feel varying degrees of hostility to the white race. The suspicion was ingrained that any new policy which might be started by the government was motivated by a desire to aid the whites and hurt the Indians. Since Indians were denied their natural way of life, the government had to establish the odious ration system which sapped initiative and resourcefulness. Many of the Indians became dependent upon government aid as a consequence. A tradition of need for assistance therefore has been developed among many who have experienced long periods of dependency on rations or other government assistance as well as unemployment or partial employment.

2. **Institutional opposition to tribal government within the Indian Office.** When the Indian Reorganization Act was enacted in 1934 a large number of Indian Service officials, including superintendents and chiefs of divisions in the agencies and central office, were skeptical of its success; in fact there were some who did not believe in Indian self-government. During several previous decades some important officials of the Service were luke warm, or even unfriendly to many tribal councils. These employees, consciously or unconsciously, relegated Indian organization to the background. They absented themselves from council meetings.\* Indian leaders frequently were not advised of reservation programs and other important facts. Often they were not consulted in the formulation of reservation plans. The attitude of the local administration in such cases may be likened to that of a colonial administrator who feels a keen sense of duty as a superior over an inferior people whose

\*Some superintendents who were sympathetic with self-government did not attend tribal council meetings unless asked, because they did not wish to influence the council.



lives he controls. The feeling that Indians are not prepared to handle their own affairs, though prompted by high motives, may result in a display of paternalism towards the Indians which they will deeply resent. Any mistakes of tribal governments, which supported the preconceived idea that Indians were unfit, loomed large. Achievements, by the same mental process were forgotten. Fear was manifest among a few that their own power would be to a great extent jeopardized by another body having something to say about the management of the reservation. They betrayed an obvious annoyance when the council made recommendations concerning matters which they regarded as peculiarly a governmental responsibility, one within their purview, of course. While there has been great progress, there is still room for improvement.

**3. Lack of familiarity among the Indians with white culture.** With the exception of a comparatively few tribes and individual Indians, American Indians are among the most economically depressed groups in the country. Educated Indians and those experienced in white methods often leave the reservation. While there has been a great improvement in the amount of education which most Indians receive, it is still several years less than that of most whites in neighboring communities. This leaves a dearth of educated leadership to carry on at home. Also the inability of many of the older Indians to understand English and many of the younger Indians to understand their native Indian tongue adds additional barriers. Lack of understanding and cooperation between the new and the old generation, an inevitable consequence in a rapidly changing culture, is often used to keep Indians in a divided status. Indians in some states are disenfranchised, and even in states where they vote, nowhere, save possibly in the State of Oklahoma, are many Indians elected or appointed to important offices. All these factors indirectly reflect on local Indians. For example most Indian councilmen had little experience in local government or in political matters generally prior to the institution of self-government on the reservation. Deeply frustrated groups are often plagued by internal rivalry and factionalism. Scapegoats are often sought. The Indians' plight is blamed on a person, a Bureau or a statute. The Commissioner of Indian Affairs, the Indian Office, the Superintendent, the Council or the I. R. A. may be attacked as the cause of all woes.

**4. Misunderstandings and misinterpretations of the Indian Reorganization Act.** Prior to the enactment of the Indian Reorganization Act during the early discussions of it, there was some condemnation by the delegates attending regional-held meetings over the country, based on misunderstanding of the probable effect of the statute, or on reasons not connected with the proposed legislation. As was to be anticipated, some opponents of the new administration including selfish vested interests, conducted a nation-wide campaign of false propganda to defeat the measure. Real estate interests which had been acquiring Indian lands by devious methods, and stockmen and lumber



interests which had profited by the inability of the Indians to protect their own resources, waged a campaign designed to perpetuate their privileges, often through hired Indians. Fantastic rumors were spread, such as: the bill was designed to deprive the Indians of the interests in their lands, to take away their allotments and communize them, to put the church out of business, and forbid missionaries to work among the Indians. For example, the Navajo Tribe rejected the act by a close vote because many voted in the negative, misadvised that its adoption would result in the confiscation of their sheep and goats by the government. Even before the voting was over there was started the first periodic drive by whites to scuttle the I.R.A., abolish the Indian Service, and terminate Federal guardianship over resources. This drive has recurred periodically. Another method of attack is to resort to litigation to vacate sentences of tribal courts imposed for violations of tribal ordinances.

5. **The war.** Since most Indian reservations are in rural, thinly populated regions, the difficulties of transportation within recent times have greatly added to the problem of communication so necessary to unity, between Indian leaders on and off the reservations. Various meetings, including those called by the Indian Service to exchange ideas and diffuse knowledge helpful to tribal organization, have been stopped because of travel restrictions and cuts in appropriations. Many courageous and able leaders were in the armed services or defense industries. Many have recently returned and are again playing a vital role in tribal affairs.

6. **Abolition of direct governmental services to tribal government.** The field staff of the Organization Division, all of whom were Indians, selected for their zealous espousal of Indian participation, stimulated tribal self-government. The failure of Congress to appropriate money for this work has retarded the development of tribal organizations on some reservations.

#### ACHIEVEMENTS OF TRIBAL GOVERNMENT

The achievements of tribal governments despite the difficulties which I have briefly enumerated have nevertheless been a long step forward. On some reservations work in tribal self-government has been laudable. Most tribal councilmen are seriously endeavoring to exercise their powers wisely and thoughtfully, because they have a stake in the final outcome. On this very principle the government predicates its whole program of self-government, namely that people who are most active in the making of their government will in the long run do most to perfect it. A resume of the accomplishments of tribal governments will prove this thesis.

1. **Self-government and the war.** Enemy propaganda has sought, according to reports, to exploit the weakest link in our political and economic system. Failure to live up entirely to the American creed of brotherhood and equality has been assailed, particularly in connection with minorities. Persons of Indian ancestry have been included. While sowing the seeds of prejudice

in various religious and racial groups, the enemy propagandists argued that the United States had broken treaties with the Indians and impoverished them by reducing the area and quality of their land. Such propaganda for many reasons has had little effect on the American Indian. Even before the outbreak of the war with Germany and Japan some Indian tribes like the Confederated Tribes of the Warm Springs Reservation of Oregon passed resolutions denouncing this propaganda.

There is no doubt that the gradual increase in self-government among the Indians during the last decade has contributed much toward overcoming historical bitterness and mistrust felt by some Indian groups against the United States. This has been evidenced by Indian leaders who frequently expressed their patriotism by speeches and deeds. Tribal councils invested over two million and a half dollars of funds in war bonds besides making sizable contributions to the Red Cross. Moneys were also set aside by some tribes to make loans to tribal members to pay transportation and tuition to trade schools in order to prepare members for defense work. A considerable amount of tribal land was permitted, leased or sold to the United States government for war purposes.

**2. Management of tribal resources.** One of the major functions of tribal councils is the management of tribal property. However, on allotted reservations containing little tribal land or other tribal resources, some tribal councils found it difficult to maintain interest in self-government after the novelty of elections had worn off. Some of the Lake States with meager tribal assets emphasized social and recreational activities. In other similar situations, as for example in the State of Oklahoma, the councils were mainly concerned with loans, leases, rehabilitation and relief. The chairman of the Caddo Council, by July 1940, intimated that the tribal revolving credit fund had enabled almost one-third of the tribal membership to be rehabilitated and taken off direct relief.

Tribal councils on the whole have exercised good judgment in controlling their resources. Tribal funds have been used to acquire fractionated heirship lands, to make loans for the purchase of land, livestock and equipment for individual members, and for tribal enterprises, such as livestock cooperative associations, tribal farming enterprises (including the producing of hay on tribal land), producers and consumers co-operatives, and arts and crafts organizations. Group action through corporations and cooperatives has increased the utilization of Indian resources. When the resources are owned by the tribe, the benefits of the enterprise accrue to members of the tribe as a whole. Prior to the passage of the I.R.A., only a handful of livestock associations were organized. Now they have increased in strength and number totaling about 160 cooperative livestock associations. Approximately 40 per cent of the Indian-owned beef cattle is managed by livestock associations which

have played an important role in improving breeding and management practices, range control, and feed production and cooperative sales. They have not only materially increased the income derived from the sale of cattle but they have enabled the Indians to utilize more fully the range lands, including the forestry areas suitable for grazing, aggregating approximately 80 per cent of the total Indian land resources.

In the initial stages of these enterprises supervision is usually given by Indian Service personnel to insure efficient operation and protection of the loan of the Federal Government. When the enterprise has created a sufficient surplus to insure its repayment, supervision is gradually relinquished until full responsibility is finally assumed by the Indians. Unfortunately this process is often slow.

Land management laws dealing with assignment, leasing, permitting and use of tribal lands also have been passed. Unfortunately economic plans for the use of Indian property are sometimes made by Indian Service officials with little or no participation by the Indians. Nevertheless, in my opinion there has been a slow but gradual increase in the amount of consultation by government officials with Indian leaders in the framing of policies. It is becoming recognized that a plan, no matter how idyllic, which is not favored by the people affected may be doomed to failure.

An increasing number of ordinances have been enacted by tribal councils to protect fish and wildlife, to provide a better and more equitable use of tribal land, and to conserve tribal land from overgrazing. For instance, recently the Papago Tribal Council enacted ordinances reducing excessive stock on tribal lands and eradicating horses infected with dourine. The White Mountain Apaches have appropriated money to round up wild horses.

The power to approve loans from revolving credit funds to members has been granted to the Flathead Tribe. It is reported that on the whole the tribal loan committee has been successful. In a few jurisdictions there had been abuses of the power to control certain tribal assets and distribute funds. A few tribal treasurers have misused funds and councilmen, in instances, have appropriated to their own use substantial sums by paying larger per diems or for excessive travel. Others have favored relatives and friends. But these are only the exceptional cases.

**3. Social welfare and education.** Some tribes having conducted very extensive home improvement and public works programs, are thus beginning to supplement the work of the government in the field of social service. The Apache Tribe of the Mescalero Reservation in New Mexico has constructed houses for each of the families. Tribal loans have been given Indians requiring special medical attention not available at local government hospitals. In addition, committees have assisted in health, education and relief. In a few places the whole relief program has been financed by the

tribe. Almost thirty councils have included a compulsory education section in their law and order code and three councils have adopted special compulsory education ordinances. Tribal funds have been used to employ truant officers.

The Makah Tribe of the Makah Indian Reservation, Washington, bought from the United States Government an abandoned construction camp no longer needed by the U.S. Engineers. Under the direction of a tribal council almost entirely composed of fullbloods, 64 new dwellings were moved to the Village of Neah Bay, the most populous village in the reservation, and about 250 members of the tribe secured vastly improved homes as a result. Twenty-four other buildings are utilized as boat houses, garages, wood shacks and other purposes. About \$60,000 of tribal funds was expended on the buildings and their removal.

**4. Law and order.** Under the revised law and order regulations promulgated by the Department soon after the passage of the Indian Reorganization Act, Indian Service officials are prohibited from controlling, obstructing or interfering with the functions of the Indian courts. Many councils have adopted their own law and order codes for their reservations which, after Secretarial approval, supersede the general regulations. Indian judges, while not always meticulous in following the proper procedure, have usually been conscientious and able in dispensing justice. Yet there is room for improvement in this field. The remuneration of Indian judges and Indian police is very low. Their training in law and procedure is often slight.

**5. Miscellaneous.** Tribal governing bodies besides those mentioned above have also enacted ordinances and resolutions dealing with a wide variety of other subjects. These include the correction of census rolls, the adoption and abandonment of membership, domestic relations including adoption, marriage, divorce and the appointment of guardians, inheritance, taxation and licensing, and tribal organizations and procedure. Variations in legislation will depend upon many facts, such as the power vested in the tribal councils by the tribal constitution, the local conditions and the calibre of the tribal officials. In distant Alaska the council of the native village of Noatak passed ordinances dealing with building permits, the making of wills and the straying of dogs.

**6. Medium for communication.** Ignorance breeds many ills. Maladministration, misunderstanding, and the dissemination of misinformation result when the channels of communication break down or are defective. The isolation of many reservations makes the transmission of developments in the Service of special importance. One of the major problems of the local agency administration is to diffuse a knowledge of its policies and of other important facts to local personnel and others principally affected.

Tribal leaders having a responsibility of conveying the news to their

people should be kept advised of matters of importance to the Indians. Tribal councils offer an excellent medium for the transmittal of this information. Furthermore, by conferences involving the council, the superintendents, and other government officials, an opportunity is afforded to become acquainted with Indian leaders and vice versa.

**7. Recommendations.** Community government also furnishes a means whereby administrators may know the opinions, hopes and aspirations of the Indians. Officials who are inclined to resent recommendations of Indian councils which they consider are in a field outside of the jurisdiction of the council are treading on doubtful ground. It is not uncommon for state legislatures, municipal councils and even Indian Service superintendents to pass resolutions concerning matters outside of their purview. Tribal councils who might do likewise should not be discouraged. Administrators should appreciate the insight gained thereby into Indian thinking. An ability to vocalize a complaint constitutes an emotional outlet of distinct social value.

A provision of the Indian Reorganization Act whereby the tribal councils were authorized to advise the Secretary of the Interior with regard to all appropriation estimates of Federal projects for the benefit of the tribe has apparently been disregarded in part because of the administrative difficulties involved. I believe that explaining to the councils these estimates and securing their views would be a very important educational process for both the Indian and the government personnel. An important step has already been taken: Budgets involving the use of tribal funds are discussed with the appropriate tribal council.

**8. Improvement.** Many effective and modern procedures have been established by councils in the conduct of business affairs and meetings. Tribal offices are now in evidence, some in the agency building and others in a separate tribal building. The number of persons who go to these tribal offices for assistance on some jurisdictions exceeds those who visit the agency.

Most of the Indians have also increased their knowledge of their constitutions and charters. There are still, however, many questions of interpretation of these documents which sometimes test the ingenuity of lawyers. Some tribal officials have been accused of violating provisions of their constitutions. Such actions may violate the Law and Order Code, in which case a remedy lies through a complaint to the tribal court. In others, recourse may be found in the impeachment or recall of the official, where the constitution provides for such remedies. Finally the electorate has, in all cases, the ability to elect new officials on the next election day.

**9. Tribes not organized under the I. R. A.** Four tribes which voted to come under the Indian Reorganization Act are operating under constitutions not under the Act.

Thirteen tribes which are not under the Indian Reorganization Act are

operating under constitutions. Eight of these constitutions have been approved by the Commissioner of Indian Affairs. The governing body provided for in some of these constitutions has considerable power. In other constitutions the powers are meager.

Under the present law, tribes which are not under the Indian Reorganization Act, cannot come within its provisions, and tribes which are under the Act cannot exclude themselves from its provisions.

**10. Relation between Indian self-government and world peace.** Democracy in many parts of the world is on the march; a march that is increasing in tempo. The economic income of oppressed people throughout the world has become a concern for all and is receiving widespread attention. World peace is linked up with the attainment of more self-government, the decline of imperialism and the elimination of general poverty. Colonial people everywhere are looking hopefully to the United States Government. It is especially important that this country demonstrate the sincerity of its ideals and its ability to effectuate them. On every front this must be exemplified by the increasing substitution of local self-government even on the smallest reservations, for bureaucratic control. The Indian Office, together with tribal councils, by increasing the standard of living of depressed Indian groups and achieving a high measure of self-determination, will be in the vanguard of the movement for greater economic and political democracy.

**Table A**

Indian Tribes, Bands and Communities  
Which Voted to Accept or Reject the Terms  
of the Indian Reorganization Act,  
the Dates When Elections Were Held,  
and the Votes Cast



**ACTION BY TRIBES ON INDIAN REORGANIZATION ACT**  
(Those listed in black face type accepted the act)

| STATE                  | RESERVATION                         | POP.     | VOTING<br>POP. | TOTAL<br>YES | VOTES<br>NO | ELECTION<br>DATES |
|------------------------|-------------------------------------|----------|----------------|--------------|-------------|-------------------|
| <b>ARIZONA</b>         |                                     |          |                |              |             |                   |
| Colorado River Agency: |                                     |          |                |              |             |                   |
|                        | Colorado River .....                | 705      | 365            | 119          | 8           | Dec. 15, 1934     |
|                        | Fort Mojave .....                   | 432      | 265            | 102          | 8           | Dec. 15           |
|                        | Cocopah .....                       | 32       | 18             | 4            | 0           | Nov. 17           |
| Fort Apache Agency:    |                                     |          |                |              |             |                   |
|                        | Fort Apache .....                   | 2,718    | 1,340          | 726          | 21          | April 27, 1935    |
| Papago Agency:         |                                     |          |                |              |             |                   |
|                        | Gila Bend .....                     | 228      | 120            | 18           | 0           | Dec. 15           |
|                        | Papago .....                        | 5,146    | 3,028          | 1,267        | 166         | Dec. 15           |
|                        | San Xavier .....                    | 525      | 283            | 158          | 22          | Dec. 15           |
| Pima Agency:           |                                     |          |                |              |             |                   |
|                        | Fort McDowell .....                 | 205      | 111            | 65           | 7           | Oct. 27, 1934     |
|                        | Gila River .....                    | 4,659    | 2,308          | 1,188        | 116         | Dec. 15           |
|                        | Salt River .....                    | 1,049    | 592            | 194          | 66          | Dec. 15           |
|                        | Ak Chin .....                       | 179      | 87             | 53           | 15          | Dec. 15           |
| San Carlos Agency:     |                                     |          |                |              |             |                   |
|                        | San Carlos .....                    | 2,843    | 1,473          | 504          | 22          | Oct. 27           |
| Hopi Agency:           |                                     |          |                |              |             |                   |
|                        | Hopi .....                          | 2,538    |                | 519          | 299         | June 15, 1935     |
| Truxton Canon Agency:  |                                     |          |                |              |             |                   |
|                        | Havasupai .....                     | 201      | 106            | 72           | 3           | June 15           |
|                        | Hualapai .....                      | 451      | 256            | 37           | 22          | June 15           |
|                        | Camp Verde (Yavapai Apache)...      | 451      | 259            | 112          | 20          | Dec. 15, 1934     |
|                        | Navajo Agency (Arizona, New Mexico) | 43,135   | 15,900         | 7,608        | 7,992       | June 14-15        |
| <b>CALIFORNIA</b>      |                                     |          |                |              |             |                   |
| Colorado River Agency: |                                     |          |                |              |             |                   |
|                        | Fort Yuma (Quechan) .....           | 819      | 402            | 192          | 32          | Nov. 17, 1934     |
| Hoopa Valley Agency:   |                                     |          |                |              |             |                   |
|                        | Hoopa Valley Reservation .....      | 554      | 240            | 8            | 174         | Dec. 15           |
|                        | Klamath River .....                 | 925      | 375            | 38           | 256         | Dec. 15           |
|                        | *Quartz Valley .....                |          |                |              |             |                   |
| Rancharias:            |                                     |          |                |              |             |                   |
|                        | Smith River .....                   | 411      | 41             | 1            | 31          | June 14, 1935     |
|                        | Crescent City .....                 |          | 8              | 6            | 0           | June 14           |
|                        | Hohnerville .....                   |          | 9              | 1            | 5           | June 14           |
|                        | Table Bluff .....                   |          | 26             | 0            | 10          | June 14           |
|                        | Trinidad .....                      |          | 4              | 4            | 0           | June 14           |
|                        | **Blue Lake .....                   | No Votes |                |              |             | June 14           |
| Mission Agency:        |                                     |          |                |              |             |                   |
|                        | Augustine .....                     | 14       | 13             | 0            | 6           | Dec. 18, 1934     |
|                        | Cabazon .....                       | 29       | 17             | 0            | 7           | Dec. 18           |
|                        | Cahuilla .....                      | 107      | 69             | 3            | 33          | Dec. 18           |
|                        | Campe .....                         | 135      | 73             | 7            | 18          | Dec. 18           |
|                        | Capitan Grande .....                | 160      | 87             | 37           | 35          | Dec. 18           |
|                        | (Including Barona)                  |          |                |              |             |                   |
|                        | **Cuyapaipe .....                   | No Votes |                |              |             | Dec. 18           |
|                        | Inaja .....                         | 33       | 22             | 0            | 15          | Dec. 18           |
|                        | Laguna .....                        | 3        | 1              | 1            | 0           | Dec. 18           |
|                        | LaJolla .....                       | 221      | 145            | 28           | 68          | Dec. 18           |
|                        | La Posta .....                      | 3        | 3              | 2            | 0           | Dec. 18           |
|                        | Los Coyotes .....                   | 88       | 52             | 3            | 37          | Dec. 18, 1934     |
|                        | Manzanita .....                     | 67       | 36             | 3            | 0           | Dec. 18           |
|                        | Mesa Grande .....                   | 218      | 119            | 9            | 64          | Dec. 18           |
|                        | Pala .....                          | 205      | 121            | 7            | 66          | Dec. 18           |

\*Indians residing on lands purchased from I.R.A. funds. Group is organized under the I.R.A.

\*\*Act applies since Indians did not vote against its application.

\*\*\*Act applies since less than 30 percent of eligible voters participated in the election.

| STATE              | RESERVATION          | POP.                             | VOTING POP. | TOTAL YES | VOTES NO | ELECTION DATES |
|--------------------|----------------------|----------------------------------|-------------|-----------|----------|----------------|
|                    | Mission Creek        | 20                               | 10          | 0         | 3        | Dec. 18        |
|                    | Morongo              | 292                              | 173         | 25        | 79       | Dec. 15        |
|                    | Palm Springs         | 50                               | 31          | 4         | 16       | Dec. 15        |
|                    | Pauma                | 69                               | 37          | 0         | 23       | Dec. 15        |
|                    | Pechanga             | 216                              | 156         | 14        | 48       | Dec. 15        |
|                    | Rincon               | 181                              | 114         | 22        | 58       | Dec. 15        |
|                    | San Manuel           | 40                               | 25          | 2         | 10       | Dec. 15        |
|                    | San Pascual          | 9                                | 3           | 2         | 1        | Dec. 15        |
|                    | Santa Rosa           | 50                               | 32          | 3         | 13       | Dec. 15        |
|                    | Santa Ynez           | 90                               | 48          | 20        | 0        | Dec. 15        |
|                    | Santa Ysabel         | 237                              | 122         | 14        | 47       | Dec. 15        |
|                    | Soboba               | 122                              | 76          | 6         | 57       | Dec. 15        |
|                    | Sycuan               | 35                               | 23          | 6         | 16       | Dec. 15        |
|                    | Torres Martinez      | 198                              | 117         | 11        | 66       | Dec. 15        |
| Sacramento Agency: |                      |                                  |             |           |          |                |
|                    | Alexander Valley     |                                  | 14          | 14        | 0        | June 11, 1935  |
|                    | Alturas              |                                  | 13          | 6         | 5        | June 8         |
|                    | Auburn               |                                  | 36          | 5         | 16       | June 14        |
|                    | Berry Creek          |                                  | 49          | 0         | 26       | June 12        |
| **                 | Big Bend             | No Votes                         |             |           |          |                |
|                    | Big Sandy            |                                  | 38          | 1         | 25       | June 8         |
|                    | Big Valley           |                                  | 46          | 21        | 4        | June 8         |
|                    | Cache Creek          |                                  | 15          | 7         | 3        | June 8         |
|                    | Buena Vista          |                                  | 4           | 2         | 0        | June 12        |
| **                 | Cedarville           | No Residents                     |             |           |          |                |
|                    | Cloverdale           |                                  | 20          | 10        | 0        | June 11        |
|                    | Cold Springs         |                                  | 47          | 0         | 23       | June 8         |
| **                 | Colfax               | No Residents                     |             |           |          |                |
|                    | Colusa               |                                  | 36          | 25        | 1        | June 12        |
|                    | Cortina              |                                  | 20          | 12        | 0        | June 12        |
|                    | Coyote Valley        |                                  | 8           | 0         | 1        | June 10-30     |
|                    | Dry Creek            |                                  | 49          | 8         | 17       | June 10-30     |
|                    | East Lake (Robinson) |                                  | 46          | 19        | 13       | June 8         |
|                    | Enterprise           |                                  | 29          | 7         | 17       | June 12        |
|                    | Fort Bidwell         |                                  | 41          | 27        | 2        | June 8         |
|                    | Guideville           |                                  | 25          | 14        | 1        | June 10        |
|                    | Grindstone           |                                  | 27          | 11        | 0        | June 14        |
|                    | Hopland              |                                  | 56          | 28        | 3        | June 10        |
|                    | Jamestown            |                                  | 5           | 0         | 5        | June 11        |
|                    | Jackson              |                                  | 3           | 3         | 0        | June 12        |
|                    | Laytonville          |                                  | 29          | 7         | 11       | June 10        |
|                    | Likely               |                                  | 30          | 19        | 1        | June 8, 1935   |
|                    | Lookout              |                                  | 12          | 6         | 2        | June 8         |
| **                 | Lytton               | No Residents                     |             |           |          |                |
|                    | Manchester           |                                  | 46          | 30        | 0        | June 11        |
|                    | Middletown           |                                  | 13          | 10        | 0        | June 8         |
| **                 | Millerton            | No Residents                     |             |           |          |                |
|                    | Mooretown            |                                  | 43          | 0         | 34       | June 12        |
|                    | Montgomery Creek     |                                  | 7           | 5         | 2        | June 10        |
|                    | Nevada City          |                                  | 18          | 6         | 2        | June 14        |
|                    | Northfork            |                                  | 6           | 0         | 4        | June 10        |
|                    | Paskenta             |                                  | 26          | 17        | 0        | June 10        |
|                    | Picayune             |                                  | 11          | 3         | 7        | June 10        |
|                    | Pinoleville          |                                  | 51          | 29        | 1        | June 10        |
|                    | Pitt River           |                                  | 2           | 0         | 2        | June 10        |
|                    | Potter Valley        |                                  | 26          | 10        | 3        | June 10        |
|                    | Redding              |                                  | 12          | 2         | 4        | June 11        |
|                    | Redwood Valley       |                                  | 18          | 16        | 0        | June 10        |
|                    | Rumsay               |                                  | 11          | 10        | 0        | June 12        |
| **                 | Santa Rose           | Indians refused to Hold Election |             |           |          |                |

| STATE     | RESERVATION                                   | POP.         | VOTING<br>POP.     | TOTAL<br>YES | VOTES<br>NO | ELECTION<br>DATES |
|-----------|---|--------------|--------------------|--------------|-------------|-------------------|
| **        | Sebastopol                                    | No Residents |                    |              |             |                   |
|           | Scotts Valley                                 |              | 17                 | 0            | 10          | June 8            |
|           | Sheep Ranch                                   |              | 1                  | 1            | 0           | June 12           |
|           | Sherwood                                      |              | 35                 | 10           | 12          | June 10           |
|           | Shingle Springs                               |              | 3                  | 0            | 3           | June 13           |
|           | Stewarts Point                                |              | 70                 | 51           | 10          | June 11           |
|           | Strawberry Valley                             |              | 10                 | 0            | 6           | June 14, 1935     |
|           | Sulphur Banks                                 |              | 20                 | 11           | 7           |                   |
|           | Susanville                                    |              | 9                  | 6            | 0           | June 12           |
|           | Table Mountain                                |              | 16                 | 2            | 10          | June 8            |
| **        | Strathmore                                    | No Residents |                    |              |             |                   |
|           | Taylorville                                   |              | 4                  | 2            | 0           | June 12           |
|           | Tuolumne                                      |              | 40                 | 37           | 0           | June 11           |
|           | Tule River                                    | 186          | 94                 | 50           | 2           | Nov. 17, 1934     |
|           | Upper Lake                                    |              | 36                 | 7            | 4           |                   |
|           | Wilton  | 40           | 14                 | 12           | 0           | June 15, 1935     |
|           | Round Valley (Covelo)                         | 827          | 458                | 138          | 36          | Nov. 17, 1934     |
| COLORADO  |   |              |                    |              |             |                   |
|           | Consolidated Ute Agency:                      |              |                    |              |             |                   |
|           | Southern Ute                                  | 389          | 129                | 85           | 10          | June 10, 1935     |
|           | Ute Mountain                                  | 445          | 225                | 9            | 3           | June 12           |
| FLORIDA   |   |              |                    |              |             |                   |
|           | Seminole Agency:                              |              |                    |              |             |                   |
|           | Seminole                                      | 580          | 295                | 21           | 0           | March 30          |
| IDAHO     |   |              |                    |              |             |                   |
|           | Northern Idaho Agency:                        |              |                    |              |             |                   |
|           | Coeur d' Alene                                | 634          | 203                | 76           | 78          | Nov. 17, 1934     |
|           | Kalispel                                      | 88           | 38                 | 29           | 2           | Nov. 17           |
|           | Nez Perce                                     | 1,399        | 608                | 214          | 252         | Nov. 17           |
|           | Fort Hall Agency:                             |              |                    |              |             |                   |
|           | Fort Hall                                     | 1,839        | 971                | 375          | 31          | Oct. 27           |
| IOWA      |   |              |                    |              |             |                   |
|           | Tomah Agency:                                 |              |                    |              |             |                   |
|           | Sac & Fox                                     | 419          | 198                | 63           | 13          | June 15, 1935     |
| KANSAS    |   |              |                    |              |             |                   |
|           | Potawatomi Agency:                            |              |                    |              |             |                   |
|           | Iowa  | 498          | 245                | 115          | 3           | June 15           |
|           | Kickapoo                                      | 308          | 151                | 74           | 16          | June 15           |
|           | Sac & Fox                                     | 99           | 49                 | 32           | 3           | June 15           |
|           | Potawatomi                                    | 955          | 469                | 198          | 122         | June 15           |
| LOUISIANA |   |              |                    |              |             |                   |
|           | Choctaw Agency:                               |              |                    |              |             |                   |
|           | Chitimacha                                    | 128          | 35                 | 25           | 3           | May 14            |
| MINNESOTA |   |              |                    |              |             |                   |
|           | Consolidated Chippewa Agency:                 |              |                    |              |             |                   |
|           | Fond du Lac                                   | 1,298        | 725                | 167          | 28          | Nov. 17, 1934     |
|           | Grand Portage                                 | 377          | 179                | 75           | 4           | Oct. 27           |
|           | Leech Lake                                    | 2,076        | 961                | 375          | 60          | Oct. 27           |
|           | (Cass Lake & Winnibigoshish, White Oak Point) |              |                    |              |             |                   |
|           | White Earth                                   | 8,059        | 4,169              | 1,122        | 245         | Oct. 27           |
|           | Nett Lake (Boise Fort)                        | 627          | 317                | 159          | 7           | Oct. 27           |
|           | Red Lake Agency:                              |              |                    |              |             |                   |
|           | Red Lake                                      | 1,968        | 825                | 418          | 24          | Nov. 17           |
|           | Pipestone School                              | 552          | 271                | 94           | 2           | Nov. 17           |
|           | Lower Sioux                                   |              |                    |              |             |                   |
|           | Granite Falls                                 |              |                    |              |             |                   |
|           | Prairie Island                                |              |                    |              |             |                   |
|           |   |              | Voted as one group |              |             |                   |

| STATE                | RESERVATION                                     | POP.  | VOTING<br>POP.    | TOTAL<br>YES | VOTES<br>NO | ELECTION<br>DATES |
|----------------------|---|-------|-------------------|--------------|-------------|-------------------|
| <b>MICHIGAN</b>      |   |       |                   |              |             |                   |
| Great Lakes Agency:  |   |       |                   |              |             |                   |
|                      | L'Anse .....                                    |       | 558               | 413          | 8           | June 17, 1935     |
|                      | Bay Mills .....                                 |       | 95                | 42           | 25          | June 17, 1935     |
|                      | Hannahville .....                               |       |                   | 47           | 3           | June 17, 1935     |
|                      | Ontonagon .....                                 |       | Voted with L'Anse |              |             |                   |
| Tomah Agency:        |   |       |                   |              |             |                   |
|                      | Isabelle (Swan Creek-Black River-Saginaw) ..... |       | 424               | 237          | 112         | June 17           |
| <b>MISSISSIPPI</b>   |   |       |                   |              |             |                   |
| Choctaw Agency:      |   |       |                   |              |             |                   |
|                      | Choctaw .....                                   | 1,792 | 736               | 218          | 21          | March 30          |
| <b>MONTANA</b>       |   |       |                   |              |             |                   |
| Blackfeet Agency:    |   |       |                   |              |             |                   |
|                      | Blackfeet .....                                 | 3,962 | 1,785             | 823          | 171         | Oct. 27, 1934     |
| Flathead Agency:     |   |       |                   |              |             |                   |
|                      | Flathead .....                                  | 2,964 | 1,218             | 494          | 166         | Dec. 15           |
| Fort Belknap Agency: |   |       |                   |              |             |                   |
|                      | Fort Belknap .....                              | 1,367 | 604               | 371          | 50          | Oct. 27           |
| Rocky Boy's Agency:  |   |       |                   |              |             |                   |
|                      | Rocky Boy's .....                               | 676   | 344               | 179          | 7           | Oct. 27           |
| Tongue River Agency: |   |       |                   |              |             |                   |
|                      | Tongue River .....                              | 1,541 | 757               | 418          | 96          | Oct. 27           |
| Crow Agency:         |   |       |                   |              |             |                   |
|                      | Crow .....                                      | 2,082 | 982               | 112          | 689         | May 18, 1935      |
| Fort Peck Agency:    |   |       |                   |              |             |                   |
|                      | Fort Peck .....                                 | 2,663 | 1,027             | 276          | 578         | Dec. 15, 1934     |
| <b>NEBRASKA</b>      |   |       |                   |              |             |                   |
| Winnebago Agency:    |   |       |                   |              |             |                   |
|                      | Omaha .....                                     | 1,642 | 807               | 212          | 17          | Oct. 27           |
|                      | Ponca .....                                     | 392   | 192               | 64           | 4           | Nov. 17           |
|                      | Santee .....                                    | 1,277 | 627               | 260          | 29          | Nov. 17           |
|                      | Winnebago .....                                 | 1,187 | 583               | 133          | 52          | Oct. 27           |
| <b>NEVADA</b>        |   |       |                   |              |             |                   |
| Carson Agency:       |   |       |                   |              |             |                   |
|                      | *Duckwater (Shoshone) .....                     |       | 89                | 73           | 2           | Nov. 17           |
|                      | Fort McDermitt .....                            | 273   | 277               | 151          | 54          | Dec. 15           |
|                      | Pyramid Lake .....                              | 549   | 14                | 10           | 4           | May 24, 1935      |
|                      | Summit Lake .....                               | 64    | 95                | 53           | 5           | June 10           |
|                      | Reno-Sparks .....                               | 205   | 75                | 58           | 1           | June 10           |
|                      | Dressierville .....                             | 170   | 45                | 31           | 10          | June 11           |
|                      | Lovelock .....                                  | 134   | 26                | 15           | 0           | June 11           |
|                      | Winnemucco .....                                | 35    | 14                | 9            | 0           | June 14           |
|                      | Battle Mountain .....                           | 28    | 40                | 34           | 0           | June 14           |
|                      | Elko .....                                      | 73    | 35                | 8            | 6           | June 17           |
|                      | Ely .....                                       | 64    | 84                | 42           | 3           | Nov. 17, 1934     |
|                      | Moapa River .....                               | 158   | 22                | 10           | 2           | May 17, 1935      |
|                      | Las Vegas Tract .....                           | 40    | 11                | 0            | 11          | June 11           |
|                      | Big Pine .....                                  | 20    | 93                | 1            | 68          | June 11           |
|                      | Bishop .....                                    | 171   | 247               | 39           | 74          | May 17            |
|                      | Fallon .....                                    | 426   | 49                | 4            | 29          | May 24            |
|                      | Ft. Independence .....                          | 74    | 8                 | 8            | 0           | May 14            |
|                      | Indian Ranch .....                              | 28    | 19                | 1            | 12          | May 11            |
|                      | Red Hill .....                                  |       | 492               | 301          | 37          | Nov. 17, 1934     |
|                      | ***Walker River .....                           |       | 14                | 1            | 9           | June 11, 1935     |
|                      | West Bishop .....                               |       | 72                | 51           | 31          | June 15           |
|                      | Yerington .....                                 |       |                   |              |             |                   |
|                      | *Yomba .....                                    |       |                   |              |             |                   |

| STATE                      | RESERVATION                        | POP.  | VOTING POP. | TOTAL YES | VOTES NO | ELECTION DATES |
|----------------------------|------------------------------------|-------|-------------|-----------|----------|----------------|
| Western Shoshone Agency:   |                                    |       |             |           |          |                |
|                            | Duck Valley (Shoshone-Paiute)      | 516   | 383         | 191       | 12       | Oct. 27, 1934  |
|                            | Gandy                              | 6     | 4           | 4         | 0        | May 5, 1935    |
|                            | Goshute                            | 155   | 81          | 21        | 0        | May 14         |
|                            | Skull Valley                       | 41    | 21          | 9         | 5        | Nov. 21, 1934  |
| NEW MEXICO                 |                                    |       |             |           |          |                |
| Mescalero Agency:          |                                    |       |             |           |          |                |
|                            | Mescalero                          | 722   | 367         | -273      | 11       | Dec. 15        |
| United Pueblos Agency:     |                                    |       |             |           |          |                |
|                            | Acoma                              | 1,125 | 597         | 283       | 0        | Dec. 15        |
|                            | Cochiti                            | 305   | 167         | 121       | 0        | Dec. 15        |
|                            | Isleta                             | 1,103 | 567         | 138       | 7        | June 17, 1935  |
|                            | Jemez                              | 677   | 351         | 84        | 178      | June 17        |
|                            | Laguna                             | 2,271 | 1,315       | 776       | 66       | Oct. 27, 1934  |
|                            | Nambe                              | 128   | 72          | 52        | 1        | Dec. 15        |
|                            | Picuris                            | 117   | 59          | 51        | 0        | Oct. 27        |
|                            | Pojoaque                           | 9     | 8           | 7         | 0        | April 13, 1935 |
|                            | Sandia                             | 129   | 69          | 15        | 0        | Dec. 15        |
|                            | San Ildefonso                      | 126   | 62          | 57        | 4        | April 13       |
|                            | San Felipe                         | 596   | 331         | 224       | 0        | June 17, 1935  |
|                            | San Juan                           | 561   | 280         | 243       | 0        | Dec. 15, 1934  |
|                            | Santa Ana                          | 241   | 148         | 100       | 0        | June 17        |
|                            | Santa Clara                        | 400   | 200         | 134       | 34       | April 13       |
|                            | Santa Domingo                      | 866   | 476         | 171       | 1        | June 17        |
|                            | Sia                                | 189   | 92          | 82        | 0        | June 17        |
|                            | Taos                               | 745   | 402         | 303       | 36       | Oct. 27        |
|                            | Tesuque                            | 123   | 71          | 67        | 0        | Dec. 15        |
|                            | Zuni                               | 2,051 | 1,066       | 505       | 40       | Nov. 17, 1934  |
| NEW YORK                   |                                    |       |             |           |          |                |
| New York Agency:           |                                    |       |             |           |          |                |
|                            | Allegany                           |       | 548         | 37        | 298      | June 10, 1935  |
|                            | Cattaraugus                        |       | 864         | 101       | 475      | June 14        |
|                            | Cornplanter (Pennsylvania)         |       |             | 23        | 17       | June 15        |
|                            | Onondaga                           |       | 350         | 17        | 206      | June 15        |
|                            | St. Regis                          |       | 800         | 46        | 237      | June 8         |
|                            | Tonawanda                          |       | 338         | 42        | 175      | June 11        |
|                            | Tuscarora                          |       | 225         | 6         | 132      | June 12        |
| NORTH CAROLINA             |                                    |       |             |           |          |                |
| Cherokee Agency:           |                                    |       |             |           |          |                |
|                            | Qualla Boundary (Eastern Cherokee) | 3,254 | 1,114       | 700       | 101      | Dec. 20, 1934  |
| NORTH DAKOTA               |                                    |       |             |           |          |                |
| Fort Berthold Agency:      |                                    |       |             |           |          |                |
|                            | Fort Berthold                      | 1,569 | 661         | 477       | 139      | Nov. 17, 1934  |
| Fort Totten Agency:        |                                    |       |             |           |          |                |
|                            | Fort Totten                        | 960   | 521         | 144       | 233      | Nov. 17        |
| Standing Rock Agency:      |                                    |       |             |           |          |                |
|                            | Standing Rock                      |       |             |           |          |                |
|                            | (North Dakota)                     | 1,677 |             |           |          |                |
|                            | (South Dakota)                     | 2,098 | 1,559       | 668       | 508      | Oct. 27        |
| Turtle Mountain Agency:    |                                    |       |             |           |          |                |
|                            | Turtle Mountain                    | 6,034 | 1,181       | 257       | 550      | June 15, 1935  |
| OREGON                     |                                    |       |             |           |          |                |
| Klamath Agency:            |                                    |       |             |           |          |                |
|                            | Klamath                            | 1,364 | 666         | 56        | 408      | June 15        |
| Umatilla Agency:           |                                    |       |             |           |          |                |
|                            | Umatilla                           | 1,140 | 681         | 155       | 299      | June 15        |
| Grand Ronde-Siletz Agency: |                                    |       |             |           |          |                |
|                            | Grande Ronde                       | 356   | 213         | 102       | 68       | April 6        |
|                            | Siletz                             | 465   | 233         | 54        | 123      | April 6        |

| STATE          | RESERVATION                      | POP.  | VOTING<br>POP. | TOTAL<br>YES | VOTES<br>NO | ELECTION<br>DATES |
|----------------|----------------------------------|-------|----------------|--------------|-------------|-------------------|
|                | Warm Springs Agency:             |       |                |              |             |                   |
|                | <b>Warm Springs</b> .....        | 992   | 394            | 260          | 74          | April 6           |
|                | <b>Burns</b> .....               |       | 67             | 48           | 1           | April 6           |
| SOUTH CAROLINA |                                  |       |                |              |             |                   |
|                | Cherokee Agency:                 |       |                |              |             |                   |
|                | **Catawba                        |       |                |              |             |                   |
| SOUTH DAKOTA   |                                  |       |                |              |             |                   |
|                | Cheyenne River Agency:           |       |                |              |             |                   |
|                | <b>Cheyenne River</b> .....      | 3,288 | 1,420          | 653          | 459         | Oct. 27, 1934     |
|                | Crow Creek Agency:               |       |                |              |             |                   |
|                | Crow Creek .....                 | 953   | 388            | 87           | 246         | Dec. 15           |
|                | <b>Lower Brule</b> .....         | 603   | 160            | 71           | 39          | Dec. 15           |
|                | Flandreau School:                |       |                |              |             |                   |
|                | <b>Santee Sioux</b> .....        | 345   | 193            | 79           | 5           | Oct. 27           |
|                | Pine Ridge Agency:               |       |                |              |             |                   |
|                | <b>Pine Ridge</b> .....          | 8,370 | 4,075          | 1,169        | 1,095       | Oct. 27           |
|                | Rosebud Agency:                  |       |                |              |             |                   |
|                | Rosebud .....                    | 6,362 | 3,126          | 843          | 424         | Oct. 27           |
|                | <b>Yankton</b> .....             | 2,018 | 991            | 248          | 171         | Oct. 27           |
|                | Sisseton Agency:                 |       |                |              |             |                   |
|                | Sisseton .....                   | 2,658 | 1,170          | 266          | 335         | April 6, 1935     |
|                | Standing Rock Agency:            |       |                |              |             |                   |
|                | (See North Dakota)               |       |                |              |             |                   |
| UTAH           |                                  |       |                |              |             |                   |
|                | Uintah & Ouray Agency:           |       |                |              |             |                   |
|                | <b>Cedar City</b> .....          | 28    | 13             | 2            | 0           | May 14, 1935      |
|                | <b>Kaibab (in Arizona)</b> ..... | 93    | 51             | 28           | 5           | Nov. 17, 1934     |
|                | <b>Kanosh</b> .....              | 24    | 14             | 11           | 0           | May 7, 1935       |
|                | <b>Koshaream</b> .....           | 30    | 17             | 14           | 0           | May 10            |
|                | <b>Peiate</b> .....              | 19    | 11             | 7            | 0           | Nov. 24, 1934     |
|                | <b>Uintah</b> .....              | 1,251 | 634            | 335          | 21          | Dec. 15           |
|                | <b>Shivwits</b> .....            | 79    | 40             | 27           | 2           | Nov. 17           |
|                | Fort Hall Agency:                |       |                |              |             |                   |
|                | <b>Washakie</b> .....            | 137   | 109            | 37           | 26          | April 27, 1935    |
| WASHINGTON     |                                  |       |                |              |             |                   |
|                | Colville Agency:                 |       |                |              |             |                   |
|                | Colville .....                   | 3,116 | 1,659          | 421          | 562         | April 6           |
|                | Spokane .....                    | 807   | 376            | 92           | 163         | April 6           |
|                | Taholah Agency:                  |       |                |              |             |                   |
|                | Chehalis .....                   | 132   | 70             | 22           | 26          | April 6           |
|                | <b>Makah</b> .....               | 403   | 219            | 75           | 47          | April 6           |
|                | <b>Nisqually</b> .....           | 63    | 40             | 19           | 2           | Oct. 27, 1934     |
|                | <b>Ozette</b> .....              | 2     | 2              | 2            | 0           | April 13, 1935    |
|                | <b>Quinalt</b> .....             | 1,729 | 764            | 184          | 176         | April 13          |
|                | <b>Hoh</b> .....                 | 4     | 4              | 3            | 1           | April 13          |
|                | <b>Quileute</b> .....            | 242   | 96             | 37           | 15          | April 13          |
|                | Shoalwater .....                 |       | 11             | 3            | 5           | April 13          |
|                | <b>Skokomish</b> .....           | 189   | 107            | 35           | 10          | Oct. 27, 1934     |
|                | <b>Squaxon Island</b> .....      | 39    | 32             | 10           | 6           | April 6, 1935     |
|                | Tulalip Agency:                  |       |                |              |             |                   |
|                | Lummi .....                      | 667   | 287            | 72           | 110         | March 30          |
|                | <b>Muckleshoot</b> .....         | 200   | 97             | 59           | 7           | April 13          |
|                | * <b>Port Gamble</b> .....       |       |                |              |             |                   |
|                | <b>Port Madison</b> .....        | 171   | 110            | 30           | 0           | April 6           |
|                | <b>Puyallup</b> .....            | 328   | 190            | 34           | 36          | April 13          |
|                | <b>Swinomish</b> .....           | 273   | 123            | 122          | 1           | Nov. 17, 1934     |
|                | <b>Tulalip</b> .....             | 663   | 215            | 143          | 68          | April 6, 1935     |

| STATE            | RESERVATION               | POP.  | VOTING<br>POP. | TOTAL<br>YES | VOTES<br>NO | ELECTION<br>DATES |
|------------------|---------------------------|-------|----------------|--------------|-------------|-------------------|
|                  | Clallam .....             | 738   |                |              |             |                   |
|                  | Nooksak .....             | 235   | 135            | 53           | 13          | March 30          |
|                  | Skagit-Suiattle .....     | 205   | 123            | 74           | 3           | April 6           |
|                  | Yakima Agency:            |       |                |              |             |                   |
|                  | Yakima .....              | 2,942 | 1,392          | 361          | 773         | April 20          |
| <b>WISCONSIN</b> |                           |       |                |              |             |                   |
|                  | Great Lakes Agency:       |       |                |              |             |                   |
|                  | Bad River .....           | 1,211 | 697            | 296          | 47          | Nov. 17, 1934     |
|                  | Lac Courte Oreille .....  | 1,559 | 871            | 205          | 175         | Dec. 15           |
|                  | Red Cliff .....           | 506   | 360            | 122          | 7           | Dec. 15           |
|                  | *Sokaogon .....           |       |                |              |             |                   |
|                  | Potawatomi .....          | 388   | 51             | 31           | 3           | June 15, 1935     |
|                  | *St. Croix .....          |       |                |              |             |                   |
|                  | Lac du Flambeau .....     | 853   | 492            | 162          | 57          | June 15           |
|                  | Menominee Agency:         |       |                |              |             |                   |
|                  | Menominee .....           | 2,077 | 1,020          | 596          | 15          | Oct. 27, 1934     |
|                  | Tamah Agency:             |       |                |              |             |                   |
|                  | Oneida .....              | 3,128 | 1,844          | 688          | 126         | Dec. 15           |
|                  | Stockbridge .....         | 600   | 226            | 166          | 1           | Dec. 15           |
| <b>WYOMING</b>   |                           |       |                |              |             |                   |
|                  | Wind River Agency:        |       |                |              |             |                   |
|                  | Shoshone & Arapahoe ..... | 2,196 | 1,032          | 339          | 469         | June 15, 1935     |



**Table B**

Indian Tribes, Bands and Communities  
under Constitutions and Charters  
as Approved by the  
Secretary of the Interior  
in accordance with the  
Indian Reorganization Act  
Oklahoma Indian Welfare Act  
Alaska Reorganization Act

Revised October 10, 1946

*Write 11/15/38 - Carl Sed - Vigilant  
 off 1/15/38 - Dec 14/38  
 April 23, 1938  
 K M Pueblo  
 11-2-38*

**TRIBES ORGANIZED UNDER THE INDIAN REORGANIZATION ACT**

The following list shows Indian tribes, grouped by agencies, which are under Constitutions and Charters, as approved by the Secretary of the Interior in accordance with the provisions of the Indian Reorganization Act, the Oklahoma Indian Welfare Act, and the Alaska Act. The listed dates show when the Constitutions and Charters went into effect. This listing also indicates which documents have been amended and the dates of amendment. Population figures, except for Alaska, are taken from Statistical Supplement for 1940.

| Agency and Reservation | Official Name of Organization  | Constitution Approved                                     | Charter Ratified               | Population |
|------------------------|--|---|--------------------------------|------------|
| Blackfeet              | The Blackfeet Tribe of the Blackfeet Indian Reservation, Montana                           | Dec. 13, 1935<br>Amend. 1, Jan. 18, 1946                  | Aug. 15, 1936                  | 4,494      |
| Carson                 |  |   |                                |            |
| Duckwater              | The Duckwater Tribe of Indians of the Duckwater Reservation, Nevada                        | Nov. 28, 1940<br>Amend. 1, June 6, 1944                   | Nov. 30, 1940                  | 115        |
| Fort McDermitt         | The Fort McDermitt Paiute and Shoshone Tribe, Nevada                                       | July 2, 1936  | Nov. 21, 1936                  | 280        |
| Pyramid Lake           | The Pyramid Lake Paiute Tribe, Nevada  | Amend. 1, June 20, 1945                                   | Nov. 21, 1936                  | 558        |
| Reno-Sparks            | The Reno-Sparks Indian Colony, Nevada  | Jan. 15, 1936   | Nov. 21, 1936                  | 191        |
| Walker River           | The Walker River Paiute Tribe, Nevada  | Jan. 15, 1936<br>Mar. 26, 1937<br>Amend. 1, July 12, 1945 | Jan. 7, 1938<br>May 8, 1937    | 461        |
| Washoe (Dresslerville) | The Washoe Tribe, Nevada   | Jan. 24, 1936   | Feb. 27, 1937                  | 162        |
| Yerington              | The Yerington Paiute Tribe, Nevada   | Amend. June 25, 1939                                      | Amend. June 25, 1939           | 84         |
| Yomba                  | The Yomba Shoshone Tribe, Nevada   | Jan. 4, 1937<br>Dec. 20, 1939                             | Apr. 10, 1937<br>Dec. 22, 1939 | 96         |
| Cherokee (N. C.)       |  |   |                                |            |
| Catawba                | The Catawba Tribe of Indians South Carolina  | June 30, 1944   |                                |            |
| Cheyenne River         |  |   |                                |            |
| Cheyenne River         | The Cheyenne River Sioux Tribe, South Dakota   | Dec. 27, 1935   |                                | 3,583      |
| Choctaw                |  |   |                                |            |
| Choctaw                | The Mississippi Band of Choctaw Indians  | May 22, 1945  |                                | 2,281      |
| Colorado River         |  |   |                                |            |
| Colorado River         | The Colorado River Indian Tribes of the Colorado River Reservation, Arizona and California | Aug. 13, 1937<br>Dec. 18, 1936                            |                                | 845<br>913 |

| Agency and Reservation                       | Official Name of Organization  | Constitution Approved   | Charter Ratified                       | Population |
|--|--|---|--|------------|
| Great Lakes:<br>Bad River                    | The Bad River Band of the Lake Superior Tribe of Chippewa Indians, Wisconsin   | June 20, 1936<br>Amended Dec. 1, 1942<br>Amend. II, Oct. 31, 1944               | May 21, 1938                           | 1,259      |
| Boy Mills                                    | The Boy Mills Indian Community, Michigan   | Nov. 4, 1936<br>Amended Nov. 27, 1937   | Nov. 27, 1937                          | 190        |
| Hannahville                                  | The Hannahville Indian Community, Michigan   | July 23, 1936   | Aug. 21, 1937                          | 108        |
| L'Anse<br>Lac du Flam-<br>beau               | The Keweenaw Bay Indian Community, Michigan<br>The Lac du Flambeau Band of the Lake Superior Chippewa Indians of Wisconsin | Dec. 17, 1936   | July 17, 1937                          | 939        |
| Mole Lake<br>Potawatomi                      | The Sokaogon Chippewa Community, Wisconsin<br>The Forest County Potawatomi Community, Wis-consin                           | Aug. 15, 1936<br>Amendment I & III<br>June 25, 1943<br>Amend. II, Oct. 23, 1944 | May 8, 1937<br>Amended Nov. 8, 1941    | 882        |
| Red Cliff                                    | The Red Cliff Band of Lake Superior Chippewa Indians, Wisconsin  | Nov. 9, 1938  | Oct. 7, 1939                           | 187        |
| St. Croix                                    | St. Croix Chippewa Indian of Wisconsin   | Feb. 6, 1937  | Oct. 30, 1937                          | 310        |
| Hoopla Valley:<br>Quartz Valley<br>Hopi:     | The Quartz Valley Indian Community, California<br>The Hopi Tribe, Arizona  | June 1, 1936<br>Nov. 12, 1942   | Oct. 24, 1936<br>Amended Nov. 12, 1938 | 643        |
| Jicarilla:<br>Kiowa (See Okla-<br>homa):     | The Jicarilla Apache Tribe of New Mexico   | Dec. 19, 1936   | Mar. 12, 1940                          | 29         |
| Mescalero:<br>Mescalero                      | The Apache-Coushatta Tribes of Texas   | Aug. 4, 1937  | Sept. 4, 1937                          | 3,444      |
| Northern Idaho:<br>Kalispel                  | The Apache Tribe of the Mescalero Reservation, New Mexico  | Aug. 19, 1938   | Oct. 17, 1939                          | 743        |
| Papago:<br>Gila Bend<br>Papago<br>San Xavier | The Kalispel Indian Community of the Kalispel Reservation, Washington<br>The Papago Tribe, Arizona                         | Mar. 25, 1936<br>Mar. 24, 1938  | Aug. 1, 1936<br>May 28, 1938           | 790<br>100 |
|  |  | Jan. 6, 1937  |  | 6,217      |

*July 27, 1937*  
*Kings*

| Agency and Reservation   | Official Name of Organization  | Constitution Approved   | Charter Ratified | Population |
|--|--|---|------------------|------------|
| Consolidated Chippewa:<br>White Earth<br>Locch Lake<br>Fond du Lac<br>Bais Fort<br>Grand Portage | The Minnesota Chippewa Tribe   | July 24, 1936   | Nov. 13, 1937    | 13,610     |
| Consolidated Ute:<br>Southern Ute  | The Southern Ute Tribe of the Southern Ute Reservation, Colorado                 | Nov. 4, 1936<br>Amend. I, Oct. 15, 1942<br>Amend. II, Feb. 28, 1946 | Nov. 1, 1938     | 423        |
| Ute Mountain   | The Ute Mountain Tribe of the Ute Mountain Reservation, Colorado                 | June 6, 1940  |                  | 459        |
| Crow Creek:<br>Lower Brule   | The Lower Brule Sioux Tribe, South Dakota  | Nov. 27, 1935<br>Amended Jan. 6, 1941                               | July 11, 1936    | 619        |
| Flandreau:<br>Flandreau  | The Flandreau Santee Sioux Tribe, South Dakota                                   | Apr. 2, 1936<br>Amended Jan. 6, 1941                                | Oct. 31, 1936    | 355        |
| Flathead:<br>Flathead  | The Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana | Oct. 28, 1935   | Apr. 25, 1936    | 3,208      |
| Fort Apache:<br>Fort Apache  | The White Mountain Apache Tribe, Arizona   | Aug. 25, 1938   |                  | 2,892      |
| Fort Belknap:<br>Fort Belknap  | The Fort Belknap Indian Community, Montana                                       | Dec 13, 1935<br>Amended Feb. 7, 1944                                | Aug. 25, 1937    | 1,600      |
| Fort Berthold:<br>Fort Berthold  | The Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota       | June 29, 1936   | Apr. 24, 1937    | 1,791      |
| Fort Hall:<br>Fort Hall  | The Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho                  | Apr. 30, 1936   | Apr. 17, 1937    | 1,881      |
| Grande Ronde:<br>Siletz:<br>Grande Ronde   | The Confederated Tribes of the Grand Ronde Community, Oregon                     | May 13, 1936  | Aug. 22, 1936    | 473        |

| Agency and Reservation | Official Name of Organization   | Constitution Approved                 | Charter Ratified | Population |
|------------------------|---|---------------------------------------|------------------|------------|
| Pima:                  |   |                                       |                  |            |
| Fort McDowell          | The Fort McDowell Mohave-Apache Community, Arizona                            | Nov. 24, 1936                         | June 6, 1938     | 193        |
| Gila River             | The Gila River Pima-Maricopa Indian Community, Arizona                        | May 14, 1936                          | Feb. 28, 1938    | 4,865      |
| Salt River             | The Salt River Pima-Maricopa Community of the Salt River Reservation, Arizona | June 11, 1940                         |                  | 1,172      |
| Pine Ridge:            |   |                                       |                  |            |
| Pine Ridge             | The Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota            | Jan. 15, 1936                         |                  | 9,204      |
| Pipestone School:      |   |                                       |                  |            |
| Lower Sioux            | The Lower Sioux Indian Community in the State of Minnesota                    | June 11, 1936                         | July 17, 1937    | 192        |
| Prairie Island         | The Prairie Island Indian Community in the State of Minnesota                 | June 20, 1936                         | July 23, 1937    | 94         |
| Potawatomi:            |   |                                       |                  |            |
| Iowa                   | The Iowa Tribe in Nebraska and Kansas   | Feb. 26, 1937                         | June 19, 1937    | 539        |
| Kickapoo               | The Kickapoo Tribe in Kansas  | Feb. 26, 1937                         | June 19, 1937    | 343        |
| Sac and Fox            | The Sac and Fox Tribe of Missouri   | Mar. 2, 1937                          | June 19, 1937    | 129        |
|                        |   | Amended Nov. 25, 1943                 |                  |            |
| Rocky Boy's:           |   |                                       |                  |            |
| Rocky Boy's            | The Chippewa Cree Tribe of the Rocky Boy's Reservation, Montana               | Nov. 23, 1935                         | July 25, 1936    | 742        |
| Rosebud:               |   |                                       |                  |            |
| Rosebud                | The Rosebud Sioux Tribe, South Dakota   | Dec. 20, 1935                         | Mar. 16, 1937    | 6,909      |
| San Carlos:            |   |                                       |                  |            |
| San Carlos             | The San Carlos Apache Tribe, Arizona  | Jan. 17, 1936                         | Oct. 16, 1940    | 3,103      |
| Sacramento:            |   |                                       |                  |            |
| Big Valley             | The Big Valley Band of Pomo Indians of the Big Valley Rancheria, California   | Jan. 15, 1936                         | Oct. 19, 1941    | 92         |
|                        |   | Amended May 13, 1940                  |                  |            |
| Colusa                 | The Cachil Dehe Band of Wintun Indians, California                            | Nov. 23, 1941                         | Nov. 23, 1941    | 72         |
| Fort Bidwell           | The Fort Bidwell Indian Community, California                                 | Jan. 28, 1936                         |                  | 117        |
|                        |   | Amended June 8, 1940 and Feb. 4, 1942 |                  |            |

| Agency and Reservation                     | Official Name of Organization   | Constitution Approved                                      | Charter Ratified               | Population   |
|--|---|--|--------------------------------|--------------|
| Sacramento (Cont'd)<br>Manchester          | The Manchester Band of Pomo Indians of the Manchester Rancheria, California   | Mar. 11, 1936<br>Amended May 18, 1940                      | Feb. 27, 1937                  | 92           |
| Round Valley<br>Stewart's Point            | The Covelo Indian Community, California<br>The Kashia Band of Pomo Indians of the Stewart's Point Rancheria, California   | Dec. 16, 1936<br>Mar. 11, 1936<br>Amended May 19, 1940     | Nov. 6, 1937                   | 848<br>140   |
| Tuolumne                                   | The Tuolumne of Me-wuk Indians of the Tuolumne Rancheria, California  | Jan. 15, 1936<br>Amended May 25, 1940                      | Nov. 12, 1937                  | 80           |
| Tule River                                 | The Tule River Indian Tribe, California   | Jan. 15, 1936<br>Amended May 24, 1940                      |                                | 201          |
| Upper Lake                                 | The Upper Lake Band of Pomo Indians of the Upper Lake Rancheria, California<br>(Name changed by amendment Oct. 22, 1941, to The Upper Lake Pomo Indian Community) | Jan. 15, 1936<br>Amended May 16, 1940<br>and Oct. 22, 1941 | Feb. 15, 1942                  | 72           |
| Wilton                                     | The Me-wuk Indian Community of the Wilton Rancheria, California   | Jan. 15, 1936<br>Amended May 21, 1940                      |                                | 28           |
| Taholah:<br>Makah<br>Nisqually<br>Quileute | The Makah Indian Tribe, Washington<br>The Nisqually Indian Community, Washington<br>The Quileute Tribe of the Quileute Reservation, Washington                    | May 16, 1936<br>Sept. 19, 1946                             | Feb. 27, 1937                  | 425<br>60    |
| Skokomish                                  | The Skokomish Indian Tribe of the Skokomish Reservation, Washington   | Nov. 11, 1936<br>May 3, 1938                               | Aug. 21, 1937<br>July 22, 1939 | 287<br>221   |
| Tomah:<br>Isabella<br>Oneida               | The Saginaw Chippewa Indian Tribe of Michigan<br>The Oneida Tribe of Indians of Wisconsin   | May 6, 1937<br>Dec. 21, 1936<br>Amended June 3, 1939       | Aug. 28, 1937<br>May 1, 1937   | 434<br>3,351 |
| Sac & Fox<br>Stockbridge                   | The Sac and Fox Tribe of the Mississippi in Iowa<br>The Stockbridge-Munsee Community, Wisconsin   | Dec. 20, 1937<br>Oct. 30, 1937                             | May 21, 1938                   | 473<br>460   |
| Tongue River:<br>Tongue River              | The Northern Cheyenne Tribe, Montana  | Nov. 23, 1935  | Nov. 7, 1936                   | 1,618        |
| Truxton Canon:<br>Camp Verde<br>Havasupai  | The Yavapai-Apache Indian Community, Arizona<br>The Havasupai Tribe of the Havasupai Reservation, Arizona   | Feb. 12, 1937<br>Mar. 27, 1939                             | Oct. 5, 1946                   | 467<br>213   |

| Agency and Reservation        | Official Name of Organization   | Constitution Approved                  | Charter Ratified                       | Population |
|-------------------------------|---|--|--|------------|
| Hualapai (Walapai)            | The Hualapai Tribe of the Hualapai Reservation, Arizona               | Dec. 17, 1938<br>Apr. 17, 1942         | June 5, 1943<br>May 3, 1942            | 462<br>172 |
| Micapa                        | The Micapa Band of Paiute Indians                                     |  |  |            |
| Tulalip:                      |   |  |  |            |
| Muckleshoot                   | The Muckleshoot Indian Tribe, Washington                              | May 13, 1936                           | Oct. 31, 1936                          | 228        |
| Port Gamble                   | The Port Gamble Indian Community, Washington                          | Sept. 7, 1939                          | Apr. 5, 1941                           | 192        |
| Puyallup                      | The Puyallup Tribe, Washington  | May 13, 1936                           |  | 319        |
| Swinomish                     | The Swinomish Indian Tribal Community, Washington                     | Jan. 27, 1936<br>Jan. 24, 1936         | July 25, 1936<br>Oct. 3, 1936          | 314<br>676 |
| Tulalip                       | The Tulalip Tribes, Washington  | Amended Mar. 8, 1941                   |  |            |
| Uintah & Ouray:               |   |  |  |            |
| Kanosh                        | The Kanosh Band of Paiute Indians                                     | Dec. 2, 1942                           | Aug. 15, 1943                          |            |
| Uintah & Ouray                | The Ute Indian Tribe of the Uintah and Ouray Reservation, Utah        | Jan. 19, 1937                          | Aug. 10, 1938                          | 1,347      |
| Shivwits                      | The Shivwits Band of Paiute Indians of the Shivwits Reservation, Utah | Mar. 21, 1940                          | Aug. 30, 1941                          | 97         |
| United Pueblos: Santa Clara   | The Pueblo of Santa Clara, New Mexico                                 | Dec. 20, 1935<br>Amended Dec. 19, 1939 |  | 485        |
| Warm Springs:                 |   |  |  |            |
| Warm Springs                  | The Confederated Tribes of the Warm Springs Reservation, Oregon       | Feb. 14, 1938<br>Amended Dec. 19, 1941 | Apr. 23, 1938<br>Amended Dec. 19, 1941 | 778        |
| Western Shoshone: Duck Valley | The Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada     | Apr. 20, 1936                          | Aug. 22, 1936                          | 554        |
| Elko                          | The Te-Moak Bands of Western Shoshone Indians of Nevada               | Aug. 24, 1938                          | Dec. 12, 1938                          | 80         |
| Goshute                       | The Confederated Tribes of the Goshute Reservation in Utah            | Nov. 25, 1940                          | Mar. 29, 1941                          | 155        |
| Winnebago:                    |   |  |  |            |
| Omaha                         | The Omaha Tribe of Nebraska   | Mar. 30, 1936                          | Aug. 22, 1936                          | 1,713      |
| Ponca                         | The Ponca Tribe of Native Americans, Nebraska                         | Apr. 3, 1936                           | Aug. 15, 1936                          | 384        |
| Santee                        | The Santee Sioux Tribe of Nebraska                                    | Apr. 3, 1936                           | Aug. 22, 1936                          | 1,197      |
| Winnebago                     | The Winnebago Tribe of Nebraska                                       | Apr. 3, 1936                           | Aug. 15, 1936                          | 1,268      |
| TOTAL                         |   |  |  | 105,216    |



## OKLAHOMA TRIBES

| Agency and Tribe    | Official Name of Organization                      | Constitution Ratified                 | Charter Ratified | Population |
|---------------------|--|---------------------------------------|------------------|------------|
| Cheyenne & Arapaho: | The Cheyenne-Arapaho Tribes of Oklahoma            | Aug. 25, 1937<br>Amended Feb. 4, 1942 |                  | 2,949      |
| Cheyenne-Arapaho    |  |                                       |                  |            |
| Five Tribes:        | The Alabama-Quassarte Tribal Town                  | Jan. 10, 1939                         | May 24, 1939     | 150        |
| Creek               | The Kiagee Tribal Town                             | June 12, 1941                         | Sept. 17, 1942   | 250        |
| Creek               | The Thlopthlecco Tribal Town                       | Dec. 27, 1938                         | Apr. 13, 1939    | 380        |
| Creek               |  |                                       |                  |            |
| Kiowa:              | The Caddo Indian Tribe of Oklahoma                 | Jan. 17, 1938                         | Nov. 15, 1938    | 1,048      |
| Caddo               |  | Amend. I, Jan. 11, 1944               |                  |            |
| Pawnee:             | The Pawnee Indians of Oklahoma                     | Jan. 6, 1938                          | Apr. 28, 1938    | 1,017      |
| Tonkawa             | The Tonkawa Tribe of Indians of Oklahoma           | Apr. 21, 1938                         |                  | 54         |
| Quapaw:             |  |                                       |                  |            |
| Eastern Shawnee     | The Eastern Shawnee Tribe of Indians, Oklahoma     | Dec. 22, 1939                         | Dec. 12, 1940    | 299        |
| Miami               | The Miami Tribe of Oklahoma                        | Oct. 10, 1939                         | June 1, 1940     | 299        |
| Ottawa              | The Ottawa Tribe of Oklahoma                       | Nov. 30, 1938                         | June 2, 1939     | 438        |
| Peoria              | The Peoria Tribe of Indians of Oklahoma            | Oct. 10, 1939                         | June 1, 1940     | 393        |
| Seneca              | The Seneca-Cayuga Tribe of Oklahoma                | May 15, 1937                          | June 26, 1937    | 288        |
| Wyandotte           | The Wyandotte Tribe of Oklahoma                    | July 24, 1937                         | Oct. 30, 1937    | 800        |
| Shawnee:            |  |                                       |                  |            |
| Iowa                | The Iowa Tribe of Oklahoma                         | Oct. 23, 1937                         | Feb. 5, 1938     | 110        |
| Kickapoo            | The Kickapoo Tribe of Oklahoma                     | Sept. 18, 1937                        | Jan. 18, 1938    | 269        |
| Potawatomi          | The Citizen Band of Potawatomi Indians of Oklahoma | Dec. 12, 1938                         |                  | 2,920      |
| Sac & Fox           | The Sac and Fox Tribe of Indians of Oklahoma       | Dec. 7, 1937                          |                  | 910        |
| Shawnee             | The Absentee-Shawnee Tribe of Indians of Oklahoma  | Dec. 5, 1938                          |                  | 667        |
|                     |  |                                       | TOTAL            | 13,241     |

## ALASKA NATIVE COMMUNITIES AND COOPERATIVES

| Alaska Community | Official Name of Organization                  | Constitution Ratified | Charter Ratified | Population |
|------------------|--|-----------------------|------------------|------------|
| Angoon           | The Angoon Community Association               | Nov. 15, 1939         | Nov. 15, 1939    | 347        |
| Atka             | The Native Village of Atka                     | May 23, 1939          | May 23, 1939     | 91         |
| Barrow           | The Native Village of Barrow                   | Mar. 21, 1940         | Mar. 21, 1940    | 386        |
| Chanega          | The Native Village of Chanega                  | Feb. 3, 1940          | Feb. 3, 1940     | 100        |
| Chilkat          | See Klukwan                                    |                       |                  |            |
| Craig            |  |                       |                  |            |
|                  | The Craig Community Association of Craig,      |                       |                  |            |
|                  | Alaska   |                       |                  |            |
| Deering          | The Native Village of Deering                  | Oct. 8, 1938          | Oct. 8, 1938     | 201        |
| Diomedes         | The Native Village of Diomedes                 | Oct. 26, 1945         | Oct. 26, 1945    | 177        |
| Douglas          | The Douglas Indian Association                 | Jan. 31, 1940         | Jan. 31, 1940    | 126        |
| Elim             | The Native Village of Elim                     | Nov. 24, 1941         | Nov. 24, 1941    | 232        |
|                  |  | Nov. 24, 1939         | Nov. 24, 1939    | 98         |
| Fort Yukon       | The Native Village of Fort Yukon               | Jan. 2, 1940          | Jan. 2, 1940     | 320        |
| Gambell          | The Native Village of Gambell                  | Dec. 31, 1939         | Dec. 31, 1939    | 290        |
| Haines           | The Chilkoot Indian Association                | Dec. 5, 1941          | Dec. 5, 1941     | 106        |
| Hoonah           | The Hoonah Indian Association                  | Oct. 23, 1939         | Oct. 23, 1939    | 590        |
| Hydaburg         | The Hydaburg Cooperative Association of Alaska | Apr. 14, 1938         | Apr. 14, 1938    | 329        |
| Kanatak          | The Native Village of Kanatak                  | Mar. 1, 1940          | Mar. 1, 1940     | 60         |
| Karluk           | The Native Village of Karluk                   | Aug. 23, 1939         | Aug. 23, 1939    | 192        |
| Kasaan           | The Organized Village of Kasaan                | Oct. 15, 1938         | Oct. 15, 1938    | 83         |
| Ketchikan        | The Ketchikan Indian Corporation               | Jan. 27, 1940         | Jan. 27, 1940    | 787        |
| King Island      | The King Island Native Community               | Jan. 31, 1939         | Jan. 31, 1939    | 192        |
| Kivalina         | The Native Village of Kivalina                 | Feb. 7, 1940          | Feb. 7, 1940     | 144        |
| Klawock          | The Klawock Cooperative Association of Alaska  | Oct. 4, 1938          | Oct. 4, 1938     | 277        |
| Klukwan          | The Chilkat Indian Village                     | Mar. 27, 1941         | Mar. 27, 1941    | 115        |
| Kwethluk         | The Native Village of Kwethluk                 | Jan. 11, 1940         | Jan. 11, 1940    | 172        |
| Mekoryuk         | The Native Village of Mekoryuk                 | Aug. 24, 1940         | Aug. 24, 1940    | 133        |
| Mettlakotla      | The Metlakotla Indian Community                | Dec. 19, 1944         | Dec. 19, 1944    | 700        |
| Minto            | The Native Village of Minto                    | Dec. 30, 1939         | Dec. 30, 1939    | 128        |
| Napakiaik        | The Native Village of Napakiaik                | July 29, 1946         | July 29, 1946    | 121        |
| Nikolski         | The Native Village of Nikolski                 | June 12, 1939         | June 12, 1939    | 87         |
| Noatak           | The Native Village of Noatak                   | Dec. 28, 1939         | Dec. 28, 1939    | 350        |
| Name             | The Nome Eskimo Community                      | Nov. 23, 1939         | Nov. 23, 1939    | 508        |
| Noorvik          | The Noorvik Native Community                   | Dec. 27, 1939         | Dec. 27, 1939    | 221        |
| Nunapitchuk      | The Native Village of Nunapitchuk              | Jan. 2, 1940          | Jan. 2, 1940     | 140        |
| Point Hope       | The Native Village of Point Hope               | Feb. 29, 1940         | Feb. 29, 1940    | 247        |
| Point Lay        | The Native Village of Point Lay                | Mar. 22, 1946         | Mar. 22, 1946    | 90         |
| Saxman           | The Native Village of Saxman                   | Jan. 14, 1941         | Jan. 14, 1941    | 99         |

| Alaska Community | Official Name of Organization             | Constitution Ratified | Charter Ratified | Population   |
|------------------|---|-----------------------|------------------|--------------|
| Selawik          | The Native Village of Selawik             | Mar. 15, 1940         | Mar. 15, 1940    | 290          |
| Shaktoolik       | The Native Village of Shaktoolik          | Jan. 27, 1940         | Jan. 27, 1940    | 122          |
| Shishmaref       | The Native Village of Shishmaref          | Aug. 2, 1939          | Aug. 2, 1939     | 235          |
| Shungnak         | The Native Village of Shungnak            | July 24, 1946         | July 24, 1946    |              |
| Sitka            | The Sitka Community Association of Alaska | Oct. 11, 1938         | Oct. 11, 1938    | 620          |
| Stebbins         | The Stebbins Community Association        | Dec. 5, 1939          | Dec. 5, 1939     | 104          |
| Stevens          | The Native Village of Stevens             | Dec. 30, 1939         | Dec. 30, 1939    | 92           |
| Tanacross        | The Native Village of Tanacross           | Jan. 5, 1942          | Jan. 5, 1942     | 109          |
| Tetlin           | The Native Village of Tetlin              | Mar. 26, 1940         | Mar. 26, 1940    | 81           |
| Tyonek           | The Native Village of Tyonek              | Nov. 27, 1939         | Nov. 27, 1939    | 101          |
| Unalakleet       | The Native Village of Unalakleet          | Dec. 30, 1939         | Dec. 30, 1939    | 307          |
| Venette          | The Native Village of Venette             | Jan. 25, 1940         | Jan. 25, 1940    | 86           |
| Wales            | The Native Village of Wales               | July 29, 1939         | July 29, 1939    | 189          |
| White Mountain   | The Native Village of White Mountain      | Nov. 25, 1939         | Nov. 25, 1939    | 174          |
|                  |   |                       |                  | TOTAL 10,899 |

This list is subject to change. A number of the tribes which have accepted the act have not yet adopted constitutions or charters. Any Oklahoma tribe or Alaskan village may organize at any time.

**Table C**

Indian Tribes and Bands which accepted  
the Indian Reorganization Act  
but which operate under  
Constitutions adopted prior  
to the passage of the I. R. A.

Indian Tribes and Bands which accepted the Indian Reorganization Act but which operate under Constitutions adopted prior to the passage of the I. R. A.

| Agency and Reservation | Official Name of Organization   | Constitution Adopted  | Population |
|------------------------|---|---|------------|
| Cherokee:              |   |   |            |
| Cherokee               | The Cherokee Tribe of North Carolina, State Charter                               | March 8, 1897<br>Amended April 1, 1931<br>Amended March 6, 1933 | 3,795      |
| Menominee:             |   |   |            |
| Menominee              | The Menominee Indians of the Menominee Agency, Wisconsin                          | Feb. 11, 1928<br>Amended  | 2,551      |
| Red Lake:              |   |   |            |
| Red Lake               | The Red Lake Band of Chippewa Indians, Minnesota (I. R. A. Constitution pending.) | April 13, 1918  | 2,484      |
| Standing Rock:         |   |   |            |
| Standing Rock          | The Standing Rock Sioux Tribe, North Dakota                                       | June 25, 1914<br>Amended  | 4,324      |
|                        | <i>Standing Rock Sioux Tribe of North Dakota</i>                                  | <i>June 16, 1932</i>  | 13,154     |

**Table D**

Indian Tribes, Bands and Communities  
not under  
the Indian Reorganization Act  
which operate under Constitutions

List of Indian Tribes not under the Indian Reorganization Act  
which operate under Constitutions

| Agency and Reservation    | Official Name of Organization  | Constitution Adopted   | Population |
|---------------------------|--|--|------------|
| Colville                  | The Confederated Tribes of the Colville Reservation, Washington                      | Feb. 26, 1938  | 3,505      |
| Hoopa Valley:             |  |  |            |
| Hoopa                     | The Hoopa Tribe of the Hoopa Reservation, California                                 | Nov. 20, 1933  | 636        |
| Fort Peck:                |  |  |            |
| Fort Peck                 | The Fort Peck Indians of the Fort Peck Indian Reservation, Montana                   | Indefinite   | 3,116      |
| Fort Totten:              |  |  |            |
| Fort Totten               | The Devils Lake Sioux Tribe, North Dakota  | April 14, 1944   | 1,142      |
| Grand Ronde-Siletz:       |  |  |            |
| Siletz                    | The Siletz Business Council, Oregon  | June 30, 1933  | 516        |
| Klamath:                  |  |  |            |
| Klamath                   | The Klamaths, Modoc, and Yahoskin Band of Snake Indians, Klamath Reservation, Oregon | Dec. 23, 1929,<br>Amended Mar. 30, 1936  | 1,547      |
| Mission:                  |  |  |            |
| Palm Springs              | The Agua Caliente Band of Mission Indians, California                                | June 2, 1939   | 58         |
| Navajo:                   |  |  |            |
| Navajo                    | The Navajo Tribe of Indians of the Navajo Reservation, Arizona and New Mexico        | July 26, 1938<br>Amended   | 55,458     |
| New York:                 |  |  |            |
| Seneca                    | The Seneca Nation of Indians of the Allegheny Reservation, New York                  | 1848, Revised<br>Oct. 22, 1868<br>Jan. 13, 1893<br>Nov. 15, 1898<br><i>repealed, 11/18</i> | 2,879      |
| <i>Ne. P. Reservation</i> |  |  |            |
| Sisseton:                 |  |  |            |
| Sisseton-Wahpeton         | The Sisseton-Wahpeton Sioux Tribe, South Dakota                                      | Oct. 16, 1946  | 3,177      |
| Taholah:                  |  |  |            |
| Chehalis                  | The Confederated Tribes of the Chehalis Reservation, Washington                      | Aug. 22, 1939  | 27         |
| Turtle Mountain:          |  |  |            |
| Turtle Mountain           | The Turtle Mountain Band of Chippewa Indians, North Dakota                           | Oct. 8, 1932   | 7,439      |
| Wind River:               |  |  |            |
| Wind River                | The Shoshone and Arapahoe Indians of the Wind River Reservation, Wyo-<br>ming.       | 1930   | 2,697      |
|                           |  |  | 82,197     |



**THE INDIAN REORGANIZATION ACT**  
**(Public—NO. 383—73D CONGRESS)**  
**(S. 3645)**  
**AN ACT**

To conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes.

**Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,** That hereafter no land of any Indian reservation, created or set apart by treaty or agreement with the Indians, Act of Congress, Executive order, purchase, or otherwise, shall be allotted in severalty to any Indian.

**SECTION 2.** The existing periods of trust placed upon any Indian lands and any restriction on alienation thereof are hereby extended and continued until otherwise directed by Congress.

**SECTION 3.** The Secretary of the Interior, if he shall find it to be in the public interest, is hereby authorized to restore to tribal ownership the remaining surplus lands of any Indian reservation heretofore opened, or authorized to be opened, to sale, or any other form of disposal by Presidential proclamation, or by any of the public-land laws of the United States: **Provided, however,** That valid rights or claims of any persons to any lands so withdrawn existing on the date of the withdrawal shall not be affected by this Act: **Provided further,** That this section shall not apply to lands within any reclamation project heretofore authorized in any Indian reservation: **Provided further,** That the order of the Department of the Interior signed, dated, and approved by Honorable Ray Lyman Wilbur, as Secretary of the Interior, on October 28, 1932, temporarily withdrawing lands of the Papago Indian Reservation in Arizona from all forms of mineral entry or claim under the public land mining laws, is hereby revoked and rescinded, and the lands of the said Papago Indian Reservation are hereby restored to exploration and location, under the existing mining laws of the United States, in accordance with the express terms and provisions declared and set forth in the Executive orders establishing said Papago Indian Reservation: **Provided further,** That damages shall be paid to the Papago Tribe for loss of any improvements on any land located for mining in such a sum as may be determined by the Secretary of the Interior but not to exceed the cost of said improvements: **Provided further,** That a yearly rental not to exceed five cents per acre shall be paid to the Papago Tribe for loss of the use or occupancy of any land withdrawn by the requirements of mining operations, and payments derived from damages or rentals shall be deposited in the Treasury of the United States to the credit

of the Papago Tribe: **Provided further,** That in the event any person or persons, partnership, corporation, or association, desires a mineral patent, according to the mining laws of the United States, he or they shall first deposit in the Treasury of the United States to the credit of the Papago Tribe the sum of \$1.00 per acre in lieu of annual rental, as hereinbefore provided, to compensate for the loss or occupancy of the lands withdrawn by the requirements of mining operations: **Provided further,** That patentee shall also pay into the Treasury of the United States to the credit of the Papago Tribe damages for the loss of improvements not heretofore paid in such a sum as may be determined by the Secretary of the Interior, but not to exceed the cost thereof; the payment of \$1.00 per acre for surface use to be refunded to patentee in the event that patent is not acquired.

Nothing herein contained shall restrict the granting or use of permits for easements or rights-of-way; or ingress or egress over the lands for all proper and lawful purposes; and nothing contained herein, except as expressly provided, shall be construed as authority for the Secretary of the Interior, or any other person, to issue or promulgate a rule or regulation in conflict with the Executive order of February 1, 1917, creating the Papago Indian Reservation in Arizona or the Act of February 21, 1931 (46 Stat. 1202).

SECTION 4. Except as herein provided, no sale, devise, gift, exchange or other transfer of restricted Indian lands or of shares in the assets of any Indian tribe or corporation organized hereunder, shall be made or approved: **Provided, however,** That such lands or interests may, with the approval of the Secretary of the Interior, be sold, devised, or otherwise transferred to the Indian tribe in which the lands or shares are located or from which the shares were derived or to a successor corporation; and in all instances such lands or interests shall descend or be devised, in accordance with the then existing laws of the State, or Federal laws where applicable; in which said lands are located or in which the subject matter of the corporation is located, to any member of such tribe or of such corporation or any heirs of such member: **Provided further,** That the Secretary of the Interior may authorize voluntary exchanges of lands of equal value and the voluntary exchange of shares of equal value whenever such exchange, in his judgment, is expedient and beneficial for or compatible with the proper consolidation of Indian lands and for the benefit of cooperative organizations.

SECTION 5. The Secretary of the Interior is hereby authorized, in his discretion, to acquire through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments whether the allottee be living or deceased, for the purpose of providing land for Indians.

For the acquisition of such lands, interests in land, water rights, and

surface rights, and for expenses incident to such acquisition, there is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, a sum not to exceed \$2,000,000 in any one fiscal year: **Provided**, That no part of such funds shall be used to acquire additional land outside of the exterior boundaries of Navajo Indian Reservation for the Navajo Indians in Arizona and New Mexico, in the event that the proposed Navajo boundary extension measures now pending in Congress and embodied in the bills (S.2499 and H.R. 8927) to define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes, and the bills (S. 2531 and H.R. 8982) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico and for other purposes, or similar legislation, become law.

The unexpended balances of any appropriations made pursuant to this section shall remain available until expended.

Title to any lands or rights acquired pursuant to this Act shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from State and local taxation.

SECTION 6. The Secretary of the Interior is directed to make rules and regulations for the operation and management of Indian forestry units on the principle of sustained-yield management, to restrict the number of livestock grazed on Indian range units to the estimated carrying capacity of such ranges, and to promulgate such other rules and regulations as may be necessary to protect the range from deterioration, to prevent soil erosion, to assure full utilization of the range, and like purposes.

SECTION 7. The Secretary of the Interior is hereby authorized to proclaim new Indian reservations on lands acquired pursuant to any authority conferred by this Act, or to add such lands to existing reservations: **Provided**, That lands added to existing reservations shall be designated for the exclusive use of Indians entitled by enrollment or by tribal membership to residence at such reservations.

SECTION 8. Nothing contained in this Act shall be construed to relate to Indian holdings of allotments or homesteads upon the public domain outside of the geographic boundaries of any Indian reservation now existing or established hereafter.

SECTION 9. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary, but not to exceed \$250,000 in any fiscal year, to be expended at the order of the Secretary of the Interior, in defraying the expenses of organizing Indian chartered corporations or other organizations created under this Act.

SECTION 10. There is hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$10,000,-

000 to be established as a revolving fund from which the Secretary of the Interior, under such rules and regulations as he may prescribe, may make loans to Indian chartered corporations for the purpose of promoting the economic development of such tribes and of their members, and may defray the expenses of administering such loans. Repayment of amounts loaned under this authorization shall be credited to the revolving fund and shall be available for the purposes for which the fund is established. A report shall be made annually to Congress of transactions under this authorization.

SECTION 11. There is hereby authorized to be appropriated, out of any funds in the United States Treasury not otherwise appropriated, a sum not to exceed \$250,000 annually, together with any unexpended balances of previous appropriations made pursuant to this section, for loans to Indians for the payment of tuition and other expenses in recognized vocational and trade schools: **Provided**, That not more than \$50,000 of such sum shall be available for loans to Indian students in high schools and colleges. Such loans shall be reimbursable under rules established by the Commissioner of Indian Affairs.

SECTION 12. The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed, without regard to civil-service laws, to the various positions maintained, now or hereafter, by the Indian Office, in the administration of functions or services affecting any Indian tribe. Such qualified Indians shall hereafter have the preference to appointment to vacancies in any such positions.

SECTION 13. The provisions of this Act shall not apply to any of the Territories, colonies, or insular possessions of the United States, except that sections 9, 10, 11, 12, and 16, shall apply to the Territory of Alaska: **Provided**, That Sections 2, 4, 7, 16, 17, and 18 of this Act shall not apply to the following-named Indian tribes, the members of such Indian tribes, together with members of other tribes affiliated with such named tribes located in the State of Oklahoma, as follows: Cheyenne, Arapaho, Apache, Comanche, Kiowa, Caddo, Delaware, Wichita, Osage, Kaw, Otoe, Tonkawa, Pawnee, Ponca, Shawnee, Ottawa, Quapaw, Seneca, Wyandotte, Iowa, Sac and Fox, Kickapoo, Pottawatomi, Cherokee, Chickasaw, Choctaw, Creek, and Seminole. Section 4 of this Act shall not apply to the Indians of the Klamath Reservation in Oregon.

SECTION 14. The Secretary of the Interior is hereby directed to continue the allowance of the articles enumerated in section 17 of the Act of March 2, 1889 (23 Stat. L. 894), or their commuted cash value under the Act of June 10, 1896 (29 Stat. L. 334), to all Sioux Indians who would be eligible, but for the provisions of this Act, to receive allotments of lands in severalty under section 19 of the Act of May 29, 1908 (25 Stat. L. 451), or

under any prior Act, and who have the prescribed status of the head of a family or single person over the age of eighteen years, and his approval shall be final and conclusive, claims therefor to be paid as formerly from the permanent appropriation made by said section 17 and carried on the books of the Treasury for this purpose. No person shall receive in his own right more than one allowance of the benefits, and application must be made and approved during the lifetime of the allottee or the right shall lapse. Such benefits shall continue to be paid upon such reservation until such time as the lands available therein for allotment at the time of the passage of this Act would have been exhausted by the award to each person receiving such benefits of an allotment of eighty acres of such land.

SECTION 15. Nothing in this Act shall be construed to impair or prejudice any claim or suit of any Indian tribe against the United States. It is hereby declared to be the intent of Congress that no expenditures for the benefit of Indians made out of appropriations authorized by this Act shall be considered as offsets in any suit brought to recover upon any claim of such Indians against the United States.

SECTION 16. 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 bylaws, which shall become effective when ratified by a majority vote of the adult members of the tribe, or of the adult Indians residing on such reservation, as the case may be, at a special election authorized and called by the Secretary of the Interior under such rules and regulations as he may prescribe. Such constitution and bylaws when ratified as aforesaid and approved by the Secretary of the Interior shall be revocable by an election open to the same voters and conducted in the same manner as hereinabove provided. Amendments to the constitution and bylaws may be ratified and approved by the Secretary in the same manner as the original constitution and bylaws.

In addition to all powers vested in any Indian tribe or tribal council by existing law, the constitution adopted by said tribe shall also vest in such tribe or its tribal council the following rights and powers: To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior; to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe; and to negotiate with the Federal, State, and local Governments. The Secretary of the Interior shall advise such tribe or its tribal council of all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and the Congress.

SECTION 17. The Secretary of the Interior may, upon petition by at least one-third of the adult Indians, issue a charter of incorporation to such

tribe: **Provided,** That such charter shall not become operative until ratified at a special election by a majority vote of the adult Indians living on the reservation. Such charter may convey to the incorporated tribe the power to purchase, take by gift, or bequest, or otherwise, own, hold, manage, operate and dispose of property of every description, real and personal, including the power to purchase restricted Indian lands and to issue in exchange therefor interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, not inconsistent with law, but no authority shall be granted to sell, mortgage, or lease for a period exceeding ten years any of the land included in the limits of the reservation. Any charter so issued shall not be revoked or surrendered except by Act of Congress.

SECTION 18. This Act shall not apply to any reservation wherein a majority of the adult Indians, voting at a special election duly called by the Secretary of the Interior, shall vote against its application. It shall be the duty of the Secretary of the Interior, within one year after the passage and approval of this Act, to call such an election, which election shall be held by secret ballot upon thirty days' notice.

SECTION 19. The term "Indian" as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction, and all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include all other persons of one-half or more Indian blood. For the purposes of this Act, Eskimos and other aboriginal peoples of Alaska shall be considered Indians. The term "tribe" wherever used in this Act shall be construed to refer to any Indian tribe, organized band, pueblo, or the Indians residing on one reservation. The words "adult Indians" wherever used in this Act shall be construed to refer to Indians who have attained the age of twenty one years.  
Approved, June 18, 1934.



(PUBLIC—NO. 147—74TH CONGRESS)  
(H. R. 7781)  
AN ACT

To define the election procedure under the Act of June 18, 1934, and for other purposes.

**Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,** That in any election heretofore or hereafter held under the Act of June 18, 1934 (48 Stat. 984), on the question of excluding a reservation from the application of the said Act or on the question of adopting a constitution and bylaws or amendments thereto or on the question of ratifying a charter, the vote of a majority of those actually voting shall be necessary and sufficient to effectuate such exclusion, adoption, or ratification, as the case may be: **Provided, however,** That in each instance the total vote cast shall not be less than 30 per centum of those entitled to vote.

SECTION 2. The time for holding elections on the question of excluding a reservation from the application of said Act of June 18, 1934, is hereby extended to June 18, 1936.

SECTION 3. If the period of trust or of restriction on any Indian land has not, before the passage of this Act, been extended to a date subsequent to December 31, 1936, and if the reservation containing such lands has voted or shall vote to exclude itself from the application of the Act of June 18, 1934, the periods of trust or the restrictions on alienation of such lands are hereby extended to December 31, 1936.

SECTION 4. All laws, general and special, and all treaty provisions affecting any Indian reservation which has voted or may vote to exclude itself from the application of the Act of June 18, 1934 (48 Stat. 984), shall be deemed to have been continuously effective as to such reservation, notwithstanding the passage of said Act of June 18, 1934. Nothing in the Act of June 18, 1934, shall be construed to abrogate or impair any rights guaranteed under any existing treaty with any Indian tribe, where such tribe voted not to exclude itself from the application of said Act.

Approved, June 15, 1935.



**THE ALASKA REORGANIZATION ACT**  
**(PUBLIC—NO. 538—74TH CONGRESS)**  
**(H. R. 9866)**  
**AN ACT**

To extend certain provisions of the Act approved June 18, 1934, commonly known as the Wheeler-Howard Act (Public Law Numbered 383, Seventy-third Congress, 48 Stat. 984), to the Territory of Alaska, to provide for the designation of Indian reservations in Alaska, and for other purposes.

**Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,** That sections 1, 5, 7, 8, 15, 17, and 19 of the Act entitled "An Act to conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes," approved June 18, 1934 (48 Stat. 984), shall hereafter apply to the Territory of Alaska: **Provided,** That groups of Indians in Alaska not heretofore recognized as bands or tribes, but having a common bond of occupation, or association, or residence within a well-defined neighborhood, community, or rural district, may organize to adopt constitutions and bylaws and to receive charters of incorporation and Federal loans under sections 16, 17, and 10 of the Act of June 18, 1934 (48 Stat. 984).

Sec. 2. That the Secretary of the Interior is hereby authorized to designate as an Indian reservation any area of land which has been reserved for the use and occupancy of Indians or Eskimos by section 8 of the Act of May 17, 1884 (23 Stat. 26), or by section 14 or section 15 of the Act of March 3, 1891 (26 Stat. 1101), or which has been heretofore reserved under any executive order and placed under the jurisdiction of the Department of the Interior or any bureau thereof, together with additional public lands adjacent thereto, within the Territory of Alaska, or any other public lands which are actually occupied by Indians or Eskimos within said Territory: **Provided,** That the designation by the Secretary of the Interior of any such area of land as a reservation shall be effective only upon its approval by the vote, by secret ballot, of a majority of the Indian or Eskimo residents thereof who vote at a special election duly called by the Secretary of the Interior upon thirty days' notice: **Provided, however,** That in each instance the total vote cast shall not be less than 30 per centum of those entitled to vote: **Provided further,** That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occupied.

Approved, May 1, 1936.

**THE OKLAHOMA INDIAN WELFARE ACT**  
**(PUBLIC—NO. 816—74TH CONGRESS**  
**(S. 2047)**

**AN ACT**

To promote the general welfare of the Indians of the State of Oklahoma, and for other purposes.

**Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,** That the Secretary of the Interior is hereby authorized, in his discretion, to acquire by purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without existing Indian reservations, including trust or otherwise restricted lands now in Indian ownership: **Provided,** That such lands shall be agricultural and grazing lands of good character and quality in proportion to the respective needs of the particular Indian or Indians for whom such purchases are made. Title to all lands so acquired shall be taken in the name of the United States, in trust for the tribe, band, group, or individual Indian for whose benefit such land is so acquired, and while the title thereto is held by the United States said lands shall be free from any and all taxes, save that the State of Oklahoma is authorized to levy and collect a gross-production tax, not in excess of the rate applied to production from lands in private ownership, upon all oil and gas produced from said lands, which said tax the Secretary of the Interior is hereby authorized and directed to cause to be paid.

**SECTION 2.** Whenever any restricted Indian land or interests in land, other than sales or leases of oil, gas, or other minerals therein, are offered for sale, pursuant to the terms of this or any other Act of Congress, the Secretary of the Interior shall have a preference right, in his discretion, to purchase the same for or in behalf of any other Indian or Indians of the same or any other tribe, at a fair valuation to be fixed by the appraisement satisfactory to the Indian owner or owners, or if offered for sale at auction said Secretary shall have a preference right, in his discretion, to purchase the same for or in behalf of any other Indian or Indians by meeting the highest bid otherwise offered therefor.

**SECTION 3.** Any recognized tribe or band of Indians residing in Oklahoma shall have the right to organize for its common welfare and to adopt a constitution and bylaws, under such rules and regulations as the Secretary of the Interior may prescribe. The Secretary of the Interior may issue to any such organized group a charter of incorporation, which shall become operative when ratified by a majority vote of the adult members of the organization voting: **Provided, however,** That such election shall be void unless the total vote cast be at least 30 per centum of those entitled to vote. Such charter may convey to the incorporated group, in addition to any powers which may properly be vested in a body corporate under the laws of the State of Oklahoma,

the right to participate in the revolving credit fund and to enjoy any other rights or privileges secured to an organized Indian tribe under the Act of June 18, 1934 (48 Stat. 984): **Provided**, That the corporate funds of any such chartered group may be deposited in any national bank within the state of Oklahoma or otherwise invested, utilized, or disbursed in accordance with the terms of the corporate charter.

SECTION 4. Any ten or more Indians, as determined by the official tribal rolls or Indian descendants of such enrolled members, or Indians as defined in the Act of June 18, 1934 (48 Stat. 984), who reside within the State of Oklahoma in convenient proximity to each other may receive from the Secretary of the Interior a charter as a local cooperative association for any one or more of the following purposes: Credit administration, production, marketing, consumers' protection, or land management. The provisions of this Act, the regulations of the Secretary of the Interior, and the charters of the cooperative associations issued pursuant thereto shall govern such cooperative associations: **Provided**, That in those matters not covered by said Act, regulations, or charters, the laws of the State of Oklahoma, if applicable, shall govern. In any stock or nonstock cooperative association no one member shall have more than one vote, and membership therein shall be open to all Indians residing within the prescribed district.

SECTION 5. The charters of any cooperative association organized pursuant to this Act shall not be amended or revoked by the Secretary except after a majority vote of the membership. Such cooperative associations may sue and be sued in any court of the State of Oklahoma or of the United States having jurisdiction of the cause of action, but a certified copy of all papers filed in any action against a cooperative association in a court of Oklahoma shall be served upon the Secretary of the Interior, or upon an employee duly authorized by him to receive such service. Within thirty days after such service or within such extended time as the trial court may permit, the Secretary of the Interior may intervene in such action or may remove such action to the United States district court to be held in the district where such petition is pending by filing in such action in the State court a petition for such removal, together with the certified copy of the papers served upon the Secretary. It shall then be the duty of the State court to accept such petition and to proceed no further in such action. The said copy shall be entered in the said district court within thirty days after the filing of the petition for removal, and the said district court is hereby given jurisdiction to hear and determine said action.

SECTION 6. The Secretary is authorized to make loans to individual Indians and to associations or corporate groups organized pursuant to this Act: For the making of such loans and for expenses of the cooperative associa-

tions organized pursuant to this Act, there shall be appropriated, out of the Treasury of the United States, the sum of \$2,000,000.

SECTION 7. All funds appropriated under the several grants of authority contained in the Act of June 18, 1934 (48 Stat. 984), are hereby made available for use under the provisions of this Act, and Oklahoma Indians shall be accorded and allocated a fair and just share of any and all funds hereafter appropriated under the authorization herein set forth: **Provided,** That any royalties, bonuses, or other revenues derived from mineral deposits underlying lands purchased in Oklahoma under the authority granted by this Act, or by the Act of June 18, 1934, shall be deposited in the Treasury of the United States, and such revenues are hereby made available for expenditure by the Secretary of the Interior for the acquisition of lands and for loans to Indians in Oklahoma as authorized by this Act and by the Act of June 18, 1934 (48 Stat. 984).

SECTION 8. This Act shall not relate to or affect Osage County, Oklahoma.

SECTION 9. The Secretary of the Interior is hereby authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of this Act. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved, June 26, 1936.

# Exhibit C



MAY-31-02 16:05 From:  
May-31-02 08:24 From-

T-380 P.04/05 Job-566

MAR 29 1983

Superintendent, Northern California Agency

Request for Solicitor's Opinion on Acquisition of Permanent Road Right of Way to Big Lagoon Rancheria

Mr. James Bordenkircher, Regional Solicitor's Office

THROUGH: Area Director, Sacramento Area Office

As a result of a telephone conversation between James Bordenkircher of the Solicitor's Office and Barbara A. Ferris, Realty Officer, on March 22, 1983, Mr. Bordenkircher asked this office to forward a complete history of the acquisition of the land, as well as the past and present use of the existing road by the Indian residents.

The subject land was included in a patent issued to Walter Carrier on October 1, 1879. In 1916, Hammond Lumber Company, having acquired the land, sold Lots 1, 2 and the SW<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Section 13 and the NW<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section 24, all in T.9N., R.1W., E.4E., Humboldt County, California, containing 145.51 acres, more or less, to F. G. Ladd.

On April 3, 1917, James Charley, aka Lagoon Charley, wrote to the Indian Service saying he was fearful that Mr. Ladd would force him from his home.

After several months of negotiations, the United States purchased on July 10, 1918, a 9.26 acre parcel, covering the improvements of Lagoon Charley, being part of said Lot 2. The title status report indicates the land was purchased for the right of use and occupancy of Jim (Lagoon) Charley and his family and such other Indians as the Secretary of the Interior may see fit to settle on the tract.

As shown by the attached maps, drawn by Mr. Ladd, he retained the larger parcel of 136.25 acres, physically landlocking the Indian land on all sides, except on the Big Lagoon shore line.

It appears this is an excellent case to claim an easement by necessity, or implied rights of access, over the land retained by Mr. Ladd, which is now apparently owned by Louisiana-Pacific Corporation.

Lagoon Charley and his family continued to occupy the Rancheria until 1945. An on-site inspection in 1951, disclosed the property was vacant. In 1954, Lila and Tom Williams began construction of a house on the land. Beverly and Ted Moorehead were reported to be living on the property in 1967, when the four of them were determined to be the Distributees of the Rancheria Assets, under the provisions of the Rancheria Act of August 18, 1958 (72 Stat. 619).

As a requirement of the termination of the Rancheria, a legal right of way to the land would be acquired by the Bureau. On November 30, 1967, a letter from the Hoopa Agency was addressed to officials of the Georgia-Pacific Corporation, regarding the acquisition of a legal right of way over the existing road to the Rancheria. A follow-up letter on January 10, 1967, produced a reply from Alfred M. Merrill, Chief Forester, indicating the Company had future plans to subdivide their property.

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MAY-31-02 16:05 From: May-31-02 08:20 From:

T-380 P.05/05 Job-566

their property, but for the present they would be willing to grant a temporary non-exclusive right of access, subject to the relocation of the right of way by Georgia-Pacific, at a later date.

On February 6, 1969, the Area Tribal Operations Officer wrote to Mr. Merrill to inquire as to the terms and conditions under which they would grant a legal and permanent right of way. Our files indicate no reply was received.

By Memorandum of September 14, 1970, from the Area Director to the Commissioner, it was pointed out that to secure legal, permanent access to the rancharia over the adjoining privately-owned lands, we estimate that acquisition of a 40' right of way across valuable development potential property for approximately 1/2 mile, which will sever the land, will amount to \$14,000.00.

In addition, the Roads Branch advises that clearing, which will involve the cutting of some several high redwood trees, and grading and gravelling the approximately 1/2 mile, 40' or less right of way, will amount to \$100,000.00.

On or about September 23, 1970, the matter was assigned to the Regional Solicitor's Office. The Area Director pointed out to the Solicitor, on December 17, 1970, that we would pursue the acquisition of a permanent right of way over the existing road, or an alternate route, whether or not the rancharia was to be terminated.

By letter of March 26, 1971, James Bordenkircher of the Solicitor's Office wrote to Mr. Merrill, with whom he had a brief meeting on March 10, 1971, at Trinidad, California, regarding the road. The letter asked for a definite location of the right of way, which now could be a simple gravel surfaced drive, since the distributees may decide not to terminate the rancharia. Mr. Bordenkircher indicated the right of way could be subject to future relocation, as long as a permanent right of ingress and egress is assured. Our Books records indicate that no reply was received to this letter, which is the last correspondence regarding the acquisition of a right of way for the rancharia.

On March 15, 1983, Tribal Resolution No. 83-1, requested the Bureau to acquire the right of way, now apparently owned by Louisiana-Pacific Corporation, who also acquired the top management of Georgia-Pacific, since Mr. Merrill and Mr. Merlo are still making the decisions. On March 22, 1983, Barbara A. Ferris, Realty Officer, contacted Mr. Merrill, who reported they were only interested in providing a "floating" type of access, with a definite location of a right of way being provided only when Louisiana-Pacific decides to subdivide their land.

We have requested an appraisal of the current roadway for acquisition purposes, as Mr. Bordenkircher suggested. The Solicitor is to provide an Opinion as to prescriptive rights, easement by necessity, implied rights and possible condemnation of the proposed right of way. We attach the Title Status Report, maps and pertinent correspondence on this matter.

Superintendent

Attachments

SLStanbury:ljc