

PUBLIC LAW 85-671

AN ACT

To provide for the distribution of the land and assets of certain Indian rancherias and reservations in California, and for other purposes.

[August 18, 1958; H. R. 2824]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the lands, including minerals, water rights, and improvements located on the lands, and other assets of the following rancherias and reservations in the State of California shall be distributed in accordance with the provisions of this Act: Alexander Valley, Auburn, Big Sandy, Big Valley, Blue Lake, Buena Vista, Cache Creek, Chicken Ranch, Chico, Cloverdale, Cold Springs, Elk Valley, Guidiville, Graton, Greenville, Hopland, Indian Ranch, Lytton, Mark West, Middletown, Montgomery Creek, Mooretown, Nevada City, North Fork, Paskenta, Picayune, Pinoleville, Potter Valley, Quartz Valley, Redding, Redwood Valley, Robinson, Rohnerville, Ruffeys, Scotts Valley, Smith River, Strawberry Valley, Table Bluff, Table Mountain, Upper Lake, Wilton.

SEC. 2. (a) The Indians who hold formal or informal assignments on each reservation or rancheria, or the Indians of such reservation or rancheria, or the Secretary of the Interior after consultation with such Indians, shall prepare a plan for distributing to individual Indians the assets of the reservation or rancheria, including the assigned and the unassigned lands, or for conveying such assets to a corporation or other legal entity organized or designated by the group, or for conveying such assets to the group as tenants in common. The Secretary shall provide such assistance to the Indians as is necessary to organize a corporation or other legal entity for the purposes of this Act.

(b) General notice shall be given of the contents of a plan prepared pursuant to subsection (a) of this section and approved by the Secretary, and any Indian who feels that he is unfairly treated in the proposed distribution of the property shall be given an opportunity to present his views and arguments for the consideration of the Secretary. After such consideration, the plan or a revision thereof shall be submitted for the approval of the adult Indians who will participate in the distribution of the property, and if the plan is approved by a majority of such Indians who vote in a referendum called for that purpose by the Secretary the plan shall be carried out. It is the intention of Congress that such plan shall be completed not more than three years after it is approved.

(c) Any grantee under the provisions of this section shall receive an unrestricted title to the property conveyed, and the conveyance shall be recorded in the appropriate county office.

(d) No property distributed under the provisions of this Act shall at the time of distribution be subject to any Federal or State income tax. Following any distribution of property made under the provisions of this Act, such property and any income derived therefrom by the distributee shall be subject to the same taxes, State and Federal, as in the case of non-Indians: Provided, That for the purpose of capital gains or losses the base value of the property shall be the value of the property when distributed to the individual, corporation, or other legal entity.



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SEC. 3. Before making the conveyances authorized by this Act on any rancheria or reservation, the Secretary of the Interior is directed:

(a) To cause surveys to be made of the exterior or interior boundaries of the lands to the extent that such surveys are necessary or appropriate for the conveyance of marketable and recordable titles to the lands.

(b) To complete any construction or improvement required to bring Indian Bureau roads serving the rancherias or reservations up to adequate standards comparable to standards for similar roads of the State or subdivision thereof. The Secretary is authorized to contract with the State of California or political subdivisions thereof for the construction or improvement of such roads and to expend under such contracts moneys appropriated by Congress for the Indian road system. When such roads are transferred to the State or local government the Secretary is authorized to convey rights-of-way for such roads, including any improvements thereon.

(c) To install or rehabilitate such irrigation or domestic water systems as he and the Indians affected agree, within a reasonable time, should be completed by the United States.

(d) To cancel all reimbursable indebtedness owing to the United States on account of unpaid construction, operation, and maintenance charges for water facilities on the reservation or rancheria.

(e) To exchange any lands within the rancheria or reservation that are held by the United States for the use of Indians which the Secretary and the Indians affected agree should be exchanged before the termination of the Federal trust for non-Indian lands and improvements of approximately equal value.

SEC. 4. Nothing in this Act shall abrogate any water right that exists by virtue of the laws of the United States. To the extent that the laws of the State of California are not now applicable to any water right appurtenant to any lands involved herein they shall continue to be inapplicable. While the water right is in Indian ownership for a period not to exceed fifteen years after the conveyance pursuant to this Act of an unrestricted title thereto, and thereafter the applicability of such laws shall be without prejudice to the priority of any such right not theretofore based upon State law. During the time such State law is not applicable the Attorney General shall represent the Indian owner in all legal proceedings, including proceedings before administrative bodies, involving such water right, and in any necessary affirmative action to prevent adverse appropriation of water which would encroach upon the Indian water right.

SEC. 5. (a) The Secretary of the Interior is authorized to convey without consideration to Indians who receive conveyances of land pursuant to this Act, or to a corporation or other legal entity organized by such Indians, or to a public or non-profit body, any federally owned property on the reservations or rancherias subject to this Act that is not needed for the administration of Indian affairs in California.

(b) For the purposes of this Act, the assets of the Upper Lake Rancheria and the Robinson Rancheria shall include the one-hundred-and sixty-acre tract set aside as a wood reserve for the Upper Lake Indians by secretarial order dated February 15, 1907.

(c) The Secretary of the Interior is authorized to sell the five hundred and sixty acres of land, more or less, which were withdrawn from entry, sale, or other dis-

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position, and set aside for the Indians of Indian Ranch, Inyo County, California, by the Act of March 3, 1928 (45 Stat. 162), and to distribute the proceeds of sale among the heirs of George Hanson.

SEC. 6. The Secretary of the Interior shall disburse to the Indians of the rancherias and reservations that are subject to this Act all funds of such Indians that are in the custody of the United States.

SEC. 7. Nothing in this Act shall affect any claim filed before the Indian Claims Commission, or the right, if any, of the Indians subject to this Act to share in any judgment recovered against the United States on behalf of the Indians of California.

SEC. 8. Before conveying or distributing property pursuant to this Act, the Secretary of the Interior shall protect the rights of individual Indians who are minors, non compos mentis, or in the opinion of the Secretary in need of assistance in conducting their affairs, by causing the appointment of guardians for such Indians in courts of competent jurisdiction, or by such other means as he may deem adequate, without application from such Indians, including but not limited to the creation of a trust for such Indians' property with a trustee selected by the Secretary, or the purchase by the Secretary of annuities for such Indians.

SEC. 9. Prior to the termination of the Federal trust relationship in accordance with the provisions of this Act, the Secretary of the Interior is authorized to undertake, within the limits of available appropriations, a special program of education and training designed to help the Indians to earn a livelihood, to conduct their own affairs, and to assume their responsibilities as citizens without special services because of their status as Indians. Such program may include language training, orientation in non-Indian community customs and living standards, vocational training and related subjects, transportation to the place of training or instruction, and subsistence during the course of training or instruction. For the purposes of such program, the Secretary is authorized to enter into contracts or agreements with any Federal agency from undertaking any other program for the education and training of Indians with funds appropriated to it.

SEC. 10. (a) The plan for the distribution of the assets of a rancheria or reservation, when approved by the Secretary and by the Indians in a referendum vote as provided in subsection 2 (b) of this Act, shall be final, and the distribution of assets pursuant to such plan shall not be the basis for any claim against the United States by an Indian who receives or is denied a part of the assets distributed.

(b) After the assets of a rancheria or reservation have been distributed pursuant to this Act, the Indians who receive any part of such assets, and the dependent members of their immediate families, shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians because of their status as Indians shall be inapplicable to them, and the laws of the several States shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in this act, however, shall affect the status of such persons as citizens of the United States.

SEC. 11. The constitution and corporate charter adopted pursuant to the act of June 18, 1934 (48 Stat. 984), as amended, by any rancheria or reservation subject to this Act shall be revoked by the Secretary of the Interior when a plan is approved by a majority of the adult Indians thereof pursuant to subsection 2 (b) of this Act.

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SEC. 12. The Secretary of the Interior is authorized to issue such rules and regulations and to execute or approve such conveyancing instruments as he deems necessary to carry out the provisions of this Act.

SEC. 13. There is authorized to be appropriated not to exceed \$509,235 to carry out the provisions of this Act.

Approved August 18, 1966.

SUBCHAPTER V—TERMINATION OF FEDERAL-INDIAN RELATIONSHIPS

SUBCHAPTER V—TERMINATION OF FEDERAL-INDIAN RELATIONSHIPS [ADDED]

PART 242—CALIFORNIA RANCHERIAS AND RESERVATIONS—DISTRIBUTION OF ASSETS

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242.1	Purpose and scope.
242.2	Definitions.
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242.10	Proclamation.

AUTHORITY: §§ 242.1 to 242.10 issued under sec. 12 of the Act of August 18, 1958 (72 Stat. 619).

SOURCE: §§ 242.1 to 242.10 appear at 24 F.R. 4658, June 9, 1959.

§ 242.1 Purpose and scope.

The purpose of this part is to provide policies and procedures governing the distribution of the assets of the following rancherias and reservations in the State of California: Alexander Valley, Auburn, Big Sandy, Big Valley, Blue Lake, Buena Vista, Cache Creek, Chicken Ranch, Chico, Cloverdale, Cold Springs, Elk Valley, Guidiville, Graton, Greenville, Hopland, Indian Ranch, Lytton, Mark West, Middletown, Montgomery Creek, Mooretown, Nevada City, North Fork, Paskenta, Picayune, Pinoleville, Potter Valley, Quartz Valley, Redding, Redwood Valley, Robinson, Rohnerville, Ruffeys, Scotts Valley, Smith River, Strawberry Valley, Table Bluff, Table Mountain, Upper Lake and Wilton.

§ 242.2 Definitions.

As used in this part, terms shall have the meanings set forth in this section.

(a) "Adult Indian" means any Indian who is an adult under the laws of the State in which he is domiciled.

(b) "Distributee" means any Indian who is entitled to receive, under a plan prepared pursuant to section 2 of the Act of August 18, 1958 (72 Stat. 619), any assets of a rancheria or reservation.

(c) "Dependent members", as used in the phrase "dependent members of their immediate families", includes all persons for whose support the distributee is legally liable according to the laws of the State of California and who are related by blood or adoption or by marriage, including common law or customary marriage, who are domiciled in the household of the distributee, and who receive more than one-half of their support from such distributee.

(d) "Formal assignment" means any privilege of use and/or occupancy of the real property of a rancheria or reservation which is evidenced by a document in writing.

(e) "Informal assignment" means any privilege or claim of privilege of use and/or occupancy of the real property of a rancheria or reservation, not based on an instrument in writing.

§ 242.3 Plan of distribution.

The plan of distribution to be prepared under section 2 of the Rancheria Act shall be in writing and may be prepared by those Indians who hold formal or informal assignments on the rancheria or reservation involved, or by those Indians who have or claim to have some special relationship to the particular rancheria or reservation involved, not shared by Indians in general, or may be prepared by the Secretary of the Interior after consultation with such Indians. Any such plan must be approved by the Secretary before submission to the distributees for approval. Such plan shall provide for a description of the class of persons who shall be entitled to participate in the distribution of the assets and shall identify, by name and last known address, those persons to be distributees under the plan and dependent members of their immediate family.

§ 242.4 General notice.

When the Secretary has approved a plan for the distribution of the assets of a rancheria or reservation, a general



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notice of the contents of such plan shall be given in the following manner:

(a) Service by regular mail, or in person, of a copy of the plan to those who participated in the drafting of the plan, and to the distributees named in the plan.

(b) Service by regular mail, or in person, of a copy of the plan to all other persons who have indicated by a letter addressed to the Area Director that they claim an interest in the assets of the rancheria or reservation involved.

(c) Posting a copy of the plan in a public place on the rancheria or reservation, and in the Post Office serving the rancheria or reservation.

§ 242.5 Objections to plan.

Any Indian who feels that he is unfairly treated in the proposed distribution of the property of a rancheria or reservation as set forth in a plan prepared and approved under § 242.3 may, within 30 days after the date of the general notice, submit his views and arguments in writing to the Area Director, Bureau of Indian Affairs, P.O. Box 749, Sacramento, California. The Area Director shall act for persons who are minors or non compos mentis if he finds that such persons are unfairly treated in the proposed distribution of the property. Such views and arguments shall be promptly forwarded by the Area Director for consideration by the Secretary.

§ 242.6 Referendum.

After consideration by the Secretary of all views and arguments, the plan or a revision thereof, and a notice of a referendum meeting, shall be sent by registered mail, return receipt requested, to each distributee. Thereafter, the Secretary shall cause a referendum to be held at a general meeting of the distributees, at the time and place set forth in the notice of the meeting. Any adult Indian distributee may indicate his acceptance or rejection of the plan by depositing his ballot in a ballot box at the meeting place or by mailing his ballot to the Area Director, Bureau of Indian Affairs, P.O. Box 749, Sacramento, California, clearly marked on the envelope the rancheria or reservation referendum for which the ballot is being submitted. All ballots which are mailed shall be posted so as to be received at least two days before the date set for the referendum meeting. Ballots received thereafter shall not be

accepted. At the close of the meeting all ballots shall be counted; and if the plan is approved by a majority of the adult Indian distributees, it shall be final and shall take effect on the date approved.

§ 242.7 Beneficial interest.

Upon approval of a plan or a revision thereof by the Secretary of the Interior, and acceptance by a majority of the adult Indian distributees, the distributees listed in the plan shall be the final list of Indians entitled to participate in the distribution of the assets of the rancheria or reservation and the rights or beneficial interests in the property of each person whose name appears on this list shall constitute vested property which may be inherited or bequeathed but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such property.

§ 242.8 Organized rancheria or reservation.

When a plan for the distribution of the assets of a rancheria or reservation organized under section 16 of the Indian Reorganization Act (25 U.S.C. 476) shall have been approved and adopted at a referendum held for the purpose, the governing body of such constitutional rancheria or reservation shall cause a final financial statement to be prepared, including a certificate that all the obligations and debts of said rancheria or reservation have been liquidated or adjusted and that all the assets have been or are simultaneously therewith conveyed to persons or groups authorized by law to receive them which may include any organization under State law. The constitution of the group shall upon receipt of a satisfactory certificate of completion be revoked by the Secretary.

§ 242.9 Rancheria or reservation business corporation.

When a plan for the distribution of the assets of a tribal business corporation has been approved and adopted by a referendum held for the purpose, the Board of Directors, or equivalent, of such Indian business corporation shall cause a final financial statement to be prepared and submitted to the Area Director, including a certificate that all the obligations and debts of said corporation have been liquidated or adjusted and that all the assets of such corporation have been or

§ 242.10

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§ 242.10

are simultaneously therewith conveyed to persons or corporations authorized by law to receive them. The charter of the group shall upon receipt of a satisfactory certificate of completion be revoked by the Secretary.

§ 242.10 Proclamation.

When the provisions of a plan have been carried out to the satisfaction of the Secretary, he shall publish in the **FEDERAL REGISTER** a proclamation declaring that the special relationship of the United States to the rancheria or reservation and to the distributees and the dependent members of their immediate families is terminated. The proclamation shall list the names of the distributees and dependent members of their immediate families who are no longer entitled to any services performed by the United States for Indians because of their status as Indians.



IN REPLY REFER TO:
Tribal Programs
103.3

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
Sacramento Area Office
P. O. Box 749
Sacramento 4, California



AIR MAIL

Commissioner, Bureau of Indian Affairs

Washington 25, D. C.

Attention: Legislative Associate
Commissioner

Dear Sir:

Inasmuch as Mooretown Rancheria has been the subject of correspondence between you and Congressman Engle and since there is the possibility that the rancheria may be added to the Rancheria Bill, the following information is furnished.

Mooretown Rancheria is located about one and one-half miles from the town of Feather Falls in Butte County, California. It consists of two eighty acre tracts, one-half mile apart. The eastern tract was purchased in 1915 from the Central Pacific Railway. It is presently occupied by Mr. Fred Taylor who, according to the enclosed statement, has lived continuously on the rancheria since prior to its purchase by the Federal Government. The second house on this tract belongs to Mr. Taylor's step-daughter, Mrs. Katy Archuleta, who presently lives in the neighboring town of Oroville but whose non-Indian husband, and occasionally some of their children, continue to occupy the house.

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The western tract, which was set aside by Executive Order of June 6, 1894, has been occupied for the past eighteen years by Mr. and Mrs. Robert Jackson. Mr. Engle's letter to you of March 18, 1958, refers to a letter of February 4, 1958, written on behalf of Mr. Jackson by a son-in-law, Herman Steidel. Enclosed are copies of a letter written in 1954 and on January 9, 1958, also in Mr. Jackson's behalf.

Both portions of the rancheria are presently served with adequate roads. Both the Taylor and the Jackson homes have electricity and obtain domestic water from good springs which have been developed and are pumped to the houses. Both residents have rights to irrigation water from a ditch crossing the rancheria. Both Mr. and Mrs. Jackson and Mr. Taylor receive Old Age Security payments



from the Butte County Welfare Department. The exterior boundaries of the rancheria were surveyed by this office in March of 1954. The land is used primarily for home sites and is not arable except for a small garden plot adjoining each house. Should title to the rancheria be transferred to the resident occupants, no particular problems or difficulties are foreseen except the possible need for internal surveys. A work sheet such as was furnished for other rancherias in the group is enclosed.

Sincerely yours,

A handwritten signature in cursive script that reads "Leonard M. Hill".

Area Director

Enclosures 5

JK

September 15, 1958



United States
Department of the Interior
Bureau of Indian Affairs
Sacramento Area Office
Sacramento 4, California

Dear Sirs:

In reference to Public Law 85-671, we, the undersigned, summarize our reasons for asking for a clear fee simple title to the land we are occupying.

I, Robert Jackson and my wife Ina Jackson, have lived here at Mooretown Rancheria as sole residents for nineteen years.

At the time we took up our residence here, there was only a small cabin in run-down condition on the place. We made necessary repairs so that we could live in it. There were also a few fruit trees in neglected condition that required work to make them produce again.

As I was still able to work at that time, we saved and started to make improvements. We started a new house which we completed over the years. We also planted our fruit trees and cleared a large garden area and fenced it in.

During our years here we also had electricity brought in to the place and ran our house wires. As there were interruptions in the water supply, we had to build a small reservoir and install a pressure system. This supplies water to our house.

Two years ago we added a bathroom to our house and had kitchen gas installed which we use for cooking and the water heater.

All this has been accomplished through our own hands over the years. We have endeavored to make a home for ourselves according to the best of our means and ability, without any help.



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As early as 1948, when we first contacted the Bureau of Indian Affairs in reference to securing a trust patent, the former area director, Walter Wohlke, gave us the right to make improvements, and assured us they would be safe.

Therefore it has been our hope for years to one day have clear title to the land we occupy, that we could rest assured we own our home and to protect our investments and labor we have expended here.

Sincerely yours,

Signed Robert Jackson
Robert Jackson

Signed Ina Jackson
Ina Jackson

Written by Herman Steidl
Herman Steidl
2705 Fay Way
Croville, California

Walz
By

March 15, 1959



United States
Department of the Interior
Bureau of Indian Affairs
Washington 25, D.C.

Dear Sirs:

In reference to Public Law 85-671, under section 2, we, the undersigned, summarize our reasons for asking for a clear fee simple title to the land we are occupying.

I, Robert Jackson and my wife Ina Jackson, have lived here on Mooretown Rancheria as sole residents for nineteen years.

At the time we took up our residence here, there was only a small cabin in run-down condition on the place. We made necessary repairs so that we could live in it. There were also a few fruit trees in neglected condition that required much work to make them produce again.

As I was still able to work at that time, we saved and started to make improvements. We started a new house which we completed over the years. We also planted new fruit trees and cleared a large garden area and fenced it in.

During our years here we also had electricity brought in to the place and had our house wired. As there were interruptions in our supply of water, we had to build a small reservoir and install a pressure system. This supplies water to our house.

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620

Two years ago we added a bathroom to our house and had butane gas installed which we use for cooking and the water heater.

All this has been accomplished through our own means over the years. We have endeavored to make a home for ourselves according to the best of our means and ability, without any help.

As early as 1948, when we first contacted the Bureau of Indian Affairs in reference to securing a trust patent, the former area director, Walter Wohlke, gave us the right to make improvements, and assured us they would be safe.



- 2 -

Therefore it has been our hope for years to one day have clear title to the land we occupy, that we could rest assured we own our home and to protect our investments and labor we have expanded here.

Sincerely yours,

Signed Robert Jackson
Robert Jackson

Signed Ina Jackson
Ina Jackson

Mooretown Indian Rancheria
Feather Falls, Star Route
Oroville, California

Prepared by Ferman Steidl
Ferman Steidl

Tribal Programs
3492-59

FILE COPY
SURNAME:

<i>Wah</i>
<i>managan</i>

Mr. Robert Jackson
Mooretown Indian Rancheria
Feather Falls, Star Route
Oreville, California

Dear Mr. Jackson:

We know that you and your wife are concerned over the distribution of the assets of the Mooretown rancheria. Let us reassure you that you will not lose any of the investments you have made on this land. There are other Indians who are claiming certain portions of one of the two eighty-acre plots which make up the rancheria, but we do not think their claims involve any of the interests you have on this property.

All of the Indians who have any interest on the rancheria must make a plan for the distribution of the land. This plan must be approved by the Secretary of the Interior and accepted by everyone who will receive a parcel of the land. If the Indians need any help in making the plan, our Area Director in Sacramento has been given the authority to assist them. We must have the distribution plan sent to us for study before we can determine whether the proposed distribution of the land is equitable.

We are sending Mr. Leonard M. Hill, the Area Director, a copy of your letter of March 15. He will assist you and the other Indians of the rancheria in making your plan if you feel you need his help. We want to assure you and your wife again that your interests at Mooretown will be protected.

Sincerely yours,

Commissioner

cc: AD, Sacramento
350

Do not file
Return to
Branch of Tribal
Programs

CARBON FOR INDIAN OFFICE



PFWalzigbm 3-27-59

BIA Surname
Chrony
Mailroom
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A PLAN FOR THE DISTRIBUTION OF THE ASSETS OF THE
MOORETOWN RANCHERIA, ACCORDING TO THE PROVISIONS OF
PUBLIC LAW 85-671, APPROVED AUGUST 18, 1958

The Mooretown Rancheria is comprised of 160 acres located in Butte County, California. The two parcels, one-half mile apart, are described as follows:

Parcel No. 1. $N\frac{1}{2}$ of $NE\frac{1}{4}$, Section 22, T20N., R6E., M.D.B.& M. This parcel was set aside by Secretarial Order June 12, 1894.

Parcel No. 2. $N\frac{1}{2}$ $NE\frac{1}{4}$, Section 23, T20N., R6E., M.D.B.&M., was purchased in 1915 under the 1906-1908 Acts.

Both parcels were obtained for the landless Indians of California.

Parcel No. 1 has been the home of Robert Jackson and his family for many years, and they have been generally recognized as the only people holding formal or informal assignments there. Their children are grown and have not lived on the parcel for several years. Robert and Ina Jackson are the only Indians now living on this parcel.

Parcel No. 2 has been the home of Fred Taylor and his family for many years, and they have been generally recognized as the only people holding formal or informal assignments there. His family is grown and is not dependent upon him. He has a step-daughter, Katie Archuleta, who has built a house on the parcel and makes her home



there. Mr. Taylor and his children would like for her to have Lot No. 1 of parcel 2, twenty acres west of the railroad in the northwest corner of the eighty acres, as her share of the parcel.

A timber survey made by the Bureau of Indian Affairs in December, 1958 shows an approximate volume of 1,774,215 feet of merchantable timber. Parcel No. 1 has approximately 486,936 feet and parcel No. 2 has approximately 1,287,279 feet. Both parcels are rocky and relatively steep and used for homesites.

Land parcel No. 1 has a live spring 200 yards east of the house site that furnishes an ample supply of domestic water. A pressure pump was installed by the distributee. Irrigation water is available from the ditch that crosses the property at the northwest corner above the road.

Parcel No. 2 has an adequate supply of domestic water available from a pump-operated well and from a small stream that flows through the eastern half of this parcel. No additional water development is necessary. A railroad track crosses the property and a good sawmill adjoins the property to the north.

Parcel No. 1 has a paved road crossing the northwest corner and a graveled road crosses the parcel leading from the paved road. Parcel No. 2 has a graveled road crossing about the center in a north and south direction. All families have adequate ingress and egress and no further road development is necessary.

The exterior boundaries have been surveyed and corners established. Interior surveys will be required for parcel No. 2.

There are some funds on deposit to the credit of the rancheria in the United States Treasury. They do not have a constitution or charter and no Government buildings are involved. There is no lien against the property for unpaid operation and maintenance water charges.

The Indians listed herein are recognized as the only Indians of the rancheria who hold formal or informal assignments and are entitled to share in the distribution of the property. No minors will receive deeds in the distribution of the real estate. All distributees are fully advised of the opportunity to participate in the vocational training program afforded by the Bureau of Indian Affairs and none has indicated any interest.

The Indians of the Mooretown Rancheria desire termination under the provisions of Public Law 85-671 and request that the Bureau of Indian Affairs undertake the following actions.

1. Furnish each distributee the approximate value of his or her lot at the time of conveyance.
2. Make such surveys as are necessary to convey a merchantable and recordable title to each lot.
3. Divide the funds that are on deposit in the United States Treasury to the credit of the Mooretown Rancheria as follows:

3/8	Fred Taylor
1/8	Katie Archuleta
1/2	Robert Jackson

4. Convey to individual Indians, according to this plan and the maps attached hereto and made a part of this plan, unrestricted title to the lands constituting the Mooretown Rancheria. Title will be subject to existing rights-of-way, easements or leases and will include such mineral and water rights as are now vested in the United States.

The distributees and the dependent members of their immediate families who will receive title to individual lots and a share of the funds involved are:

NAME	PARCEL LOT		RELATIONSHIP	BIRTHDATE	ADDRESS
	NO.	NO.			
Robert Jackson	1		Distributee	[REDACTED]-1882	Feather Falls Star Route Oroville, California
Ina Jackson			Wife	[REDACTED]-1876	Same
Katie Archuleta	2	1	Distributee	[REDACTED]-1899	Feather Falls, California
Fred Taylor	2	2	Distributee	[REDACTED]-1881	Feather Falls, California

Upon approval of this plan or a revision thereof by the Secretary of the Interior and acceptance by a majority of the adult Indian distributees, as provided in Section 2(b) of Public Law 85-671, the distributees and the dependent members of their immediate families listed in this plan shall be the final list of Indians entitled to participate in the distribution of the assets of the Mooretown Rancheria, and the rights or beneficial interests in the property of each person whose name appears in this list shall constitute vested property which

may be inherited or bequeathed but shall not otherwise be subject to alienation or encumbrance before the transfer of title to such property.

After the assets of the Mooretown Rancheria have been distributed pursuant to this plan and Public Law 85-671, the Indians who receive any part of such assets and the dependent members of their immediate families shall thereafter not be entitled to any of the services performed by the United States for these persons because of their status as Indians. All statutes of the United States which affect Indians because of their status as Indians shall not apply to them and the laws of the several states shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in this plan, however, shall affect the status of such persons as citizens of the United States.

The Area Director will cause the appointment of such trustees, guardians or conservators as he may deem adequate to protect the interests of individual Indians participating in the distribution of assets according to this plan, as provided in Section 8 of Public Law 85-671.

All provisions of Public Law 85-671 shall be applicable in the execution of this plan and general notice of the contents shall be given by posting a copy of this plan in the post office at Feather Falls, Butte County, California, by posting a copy in a prominent place on the Mooretown Rancheria, by mailing a copy to the head of each individual family participating in this plan and by mailing a copy to any person who advises the Sacramento Area Office that he feels that he may have a material interest in the plan.

This plan has been prepared by the Area Director, Bureau of Indian Affairs, Sacramento Area Office, pursuant to the authority delegated on February 26, 1959, and after consultation with the Indians of the Mooretown Rancheria.

Approved, with authority retained to revise or change if appears are received within 30 days after general notice to this plan is given.

H. REX LEE
Commissioner

Date July 21, 1959

Final approval of Secretary of the Interior given on October 13, 1959.

Accepted by distributees in a referendum by majority vote.

Effective date of plan is October 29, 1959.

CERTIFICATION OF VITAL RECORD

COUNTY OF BUTTE

25 COUNTY CENTER DRIVE
OROVILLE, CALIFORNIA 95985

498

PLACE OF MARRIAGE
County of Butte
Town of _____
or
City of Oroville

CALIFORNIA STATE BOARD OF HEALTH
BUREAU OF VITAL STATISTICS
DUPLICATE CERTIFICATE OF MARRIAGE

State Index No. _____
LOCAL REGISTERED NO. 71

GROOM				PERSONAL AND STATISTICAL PARTICULARS				BRIDE			
FULL NAME <u>Robert Jackson</u>				FULL NAME <u>Erna Davis</u>				FULL NAME <u>Erna Davis</u>			
RESIDENCE <u>Lumpkin</u>				RESIDENCE <u>Enterprise</u>				RESIDENCE <u>Enterprise</u>			
COLOR OR RACE <u>half blood</u>		AGE AT LAST BIRTHDAY <u>34</u> (Years)		COLOR OR RACE <u>half blood</u>		AGE AT LAST BIRTHDAY <u>39</u> (Years)		COLOR OR RACE <u>half blood</u>		AGE AT LAST BIRTHDAY <u>39</u> (Years)	
SINGLE, WIDOWED OR DIVORCED <u>single</u>		NUMBER OF MARRIAGE <u>none</u>		SINGLE, WIDOWED OR DIVORCED <u>widow</u>		NUMBER OF MARRIAGE <u>one</u>		SINGLE, WIDOWED OR DIVORCED <u>widow</u>		NUMBER OF MARRIAGE <u>one</u>	
BIRTHPLACE (State or Country) <u>California</u>				BIRTHPLACE (State or Country) <u>California</u>				BIRTHPLACE (State or Country) <u>California</u>			
OCCUPATION <u>miner</u>				OCCUPATION <u>housekeeper</u>				OCCUPATION <u>housekeeper</u>			
NAME OF FATHER <u>Jack Jackson</u>				NAME OF FATHER <u>John Davis</u>				NAME OF FATHER <u>John Davis</u>			
BIRTHPLACE OF FATHER (State or Country) <u>California</u>				BIRTHPLACE OF FATHER (State or Country) <u>England</u>				BIRTHPLACE OF FATHER (State or Country) <u>England</u>			
MAIDEN NAME OF MOTHER <u>Eileen</u>				MAIDEN NAME OF MOTHER <u>Mary</u>				MAIDEN NAME OF MOTHER <u>Mary</u>			
BIRTHPLACE OF MOTHER (State or Country) <u>California</u>				BIRTHPLACE OF MOTHER (State or Country) <u>California</u>				BIRTHPLACE OF MOTHER (State or Country) <u>California</u>			

MAIDEN NAME OF THE BRIDE, IF SHE WAS PREVIOUSLY MARRIED: Erna Martin
We, the groom and bride named in this certificate, hereby certify that the information given therein is correct to the best of our knowledge and belief.
Robert Johnson Groom Erna Davis Bride

CERTIFICATE OF PERSON PERFORMING CEREMONY
I HEREBY CERTIFY that Robert Jackson and Erna Davis were joined in Marriage by me in accordance with the laws of the State of California, at Oroville, Calif. this 6th day of June, 19 46.
Signature of Witness to the Marriage: Luiz Aloni Residence: Oroville, Cal.
Signature of person performing the Ceremony: J. V. Parks Official Position: Justice of the Peace Residence: Oroville, Cal.
FILED June 20, 1946 A. D. Lacey Registrar (County Recorder.)



CERTIFIED COPY OF VITAL RECORDS
STATE OF CALIFORNIA, COUNTY OF BUTTE

This is a true and exact reproduction of the document officially registered and placed on file in the office of the Butte County Clerk-Recorder.

DATE ISSUED FEB 21 1946 FEB 21 2016

This copy is not valid unless prepared on engraved border, displaying the date, seal and signature of the County Clerk-Recorder

Candace J. Grubbs
CANDACE J. GRUBBS
COUNTY CLERK-RECORDER



CENSUS ROLL OF THE INDIANS OF CALIFORNIA UNDER THE ACT OF MAY 18, 1928 (45 Stat. P. 602)

MARGINAL REFERENCE	Final Roll No.	Appen- dices No.	Adm- inis- trative No.	Census June 30, 1942 No.	ENGLISH NAME	INDIAN NAME	Relation to Family	Sex	Age in 1928	Date of Birth	Degree of Ind in Blood	Name of Tribe or Band	Where Enrolled and Allotted	POST OFFICE	Amount and Kind of Property Owned	REMARKS
	8980	7495			Jackson	Risten L.	Single	M	40	11-29-1888	3/8	Tribe unknown Klamath County	Never allotted Datto. Agency	El Dorado, Nevada County, Calif.	None	
	8981	6996			Jackson	Robert	Head	M	46	12-16-1882	3/4	Concow Butte County Tribe unknown Plumas County	Never allotted Datto. Agency	Feather Falls, Butte County, California	None	
	8982	6997			Jackson	Ima	Wife	F	52	8-14-1876	1/2	"	"	"	"	
	8983	6997			Martin	Franklin	Gen	M	17	1-26-1911	3/4	"	"	"	"	Son of Tom Jackson.
	8984	6997			Martin	Doris	Gen	F	15	9-10-1913	3/4	"	"	"	"	Daughter of Tom Jackson.
	8985	6996			Jackson	Robert L.	Gen	M	13	12-18-1915	5/8	"	"	"	"	
	8986	6996			Jackson	Ida E.	Gen	F	11	3-20-1917	5/8	"	"	"	"	
	8987	6996			Jackson	Angie	Gen	F	9	12-15-1919	5/8	"	"	"	"	
	8988	6996			Jackson	Adelle Alice	Gen	F	5	1-16-1923	5/8	"	"	"	"	
1110	8989	7660			Jackson	Beth	Head	F	61	6-1-1867	4/4	"18 River	Allotted Datto. Agency	Dean, Shasta County, Calif.	Allotment, horse, horse, automobile, value \$265.00	Separated from wife. Lives on trust property.
1110	8990	5175	517		Jackson	Doris	Head	F	63	8-25-1867	4/4	Painte	Never allotted Walker River	Hishop, Inyo County, Calif.	Interest in estate, value unknown.	Divorced. Lives on trust property.
1110	8991	2564			Jackson	Tinie	Widow	F	60	3-11-1868	4/4	Mono	Never allotted Datto. Agency	North Fork, Madras County, Calif.	House, personal property, value \$200.00	
	8992	2564			Jackson	Annie	Gen	F	35	9-15-1923	4/4	"	"	"	None	
	8993	2564			Jackson	Sam	Gen	M	18	2-14-1910	4/4	"	"	"	"	
1110	8994	2564			Jackson	David	Gen	M	14	8-8-1914	4/4	"	"	"	"	
1110	8995	2564			Jackson	Willie	Gen	M	21	7-11-1907	4/4	"	"	"	"	Died August 10, 1928.
	8996	2564			Jefferson	Samuel	Gen	M	3	2-6-1928	4/4	"	"	"	"	
1110	8997	1508	370	431	Jackson	Toma	Head	F	32	1896	4/4	Yuma	Allotted Pi-Tum Agency	Fort Yuma Agency, Yuma County, Arizona	Allotment, value \$2,092.00 Allotment, value \$2,295.00	
1110	8998	1833	139	416	Jackson	Marynet China	Wife	F	24	1904	4/4	"	"	"	"	
1110	8999	1808			Jackson	Cheslin	Gen	F	5	1923	4/4	"	Never allotted Pi-Tum Agency	"	None	
	9000	1808			Jackson	Priscilla	Gen	F	3	1925	4/4	"	"	"	"	
1110	9001	1808			Jackson	Kenneth	Gen	M	1	1927	4/4	"	"	"	"	
1110	9002	3298			Zaob	Via	Head	F	55	7-23-1873	4/4	Karok Shikayo County	Never allotted Datto. Agency	Hoppy Camp, Shikayo County, Calif.	Some land and house, value \$150.00	Lives on trust lands.
1110	9003	3299			Zaob	Irene	Wife	F	58	7-23-1870	4/4	"	Never allotted Datto. Agency	"	"	
1110	9004	3297			Zaob	Mary Jane	Widow	F	84	7-22-1844	4/4	Karok Shikayo County	Never allotted Datto. Agency	Hoppy Camp, Shikayo County, Calif.	None	
	9005	3297			Zaob	Gallie	Gen	F	58	7-22-1870	4/4	"	"	"	"	
	9006	3297			Zaob	Daisy	Gen	F	53	7-22-1875	4/4	"	"	"	"	
1110	9007	3297			Frank	Frank	Widow	M	43	7-22-1885	4/4	"	"	"	"	
	9008	2679			Zaobe	Beattie	Single	F	36	7-14-1892	3/4	Chukchansi, and Tuloume	Allotted Datto. Agency	Raymond, Madras County, Calif.	Land, improvements, value \$700.00	Lives on trust lands.
1110	9009	4141	204		Zaobe	Charles E.	Single	M	40	7-6-1888	3/4	Yurok	Never allotted Keope Valley	Wetshopee, Humboldt County, Calif.	Land, cattle, barn, value \$601.00	
1110	9010	2902			Zaobe	Dorothy	Head	F	34	10-7-1894	3/4	Yurok, and Chukchansi and Tullitchee	Allotted Datto. Agency	Dist. Madras County, Calif.	Land, improvements, value \$1,000.00	
1110	9011	2901			Zaobe	Larry	Wife	F	26	8-5-1902	3/4	"	Never allotted Datto. Agency	"	None	
	9012	2902			Zaobe	John J.	Gen	M	3	12-12-1925	3/4	"	"	"	"	
1110	9013	2904			Zaobe	John J.	Head	M	67	3-20-1861	1/2	Yurok Tullitchee, and Chukchansi	Allotted Datto. Agency	Dist. Madras County, Calif.	Land, stock, improve- ments, value \$3,500.00	Widower.
	9014	2904			Zaobe	Benjamin H.	Gen	M	42	11-15-1886	3/4	"	Never allotted Datto. Agency	"	None	
	9015	2904			Zaobe	Beattie	Gen	F	40	7-14-1898	3/4	"	Never allotted Datto. Agency	"	Land, improve- ments, value \$300.00	
	9016	2904			Zaobe	Edward	Gen	M	26	3-5-1923	3/4	"	Never allotted Datto. Agency	"	None	
	9017	2904			Zaobe	Laurette	Gen	F	23	7-21-1905	3/4	"	"	"	"	
	9018	2488			Zaobe	Fanny	Single	F	18	12-19-1910	1/2	Wapishan	Never allotted Datto. Agency	Dist. Madras County, Calif.	None	

tabbies
EXHIBIT
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4-15-06

Dear Lineal Voting Members,

ARE YOU AWARE OF:

1. Grabowski's report contains numerous errors both in fact and in law.
2. Anthropologist fee & Attorneys retainer/fees is near ½ million dollars.
3. A 90 page report sent to Washington D.C.
4. Our Trust land is in question for our Casino.
5. Inquiries from the National Indian Gaming Commission.
6. A 116 page report on Ethnohistory & Membership of the M/R.
7. Danger of the Burdicks & Willaims lawsuit against the BIA.
8. Constitutions contains wording " distributees and/or dependent members."

A few members beside the council are aware of what is occurring and the council has not come forward with this information of the cost and problems they started by illegally reclassifying the Martin family. Nothing was reported to the members at our 1-21-06 Lineal meeting. No financial reports handed out to members. Our Tribal laws state we are to have financial reports from them. Our April Lineal meeting will be this Saturday. Hopefully this letter will *inspire* the council to report to the members as should be with financial reports and respond to the 8 issues stated above.

A CAN OF WORMS WAS OPEN AND WE NEED TO CLOSE IT.

12-14-04 This all started when the council hired Grabowski & Associate
"to do a proper genealogy."

2-18-05 The six Tribal Council members illegal Log Cabin meeting, they met to read the Fax copy of 'Documentary Review Summary Conclusions: Ina Davis Martin Descendants', with four (all Ina grandchildren) Tribal Council members left out.

3-16-05 The reclassification of the Martin family to adoptee status without due process of law.
(Illegal elections occurred and Tribal laws broken.)

3-29-05 At a Tribal Council meeting, the council agreed for a Independent Contractor Agreement between our Tribal Attorney and

Grabowski, so, "any work performed would then be protected under the Attorney – Client privilege umbrella." *Hum!*

The Grabowski report interpretation of the 'Plan for the Distribution' presented to the tribe was never accepted by many of the lineal members. Her opinion and legal conclusions on this Federal Document, was also contested by Attorney Michael Harvey at a hearing for the Martins, when Mr. Harvey verbally told her, more than one time, "you cannot say that! You are not an attorney."

The continuation of spending Tribal money for Attorney after Attorney to prove the Martin family was legally reclassified by Tribal Law, has not been done. Two Attorneys already gave their legal opinion and they no longer work for the council. Now new Attorneys are hired to strategize new ways to show the council did not break our Tribal Laws and they have not found that legal loophole yet! All of this started approximate 1½ years ago and the cost the council is costing the tribe due to their belief in the Grabowski report is getting near ½ million dollars. This spending of our Tribal money to protect them must stop! A mistake was made due to the information given to the Tribe. Put these Lineal Members back in where they belong!

1-06-06 Jon Velie, Attorney for the Martin family sent a 90 page report to Washington D.C. to three Federal Offices. Bureau of Indian Affairs, National Indian Gaming Commission, Office of Indian Gaming Management. Stating violation of Tribal Laws, Indian Civil Rights, and our Revenue Allocation Plan.

Our Trust land is now being question by these offices and they are looking into the situation the council has put us in. Senators are also reviewing Mooretown papers. Do you want to wake up one day and find our Casino shut down! Our assets frozen! Well! I don't! NIGC has the power to do it. The council and attorneys have this information, yet most of you have not been informed of what is happening. The council continues to work behind closed doors, closed sessions, keeping us in the dark, traveling to and fro, spending tribal money like there is no end to it. AND are you one of the members who do not question or concern yourself with our Tribal business. (this is a shame) We need a handout/mailed financial statement every month from the council on their spending of Tribal money.

In this 90 page report was an Affidavit of Heather A. Howard Ph. D. (there was 11 pages of credentials) She is a Antropologist and Ethnohistorical Researcher, hired by Attorney Velie to conduct research on the historical documentary evidence pertaining to the lineal members and to comment on the Grabowski report. I have enclosed the 3 page report of hers for you to read. Dr. Howard found the report inaccurate, selective and prejudiced. Grabowski offers a legal reevaluation of official documents which is beyond the scope of her training.

4-07-06 A 116 page report of 'Ethnohistory and Membership of the Mooretown Rancheia, by Heather A. Howard Ph.D.

It took me 2 days to read this report concerning our tribe, due to the fact I enjoy the genealogy and historical history of old Indian families and our ancestors. Some of you may already have a copy while other don't. I will send you a copy if you call me. The report is well written, with information on the bottom of the page where she found the information. Her findings are from all 4 founders and lots more. But! what needs to be said here is she shows us the errors and misrepresentations of the Historical Record in the Grabowski Report. She disagrees with the Grabowski report concerning the 'Plan of Distribution.' Dr. Howard states Ina was a distributee in every way and she goes on to show us why. When Grabowski gave a legal opinion of Ina as a dependent member and stating Ina was not a "real" distributee, her declaration by making these erroneous assertions, causing harm to the subjects of her report, violates the AAA Code of Ethics.

The Burdicks and Williams lawsuit against the USA; BIA, was resubmitted in Federal Court. Their lawsuit centers around the 'Plan of Distribution List.' BIA denies any involvement in deciding Mooretown's membership. Attorney Chappabitty claims otherwise. In this report on page 31, shows very damaging information for our tribe. It states how the BIA was urge to restored tribes to confine their membership to the lineal decendants of the distributees and dependent members.....

Have you ever seen the 1915 Census? That is what they want us to use for our Lineal Membership. IF they should get a hold of this information in this report and IF they should succeed we will have over 1000 Lineal Voting Members.

(the can of worms is destroying us)

In conclusion, I am sending you clippings from our 3 Constitutions. The family members who was involved in the 1st Constitution would have surely have seen a copy of the 'Plans of Distribution.' Gary's letter dated 4-19-05

stating, "uncovered new information regarding our history- new information on the original distributees....." is a damaging statement for the tribe. The Burdicks and Willaims lawsuit states the BIA told us how to set up our membership and our members are saying "we never seen this document!!" Statements like this is very bad for our tribe. Someone better step forward and state they remember and seen and used this document in our Constitution.

The clippings for the Constitution will verify the Martin family was illegally reclassified. They are Lineal Members as we are. We need to put them back in.

The clipping from November 21, 1987 Constitution.

Article III MEMBERSHIP

ARTICLE III - MEMBERSHIP

SECTION 1. Membership in the Mooretown Rancheria shall consist of all persons living on the effective date of this Constitution who were listed as distributees and dependent members of their immediate families in the Plan for Distribution of the Assests of the Mooretown Rancheria as

ARTICLE V ELECTION

SECTION 1. Voter Qualification. All enrolled members of Mooretown Rancheria twenty-one (21) years of age or older, other than members adopted into the Tribe, regardless of residence, are qualified voters. Persons adopted into the Tribe who are not lineal descendents of original distributees or dependent members shall not have the right to vote in tribal elections.

January 2, 1999 Constitution

ARTICLE II MEMBERSHIP

SECTION 1. Lineal Members shall consist of the following:

(a) Individuals who are direct lineal descendants of Kate Archuleta, Fred Taylor, Robert Jackson and Ina Jackson, who were listed as distributees in the Plan for Distribution of the Assets of the Mooretown Rancheria as recorded in the Federal Register dated August 1, 1961.

ARTICLE IV ELECTIONS

ARTICLE IV - ELECTIONS

SECTION 1. Voter Qualification. All enrolled lineal members as defined in Article II, who have reached the age of 21 years, regardless of residence, shall have the right to vote in tribal elections. These members shall be referred to as Lineal Voting Members. Persons adopted into the Tribe who are not lineal descendants of original distributees or dependent members shall not have the right to vote in tribal elections.

May 14, 2005 Constitution

ARTICLE II MEMBERSHIP

SECTION 1. Lineal Members shall consist of the following:

(a) Individuals who are direct lineal descendants of any of the following three (3) persons listed in the 1958 Bureau of Indian Affairs (BIA) Plan for Distribution:

Kate Archuleta
Fred Taylor
Robert Jackson

ARTICLE IV ELECTIONS

ARTICLE IV - ELECTIONS

SECTION 1. Voter Qualification. All enrolled lineal members as defined in Article II, who have reached the age of 21 years, regardless of residence, shall have the right to vote in tribal elections. These members shall be referred to as Lineal Voting Member. Persons adopted into the Tribe who are not lineal descendants of original distributees or

dependent members shall not have the right to vote in tribal elections.

Sincerely,


Shirley Prusia

AFFIDAVIT OF HEATHER A. HOWARD, Ph.D.

1. I, Heather A. Howard, Ph.D., being duly sworn, do hereby state as follows: I am an anthropologist and ethnohistorical researcher with eleven years of experience studying North American Indian history and culture, with a particular emphasis on issues of Native community formation and membership. I have published articles and edited books on these and related topics (see Vitae).

I have been retained as an anthropological expert by Velie and Velie, attorneys representing the descendants of Ina Jackson, members of the Mooretown Rancheria, in connection with issues arising from a report prepared by Grabowski & Associates, LLC, entitled *Documentary Review of the Lineal Membership of the Mooretown Rancheria* (hereafter referred to as the Grabowski report). I have been asked by the descendants of Ina Jackson represented by Velie and Velie to conduct research examining the historical documentary evidence relevant to the lineal membership of the Mooretown Rancheria, and to comment on the Grabowski report in light of this research. The following statements of fact and opinion are based upon my preliminary analysis of the documentary evidence supporting the Grabowski report.

2. The current constitution of the Mooretown Rancheria states that the lineal members of the Mooretown Rancheria shall consist of "Individuals who are direct descendants of Katie Archuleta, Fred Taylor, Robert Jackson and Ina Jackson, who were listed as distributees in the Plan for the Distribution of the Assets of the Mooretown Rancheria as recorded in the Federal Register dated August 1, 1961." Robert Jackson and Ina Jackson were husband and wife. The current constitution of the Mooretown Rancheria does not specify that Robert Jackson and Ina Jackson's direct lineal descendants be restricted to the children born of their marital union, which occurred in 1916. Children born to either of these individuals before or during their union are their "direct descendants." When Robert and Ina Jackson married in 1916, Ina Jackson had children from a previous marriage. These children are her direct lineal descendants.

3. Ina Jackson is listed as a distributee in the Federal Register dated August 1, 1961 on equal par with the other distributees named to receive the assets of the Mooretown Rancheria. In the Plan for the Distribution of the Assets of the Mooretown Rancheria, drawn up in 1959, Ina Jackson is listed as a distributee, who is also referred to as the "wife" of Robert Jackson. Termination policy required that the named distributees vote on the Plan for the distribution of rancheria assets. In the case of the Mooretown Rancheria, Fred Taylor, Katie Archuleta, and Robert Jackson voted to accept the Plan. Ina Jackson did not vote on the Plan. However, this was not inconsistent with the elderly couple's pattern, in which Robert Jackson spoke or wrote on his wife's behalf. Robert Jackson was aged seventy-seven and Ina Jackson was aged eighty-three in 1959. Other examples of Robert Jackson's correspondence, in which he explicitly states that he is writing on his own and his wife's behalf, demonstrate this pattern, which is also consistent with the general socio-cultural context of gender relations for the time period and for the age of the couple. Those who did vote on the Plan, accepted that it named Ina Jackson as a distributee.

The Grabowski report ignores this context and gives a less than holistic representation of these facts in order to conclude that Ina Jackson was not a real distributee of the Mooretown Rancheria. The Grabowski report makes the leap from an ethnohistorical report to a quasi-legal argument that Ina Jackson should not be considered an ancestor from whom members of the Mooretown Rancheria can trace lineal descent.

Nothing in the documentary evidence I have reviewed related to tracing lineal ancestry, nor in the historical record of circumstances surrounding federal termination of the Mooretown Rancheria in 1959, supports this contention. It was in 1959 that the list was generated of the four individuals to whom the assets of the Rancheria were to be distributed. A preliminary analysis of these documents does not show that the four distributees, and that Ina Jackson in particular, should be treated unequally. Ina Jackson's relationship with the federal government was terminated in the same way it was for Robert Jackson, Katie Archuleta, and Fred Taylor.

4. I found that the Grabowski report did not fulfill its stated goals in a fair and comprehensive manner. The introduction to the Grabowski report states the purpose is to provide analysis of all the current lineal members of the Mooretown Rancheria. I found that instead the Grabowski report presents a biased focus on the lineal members of the Mooretown Rancheria who descend from Ina Jackson. Only a cursory examination of the records pertaining to the family lines of Katie Archuleta and Fred Taylor is provided. I also found substantial errors in the representation of Robert Jackson's history. Information, which is available in the public record but often accessible only to professional researchers, is presented in the Grabowski report in a partial manner which appears to have purposefully excluded significant facts pertaining to the Robert Jackson and Ina Jackson family lines, while exaggerating others. To my knowledge, the subjects of the report – the descendants of Ina Jackson – were not given an opportunity to review or participate in the preparation of this report, while the descendants of the other families discussed were consulted.

5. Based on my examination of the Grabowski report and its supporting documents, I conclude that the Grabowski report is inaccurate, selective, and prejudiced in its representation of the documentary evidence. The Grabowski report is based on an ill-conceived social analysis of gender relations, which is not evenly applied to all the subjects of the report, and which is conflated into legal opinion. The Grabowski report offers a legal reevaluation of the official documents upon which the Mooretown Rancheria was terminated and restored, and upon which the Bureau of Indian Affairs was required to act. These are legal pronouncements which fall outside the functions of an ethnohistorical report and are beyond the scope of the research question the Grabowski report set out to answer. I have also studied the documentary evidence pertaining specifically to the history of Ina Jackson and find that she was listed as a distributee in the Plan for the Distribution of the Assets of the Mooretown Rancheria as recorded in the Federal Register dated August 1, 1961. I found no historical evidence that would lead to the conclusion that she or her lineal descendants should be treated exceptionally from the other three distributees and their lineal descendants.

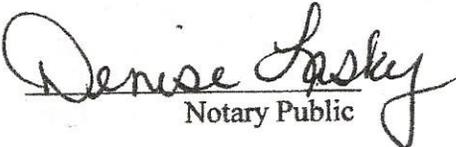
I, Heather A. Howard, Ph.D., declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on the 3rd day of January 2006.


Heather A. Howard, Ph.D.

Subscribed and sworn to me this 3rd day of January 2006.

Denise Lasky
Notary Public, Ingham Co., MI
My Comm. Expires Jan. 5, 2012


Notary Public



Mooretown Rancheria

#1 Alverda Drive

Oroville, CA 95966

(530) 533-3625 Office

(530) 533-3680 Fax

February 23, 2005

Dear Ina Jackson descendants:

As you may be aware, the Tribal Council suspended the descendants of Ina Jackson (prior to her marriage to Robert Jackson) until a hearing can be held.

The hearing has been scheduled for:

Thursday, March 10, 2005

5:00 pm

Mooretown Rancheria Community Center

1 Alverda Drive, Oroville, California

You should plan to bring any documents, information or other data that supports your position.

Gary W. Archuleta

Tribal Chairman

GWA/llw