



**Ruffeys Rancheria:
A History of Unoccupied Federal Fee Land
at Etna, California, 1907-1960**

A Report Commissioned by the Karuk Tribe

Stephen Dow Beckham, Ph.D.
May 2018

Introduction

This report was researched and written at the request of the Tribal Council of the Karuk Tribe of Happy Camp and Yreka, California. The focus of the report was to examine the history of Ruffeys Rancheria, the individuals, families, bands, and tribes associated with that property and nearby Etna, and the testimony submitted on behalf of H.R. 3535, Ruffeys Rancheria Restoration Act (2017). H.R. 3535 proposes to restore a “government-to-government relationship” between the United States and Ruffeys Rancheria.

I had prior knowledge of the history of Indian affairs in Siskiyou County. My research on tribal relations in the Klamath watershed commenced in 1964 and led to the book *Requiem For a People: The Rogue Indians and the Frontiersmen* (1972). Subsequently I served as expert witness for the Karuk Tribe in the U.S. Claims Court in *Karuk Tribe v. United States*, Docket No. 90-3993-L (1989-1997). I researched and wrote “The Karuk Tribe of California: Federal Relationships, Termination, and Restoration” (2004) submitted to the National Indian Gaming Commission. I also researched and wrote “The Karuk Tribe: Indian Residency and Tribal Presence in Siskiyou County, California, 1910-2005” (2005), a report used in litigation in the federal district court, District of Columbia, over the entitlement of the Karuk Tribe to engage in gaming on tribal lands in Yreka, California.

Under contract from the U.S. Department of the Interior, I researched and wrote *Historical Landscape Overview of the Upper Klamath River Canyon Oregon and California* published in 2006. In 2011-12 I was appointed to the Scientific Review Panel, Department of the Interior, to assess the technical reports on the projected removal of four dams owned by PacifiCorp, a subsidiary of Berkshire-Hathaway, Inc. These dams are located in Siskiyou County, California, and Klamath County, Oregon.

I carried out the primary research for this report at National Archives, San Bruno, California. I extend my appreciation to John Seamens for expediting access to the records of the Roseburg Superintendency, Greenville School, and the Sacramento Area Office as well as the affidavits for the Enrollment of California Indians, 1928-1933. I have also drawn on my previous research files, on-line census records, and other materials for this report.

Stephen Dow Beckham, Ph.D.

Pamplin Professor of History Emeritus
Lewis & Clark College
1389 SW Hood View Lane
Lake Oswego, Oregon 97035-1505

Overview

“There is no there.”

Gertrude Stein, *Everybody's Autobiography* (1937)

H.R. 3535 is an intellectually dishonest bill. It purports to restore a government-to-government relationship between Ruffeys Rancheria and the United States. In 2018 Ruffeys Rancheria is not federal fee land; it is not Indian tribal trust land; and it is not an Indian reservation. The property is fee land owned by the International Paper Company of Memphis, Tennessee. No Indian ever lived on Ruffeys Rancheria. The property is a rough, mountainous, forested hillside located approximately one mile south of Etna, California.

The following report examines the history of this property from 1907 to 1960. The Central Pacific Railroad sold the land in 1907 to the United States ostensibly as a home for two groups or bands of “Karok or Adatars Stock” Indians residing near Etna. Special Indian Agent Charles W. Kelsey had visited Scott Valley in 1905 or 1906 and found these landless people in conflict with their Euro-American neighbors. When Charles Ritz put a chain around Old Man Ruffey’s house and attempted to drag it off his property, Ruffey attempted to shoot his neighbor. Friends restrained Ruffey and Kelsey bought 441 acres. Neither of the houses of Old Man Ruffey nor Pete Ruffey, however, were on the rancheria nor were they moved to that property.

This report documents the chasm between the testimony submitted on behalf of H.R. 3535 and the history of Ruffeys Rancheria. The report identifies the individuals and families on the Special Agent Kelsey’s lists of 1905 and 1913 and their numerous descendants enrolled in the Karuk Tribe. The report concludes with a summary of the total absence of measures of tribal relationships with the United States. The conclusion raises troubling, unanswered questions in the testimony of Tahj E. Gomes on September 26, 2017, in the hearing before the House Committee considering this bill.

Contents

“There are no residents on the rancheria since Roy Abernathy moved to Etna after the bridge that provided access to his home across Mill Creek was washed out.”

Kenneth E. Engelbretson, “Report on Ruffeys Rancheria,” 1958

Introduction	1
Overview	2
Contents	3
List of Tables.....	4
List of Figures	5
Landless California Indians	6
California Treaty Commission, 1851-52.....	6
Report of Charles W. Kelsey, 1906	10
Findings of Fact	17
Ruffeys Rancheria History.....	20
Etna Indian Family Histories.....	33
Ruffey/Abernathy Family	33
Burcell/Purcell Family	37
Conclusions	45
Bibliography	51
Appendix A: H.R. 3535.....	59
Appendix B Testimony of Tahj Gomes before House Subcommittee on Indian, Insular, and Alaska Native Affairs, 9/26/17.....	70

List of Tables

Table 1- Select Indian Groups, Siskiyou County, 1905-06	11
Table 2- Indian Population, Etna and Etna District, 1900	12
Table 3- Indians of Karok or Adatars Stock at Etna, 1905-06	13
Table 4- Indian Population, Etna and Etna District, 1910	14
Table 5- Indian Population, Etna and Etna District, 1913	15
Table 6- Indian Population, Etna Mills, 1915	15
Table 7- Timber on Ruffeys Rancheria, July, 1959.....	29

List of Figures

Figure 1- Ruffeys Rancheria and nearby Etna in southern Scott Valley (Bureau of Indian Affairs n.d.).	19
Figure 2- Ruffeys Rancheria showing spring and pipeline of Norman.....	23
Figure 3- Map of Ruffeys Rancheria showing spring and adjacent fee owners (l to r): E. Kepp, F. Kepp, Norman Marvin, Various non-Indian owners, Rodney Gregg, Roy J. Abernathy (Duchene 1953b).	25
Figure 4- “Type Map of Ruffeys Rancheria” (Engelbretson 1958b).	28
Figure 5- Tommy Ruffey (1872-1936), Folsom Prison, 1930 (California Prison and Correctional Records n.d.).....	34

Landless California Indians

California was a prize of the Mexican War (1846-48) and was ceded by Mexico in the Treaty of Guadalupe Hidalgo (1848). Discovery of gold in the Sierra foothills in January of that year proved singularly disruptive to the Indians of California as well as to the orderly development of American governing institutions. For a time the U.S. Army and U.S. Navy were the stabilizing powers. In 1849 more than 100,000 new residents poured in overland and by sea and on September 9, 1850, California catapulted to statehood. The state thus was never formally organized as a territory under the Ordinance of 1789. Its native peoples had no guarantees of “utmost good faith” embedded in the Ordinance that created most other territories across the American West.

California Treaty Commission, 1851-52

On September 30, 1850, Congress appropriated \$25,000 to fund negotiation of treaties with California tribes. President Millard Fillmore named three treaty commissioners: Oliver M. Wozencraft of Louisiana, Redick McKee of Virginia, and George W. Barbour of Kentucky. Acting Commissioner of Indian Affairs A. S. Loughery defined the mission in California on October 15: “the object of the government is to obtain all the information it can with reference to tribes of Indians within the boundaries of California, their manners, habits, customs and extent of civilization, and to make such treaties and compacts with them as may seem just and proper” (Loughery 1850:121-122).

Because of Indian conflicts in the Merced watershed in the Sierra Nevadas, the California legislature authorized the Mariposa Battalion which early in 1851 waged war against the Indians. These conflicts immediately drew the attention of the Treaty Commission and on March 19 and April 29 it entered into its first treaties with tribes living on the Tuolumne, Merced, Mariposa, and Kings rivers (Metcalf 1963:34-35). By March tensions had risen to an intolerable level among the Commission members. They wrote to Commissioner Luke Lea in Washington, D.C., expressing their intention to separate and negotiate treaties on their own. McKee, who had shipped over \$6,500 in goods to California he intended to sell to Indians, was restive and often at odds with the other commissioners. The men drew lots for the districts where they would work. Wozencraft obtained the Sacramento and San Joaquin watersheds; McKee got northwestern California; and Barbour obtained southern California (Barbour 1936[40]:147; McKee, Wozencraft, and Barbour 1851:224; Metcalf 1963:12).

McKee, born in McKeesport, Pennsylvania, had no prior experience in

Indian affairs and no knowledge of California and its native peoples. He had not previously visited northwestern California between San Francisco Bay and the Oregon border where he was to meet with tribes, gather data on their numbers and cultures, and enter into treaties. When he arrived at the U.S. Army barracks at Sonoma in the summer of 1851, he encountered George Gibbs (1815-1871), a resident of Astoria, Oregon, who was visiting his brother, Alfred Gibbs, an officer stationed at the post. McKee ascertained that Gibbs had in April and May, 1851, served as secretary and cartographer for the Willamette Valley Treaty Commission. Further, since 1849 Gibbs had been at work on a Chinook Jargon dictionary, the lingua franca of the fur trade in the Pacific Northwest. Gibbs was a skilled linguist and graduate of Harvard Law School. McKee hired Gibbs to travel with him as his interpreter and cartographer (Beckham 1969:83-85; Gibbs 1853:100).

During the late summer and fall the McKee party and an escort of soldiers from Sonoma Barracks traveled north. The expedition visited the Russian River Valley, Clear Lake, Eel River, and Humboldt Bay. Because of growing tensions between Indians and gold miners in the Klamath watershed, McKee turned east into the mountains to visit tribes along the river canyon and on the Trinity and Scott rivers. On November 4, 1851, McKee met at the junction of Scott River and the Klamath with the following:

Chiefs, captains and head men now in council at this camp, representing the Upper Klamath, Shasta, and Scott's river Indians, residing severally in twenty-four, nineteen, and seven rancherias or villages, and known as the O-de-i-lah tribe or band, I-shack chief, from the Upper Klamath river; I-ka-ruck tribe or band, Tso-hor-git-sko chief; Ko-se-tah tribe or band, Ada-war-how-ik chief; I-da-kar-i-waka-ha tribe or band, I-da-kar-i-waka-ha chief, from Shasta valley; Wat-sa-he-wa tribe or band, Ar-rats-a-cho-i-ca chief; E-eh tribe or band, An-na-nik-a-hok chief, from Scott's valley (Heizer 1972:102-103).

Dr. Robert Heizer, editor of the California volume (1978) of the *Handbook of North American Indians*, wrote about the treaties obtained by the California Indian Treaty Commission. He founded his comments on the efforts of several anthropologists over a period of decades to try to identify the tribes, bands, and leaders listed in the documents. Heizer observed:

The three commissioners who arranged the 18 treaties in 1851-1852 knew nothing at all about California Indians. Their procedure was to travel about until they could collect enough natives, meet with them, and effect the treaty explanation and signing. One wonders how clearly many Indians understood what the whole matter was about. Not a single Indian signature was ever recorded; only an x mark occurs. Some treaties were agreed to by a number of Indians each of whom had a

Spanish given name (Antonio, Joaquin, José, Pablo); others were signed by persons with either Spanish or native names; and a number were signed by persons who, without exception, bore native names. In the last instance it is to be doubted that an interpreter was always present who knew all the native dialects of the Indians assembled for the treaty meeting (Heizer 1978[8]:702-703).

The treaty at Scott River identified George Gibbs and Lindley Abel as the “interpreters.” Gibbs had no knowledge of the languages of the Karuk and Shasta who lived along the main stem of the Klamath and in the watersheds of the Shasta and Scott rivers. His growing competency in Chinook Jargon, which ultimately led to publication of his *Dictionary of the Chinook Jargon, Or the Trade Language of Oregon* (1863), was of no utility in northwestern California. During his travels he encountered only two or three words he identified in the jargon. Lindley Abel was a gold miner born about 1829 or 1830. He likely had resided for a few months in the placers along Scott River. There is no reason to believe he had any competency in local Indian languages. Abel moved on to Arizona Territory where he continued mining. He died in Yavapai, Maricopa County, on February 5, 1900 (Maricopa County Probate Court 1900).

Article 3 of the treaty provided: “The said tribes or bands for and in consideration of the premises, and of the stipulations and promises hereinafter contained, hereby jointly and severally sell, cede, relinquish, and forever quit claim to the United States, all their right, title, claim or interest of any kind which they or either of them have to the lands they now occupy, and to all other lands or soil in California.” The agreement failed to identify the boundaries of the lands ceded, but Article 4 defined a proposed reservation on the eastern side of Scott Valley. Miners at work in the district were given two years to continue their labors (Heizer 1972:98-99).

The treaty identified two tribes from Scott Valley and the following respective “chiefs” or “signers:” Wat-sa-he-wa tribe or band: Ar-rats-a-cho-ica; E-eh tribe or band: An-na-nik-a-hok and Sun-rise (Heizer 1972:101). No other documents have identified these tribes, bands, or leaders. On October 10, 1930, Old Man Ruffey who lived near Etna, California, responded to six pages of questions about his ancestry and tribal affiliation. The enrollment officer conducting the interview identified Ruffey as a Shasta Indian, though he and his family were known to be Karok [Karuk] Indians. A detailed interview with Ruffey was published in 1947, some twenty years after it was recorded, in the *Siskiyou Pioneer*. Ruffey told the interviewer that he was “a Klamath River Indian of the Karok [Karuk] Tribe” and his original home was in the Somes Bar region, the heart of Karuk aboriginal territory (Campbell 1947: 24-26). Special Indian Agent Charles Kelsey also indentified Ruffey as “Karok or adatar stock” as will be discussed in greater detail below. Today, many of Ruffey’s descendants are enrolled with the Karuk Tribe.

Question 13 for his enrollment as a California Indian stated: "Give the names of the Chiefs, Captains, or Headmen of the Tribe or Band to which your ancestors belonged on June 1, 1852, who executed the treaty or treaties herein referred to, if you know them." Old Man Ruffey-the eldest of all Indians then residing in Scott Valley, answered: "I do not know" (Ruffey, Old Man 1930). There are no known descendants of the treaty signers of November 4, 1851. There is no documented political succession in interest of the two Scott Valley tribes and bands of 1851 and present tribal communities such as Quartz Valley Rancheria or the Karuk tribe.

The United States Senate ratified none of the eighteen treaties negotiated in 1851-52. The arguments against their ratification were founded on the prospect that gold and other valuable minerals might be found at yet undiscovered locations in the state and that none of the lands should be "locked up" in Indian reservations. No subsequent efforts were mounted to negotiate additional treaties. The Indians of California were left landless in a homeland they had occupied for thousands of years (Heizer 1978:702-704).

The California Act for the Government and Protection of Indians of April 27, 1850, facilitated their enslavement. Indian minors, especially orphans, could be taken by Euro-Americans as servants. The law prohibited Indians from testifying against Euro-Americans. In 1860 the legislature expanded the statute to include enslavement of adult Indians. The "indenture" program was ultimately abrogated by the Emancipation Proclamation (1863) and the Thirteenth Amendment (1865). Robert F. Heizer estimated that 10,000 Indians were indentured at hard labor between 1850 and 1863 by these California laws (Heizer 1993).

Congress authorized between 1853 and 1855 creation of seven "military reservations" in California where Indians were to be instructed in farming and stock-raising. Most of these reservations were temporary. The "military reservations" were: Tejon Pass (1853), Tule River (1856), Round Valley (Nome Cult) (1856), Mendocino (1856), Nome Lackee (1857), Fresno River (1857), Klamath (1857), Smith River (1862), and Hoopa (1864). On April 8, 1864, Congress, mandated there would no more than four reservations in California. In the northern part of the state these were Round Valley, Hoopa, Klamath River (a strip of land along the Klamath), and Tule River. The Mission Indian Relief Act (1892) created small reservations in the southern part of the state (Heizer 1978[8]:704).

Report of Charles W. Kelsey, 1906

Vaguely aware of the terrible condition of the landless Indians of California, the Department of Interior in August, 1905, hired Charles E. Kelsey (1861-1936) as a Special Indian Agent. Kelsey's assignment was to attempt to count, assess the situation, and recommend action for the surviving Native Americans in the state. Over the next fifteen months, Kelsey traveled an estimated 12,000 miles in California north of the Tehachapi Mountains. He found a population about 11,800 Indians. He reported these people mostly survived in abject poverty, were landless, had low levels of education, endured wretched sanitary conditions, lived "dangerously near the famine line," were ill with tuberculosis and other diseases, and exhibited "feelings of helplessness and despair." Meeting with anthropologists and others who had examined historical records, Kelsey concluded that since Spanish settlement in 1769 the state's native population had declined 94% (Kelsey 1906:122-131).

Kelsey's primary recommendation to ameliorate the condition of the Indians was purchase of lands where the Indians might live without fear of dislocation, where they could build houses and plant gardens, and where they might work as laborers in the surrounding countryside. If they secured stable homes, they could then be dealt with federal programs of health and education. Kelsey wrote:

That those Indians who are landless through an act of omission by the National Government, shall receive land in lieu of any claims they may have against the Government, moral or otherwise; that the land shall be of good quality with proper water supply, and shall be located in the neighborhood in which the Indians wish to live; that this land shall be given under some such plan as that pursued at Fort Independence [in Owens Valley], each family being consigned to not exceeding 10 acres, or such small tracts as the conditions may warrant; this land to be purchased and assigned by a commission appointed by the Secretary of the Interior, the majority of the members to be experts in northern California land conditions (U.S. House of Representatives 1919:111).

Kelsey supplemented his report with a "Census of Non-Reservation California Indians, 1905-1906." He visited Siskiyou County and enumerated three linguistic groups (not tribes): "Shasta Stock," "Wintoon Stock," and "Karok or Adatars Stock."¹ Those living in the vicinity of Yreka and Scott Valley included the following groups:

¹ Kelsey's term "Adatars" is of unknown origin; however it may be a poor translation of *arara*, the Karuk work for people

Table 1- Select Indian Groups, Siskiyou County, 1905-06

Shasta Stock	Community	Population
	Yreka	38
	Fort Jones	6
	Cleveland District	19
	Meamber District	32
	Hamburg District	5
	Lowden District 11	
	Quartz Valley	7
Karak or Adatars Stock		
	Etna (Kelsey 1971:100-107)	31

Kelsey enumerated several dozens more Indians of the Karok Stock living in Mill Creek District, Happy Camp, Junction District, Forks of Salmon, and at Sawyer's Bar in Siskiyou County (Kelsey 1971:100-107).

As a result of the Kelsey report Congress appropriated \$161,200 to purchase 8,300 acres for an estimated 4,600 Indians in California. The lands included (1) \$34,300 for Mission Indians in the southern part of the state, (2) \$95,000 for new rancherias, and (3) \$42,800 for small tracts scattered in fifteen counties. The appropriations were made on June 21, 1906, and April 30, 1908. Among the purchases was land about one mile south of Etna, California. The Central Pacific Railway sold 441 acres for \$2,205 on July 17, 1907, to the United States. E. E. Calvin, vice-president, and C. P. Lincoln, assistant secretary of the railway refused to sell any lesser amount. The property became Ruffeys Rancheria. The deed, recorded in Yreka, California, did not identify any tribe or band as having a beneficial interest in the property. The tract was federal fee land for Indian purposes and was comparable to the sites of Greenville School or the Sherman Institute in California. In light of the 1864 statute it was not legally a reservation (Central Pacific Railway 1907).

In 1900 the Bureau of the Census mounted the Twelfth Decennial Census. Arthur B. Carr enumerated in Etna and Etna District the following individuals and families. All except for the Abernathy family were listed on the Indian Schedule.

Table 2- Indian Population, Etna and Etna District, 1900

Abernathy, Lucy [Ruffey]	F	June, 1864
Abernathy, Leroy	M	Dec., 1884
Abernathy, Bessie	F	May, 1888
Abernathy, Edmund	M	Dec., 1891
Abernathy, Minnie	F	Mar., 1893
Purcell [Burcell], Aaron	M	May, 1867
Purcell, Sallie	F	Jan, 1868
Purcell, Etna	F	Mar., 1891
Purcell, Harry	M	April, 1892
Purcell, Fred	M	April, 1895
Purcell, Aaron	M	Feb., 1897
Purcell, Maggie	F	Sept., 1898
Webb, James	M	
Webb, Sallie	F	Mar., 1875
Webb, Auro	M	May, 1898
Purcell [Burcell], Mary	F	Aug., 1840
Purcell, Nellie	F	May, 1875
Pepper, James	M	March, 1870
Pepper, Marrie (sister)	F	Nov., 1881
Pepper, John (brother)	M	Jan., 1880
Smoothy	M	Age ca. 65
Roughey, [Old Man Ruffey]	M	Age ca. 63
Roughey, Sarah	F	Age ca. 60
Roughey, Thomas	M	Age, ca. 25
Swain, Mack	M	Age ca. 23
Robinson, Minnie	F	Feb., 1884
Ruff[e]y, Charles	M	Age ca. 30
Ruff[e]y, Gaily	F	Age ca. 25
Ruff[e]y, Bode	M	Age ca. 8
Ruff[e]y, James	M	Age ca. 4
Ruff[e]y, Golide	F	Age 8/12
Oscar, Mollie	F	Age ca. 39 [Mollie Clausen] ²

² Mollie Oscar Clausen stated in her affidavit in 1930 for enrollment as a California Indian that she was born to unknown Indian parents about 1862 in

Oscar, Jessie	M	Age ca. 16
Oscar, Roy	M	Age ca. 10
Oscar, Henry	M	Age ca. 8
Oscar, Loretta	F	Age ca. 4

Total: 30
(Bureau of the Census 1900)

Six years later Special Agent Charles W. Kelsey enumerated the following individuals and families residing at Etna in 1905-06. Kelsey made the census during his site visit to Siskiyou County.

Table 3- Indians of Karok or Adatars Stock at Etna, 1905-06

Family	Indians	Mixed bloods
Swain, Mack & wife ³	2	
Mack	1	
Ruffey & wife	2	
Charley Ruff[e]y & wife 3 children	5	
Tommy Ruff[e]y Aaron Percell [Burcell] & wife 8 children		10
William Whitmore	1	
wife & stepson		2
Mollie Clawson & child	1	1 [See Footnote 2]
Sam Billy & wife	2	
Willie Jack & wife	2	
Joe Sims & wife		
Joe Sims & wife 3 children	5	
Thomas [Ezekiel] Snapp & wife [Nellie Burcell] 6 children	8	
Total Population:		42
(Kelsey 1971)		

Tehama County. At about age six months she was taken by a non-Indian couple to Etna in Siskiyou County. She subsequently married twice to (1) Jesse Clausen (d. 1899) and (2) Henry Oscar (d. 1914). In 1911 she resided in Yreka with a daughter, Ina Herman, and sons Ray Oscar and Henry Oscar. Mollie had no tribal connections to the Indians at Etna (Anonymous 1911).

³ Swain Mack (ca. 1879-1907) married Minnie Robinson (b. 25 Feb. 1884), 1/2 "Klamath River." The Macks had two children: Lester Mack (b. 1899) and Marie Mack (b. 1902), 3/4 "Klamath River." Minnie Robinson Mack married (2) Charles Vetterlein, a non-Indian, had three more children, and lived in Yreka (Bureau of Indian Affairs 1928-1933, Minnie Vetterlein).

In 1910 Charles L. Willard, Jr., enumerated on the Indian Schedule the native population in Etna and its vicinity.

Table 4- Indian Population, Etna and Etna District, 1910

Name	Gender	Age	Tribe
Snapp, Nellie [Burcell]	F	35	Orleans Bar
Snapp, Lorine	F	9	Orleans Bar
Snapp, Charley	M	7	Orleans Bar
Snapp, Franklin	M	1 & 1/12	Orleans Bar
Purcell, Mary	F	70	Klamath River (mother)
Purcell [Burcell], Aaron	M	44	F: Black Bar M: Orleans
Purcell, Sarah	F	40	Orleans
Purcell, Edna	F	19	Orleans
Purcell, Harry	M	18	Orleans
Purcell, Fred	M	15	Orleans
Purcell, Aaron	M	13	Orleans
Purcell, Maggie	F	11	Orleans
Purcell, William	M	9	Orleans
Purcell, Mary	F	8	Orleans
Purcell, Laurence	M	6	Orleans
Purcell, Louise	F	4	Orleans
Skekavak, Billy	M	60	Heller Bar
Skekavak, Maggie	F	40	Klamath River
Orcutt, Jessie	F	35	Sawyer Bar
Orcutt, Beatrice	F	9	Sawyer Bar
Orcutt, Nellie	F	6	Sawyer Bar
Ruff[e]y, Indian John	M	80	Salmon River
Ruff[e]y, Sally	F	75	Klamath River
Ruff[e]y, Tommy	M	40	
Ruffey, Charley	M	43	Old Etna
Ruffey, Carry	F	39	Klamath River
Ruffey, Bert	M	16	
Ruffey, Pete	M	14	
Ruffey, Anna	F	5	
Ruffey, Recia	F	4	
Ruffey, Alice	F	3	
Ruffey, Maggie	F	1 6/12	

Total: 32
(Bureau of the Census 1910)

Charles E. Kelsey wrote on June 14, 1913, to the Commissioner of Indian Affairs about possible assignments “to certain lands purchased for use of Ruff[e]y and other Indians near Etna, California” as well as lands offered to the Department of the Interior by Charles W. Kist and John Ritz, local residents. Kelsey included in this letter another listing of Indians in the vicinity of Etna.

Table 5- Indian Population, Etna and Etna District, 1913

Name	Population
Ruff[e]y and wife	2
Roy Abernathy, grandson	
One other grandson and	
Two Abernathy girls	4
Charley Ruff[e]y, wife, 5 children	7
Aaron Purcell [Burcell], wife,	9
children	11
Swaim, wife, 5 children	7
Mrs. Tom Snap, 2 children	3
Webb, wife, 3 children	5
Three Bar Sam Billy, wife	2
Wm. Whitmore, wife, stepson	2
Nellie Clawson, 1 child	2 [See Footnote 2]
Willie Jack, wife	2
Joe Sims, wife, 3 children	5
Mrs. Mac Swain, 3 children	4

Total: 57
(Kelsey 1913)

The Indian community at Etna changed after 1913. The Bureau of Indian Affairs Indian Census of 1915 identified remaining residents as only members of the Ruffey/Abernathy and Burcell families:

Table 6- Indian Population, Etna Mills, 1915

No.	Name	Relationship	Birth Date	Gender
85	Old Man Ruffey	Husband	1833	M
86	Sally Ruffey	Wife	1838	F
87	Tommy Ruffey	Single	1878	M
88	Charles Ruffey	Husband	1868	M
89	Katie Ruffey	Wife	1873	F
90	Annie Ruffey	Daughter	1908	F
91	Lacy Ruffey	Son	1909	M
92	Elsie Ruffey	Daughter	1910	F

93	Maggie Ruffey	Daughter	1911	F
94	Charlie Ruffey	Son	1912	M
95	Peter Ruffey	Single	1894	M
96	Roy J. Abernathy	Single	1888	M
97	Edmund Abernathy	Single	1892	M
98	Bessie [Abernathy] Smith	Head	1888	F
99	Fred Smith	[Husband]	-	M
100	Frederick J. Smith	Son	1910	M
101	Aaron Burcell	Husband	1868	M
102	Sally Burcell	Wife	1869	F
103	Maggie Burcell	Daughter	1899	F
104	Willie Burcell	Son	1900	M
105	Mary Burcell	Daughter	1902	F
106	Lawrence Burcell	Son	1904	M
107	Louisa Burcell	Daughter	1906	F
108	Fred Burcell	Single	1895	M
109	Aaron Burcell, Jr.	Head	1891	M
110	Edna Burcell	Head	1891	F
111	Bernice Hartley	Daughter	1911	F
112	Harry Burcell	Single	1892	M

(Bureau of Indian Affairs, 1915)

The census records of Indians living between 1900 and 1915 at Etna and its immediate vicinity listed almost entirely members of the Karuk Tribe. The exception was the family of Mollie Oscar Clausen, an Indian woman of unknown tribal origins born in Tehama County. Mrs. Clausen settled by 1915 in Yreka (Bureau of the Census 1920). The Indian population, except for the Ruffey and Burcell families, was fluid, a reflection of the need for people to move to places where they could find work. In 1910, for example, Roy and Edmund Abernathy (grandsons of Old Man Ruffey), worked as miners near Happy Camp on the Klamath River; Sam Billy lived at Callahan; Joe Sims, his wife, and a son resided at Duckwater Reservation in Elko, Nevada (Bureau of the Census 1910). The “Shasta Stock” enumerated by Special Agent Kelsey and listed on the Indian Schedules of the decennial census of 1900 and 1920 resided primarily at Quartz Valley, subsequent location of the Quartz Valley Rancheria, a federally-recognized tribe in 2018.

Special Agent Kelsey’s letter of June, 1913, to the Commissioner of Indian Affairs confirmed that his goal in buying Ruffeys Rancheria was to establish a home for the Ruffeys and their relatives. Both the Kist and Ritz families had bullied the Ruffeys. Prior to 1913 Kist offered approximately thirteen acres to Charley Ruffey for \$300. When Kist learned the government

might buy the land, he raised the price to \$900. Kelsey further noted:

Ritz is the man who ejected Ruff[e]y after waiting six years until his title was proof against attack and then put a chain around Ruff[e]y's house and hauled the house off from the ground in dispute. Ruff[e]y tried to shoot Ritz, but was prevented. Ruff[e]y's house stands exactly on the line between Ritz and Kist (Kelsey 1913). [The Ruffey house location was on fee land directly south of Ruffeys Rancheria. [See Fig. 2]

Kelsey hired Noel E. Graves of Yreka in 1909 to survey Ruffeys Rancheria. While the tract was "mountainous," Kelsey thought it had about seventy acres of "valley land" in two bodies. It turned out, however, that none of the land was bottom or valley land and that the soil was poor, second rate and lacked water. A ditch carrying water was "not available for Indian use" because the water went to Etna to power an electrical plant, flour mill, and for use in a brewery. While not all of the water rights were appropriated, Kelsey thought it unlikely the Indians were able, on their own, to construct a suitable ditch to bring water onto the rancheria (Kelsey 1913).

Kelsey informed the Commissioner of Indian Affairs that Ruffeys Rancheria had been purchased for a specific purpose: "The land was bought for two bands of Indians at Etna. These two bands are of the same stock and usually Indians of the same stock can be placed together." Kelsey's census of 1905-06, taken just prior to purchase of the rancheria in 1907, identified the two bands at Etna as "Karak or Adatars Stock." These Indians were not Shasta nor Wintoon, separately enumerated in his census as Indians residing elsewhere in Siskiyou County (Kelsey 1913).

As of June, 1913, Ruffeys Rancheria was unoccupied. Kelsey told the Commissioner of Indian Affairs: "At the present time there is not even one Indian on the premises." Kelsey felt the Bureau of Indian Affairs had two options: management of the rancheria to be taken on by Horace Wilson of the Roseburg Superintendency in Oregon or by himself, as Special Agent for northern California. Kelsey proposed a subdivision survey of the rancheria in anticipation of land assignments. He anticipated the houses occupied by Old Man Ruffey and Charley Ruffey could then be moved to assignments on the rancheria.

Findings of Fact

1. The California Indian Treaty Commission of 1851-52 negotiated eighteen treaties, including one at the mouth of Scott River ceding land to the United States and defining a reservation. None of the treaties was ratified and none had legal consequences.

2. No competent translator participated in the treaty at Scott River on November 4, 1851. Communication of concepts as land cession, creation of a reservation, a timetable for continued mining, and other treaty elements were surely not comprehended by the Indians attending the council.
3. The tribes and signers of the treaty at Scott River on November 4, 1851 were the “Wat-sa-he-wa tribe or band: Ar-rats-a-cho-i-ca; E-eh tribe or band: An-na-nik-a-hok and Sun-rise. No subsequent record identifies these tribes, bands, or leaders and there is no documentation for any modern tribe or band as political successor in interest to this treaty.
4. On October 10, 1929, Old Man Ruffey, in response to Question 13 in his affidavit for enrollment as a California Indian, confirmed he did not know the name of any tribal leader who participated in the treaty of November 4, 1851. Ruffey was the eldest of all Indians then living in Scott Valley.
5. Indians were deprived of all their aboriginal lands in California. Between 1850 and 1863 they were enslaved by California indenture laws. In 1864 Congress legislated that there would no more than four reservations in the state. Until 1887 California Indians had no way to become citizens of the United States and could not testify against Euro-Americans in court.
6. In 1905-06 Special Agent Charles E. Kelsey identified thirty-one Indians of “Karak or Adatars Stock” living in the vicinity of Etna, California. These included “Ruffey and wife” and other members of the Ruffey family. Kelsey identified none of these as “Shasta Stock.”
7. On July 17, 1907, the United States purchased 441 acres one mile from Etna, California, to become Ruffeys Rancheria. The tract was federal fee land.
8. On June 24, 1913, Special Agent Charles E. Kelsey told the Commissioner of Indian Affairs that Ruffeys Rancheria was “bought for two bands of Indians at Etna. These two bands are of the same [Karak or Adatars] stock and usually Indians of the same stock can be placed together.”
9. Between 1900 and 1915 two decennial census enumerations, two census tallies made by Charles E. Kelsey, and one Indian Census schedule identified Indians by name living at Etna or in the Etna District. The numbers were as follows:

1900:	30 [Table 2]
1905-06:	31 [Table 1]
1905-06:	42 [Table 3]
1910:	32 [Table 4]
1913:	57 [Table 5]
1915:	28 [Table 6]

These people were members of the Karuk tribe where their descendants are enrolled in 2018. Mollie Oscar Clausen was an exception; she was an Indian of an unknown tribe and was born in Tehama County.

- Purchase of Ruffeys Rancheria in 1907 was to provide a home for the landless Ruffey family and other Karuk Indians living in the vicinity of Etna. Although the rancheria remained unoccupied in 1913, Special Agent Kelsey anticipated surveys for land assignments and moving two Ruffey family houses onto the land.

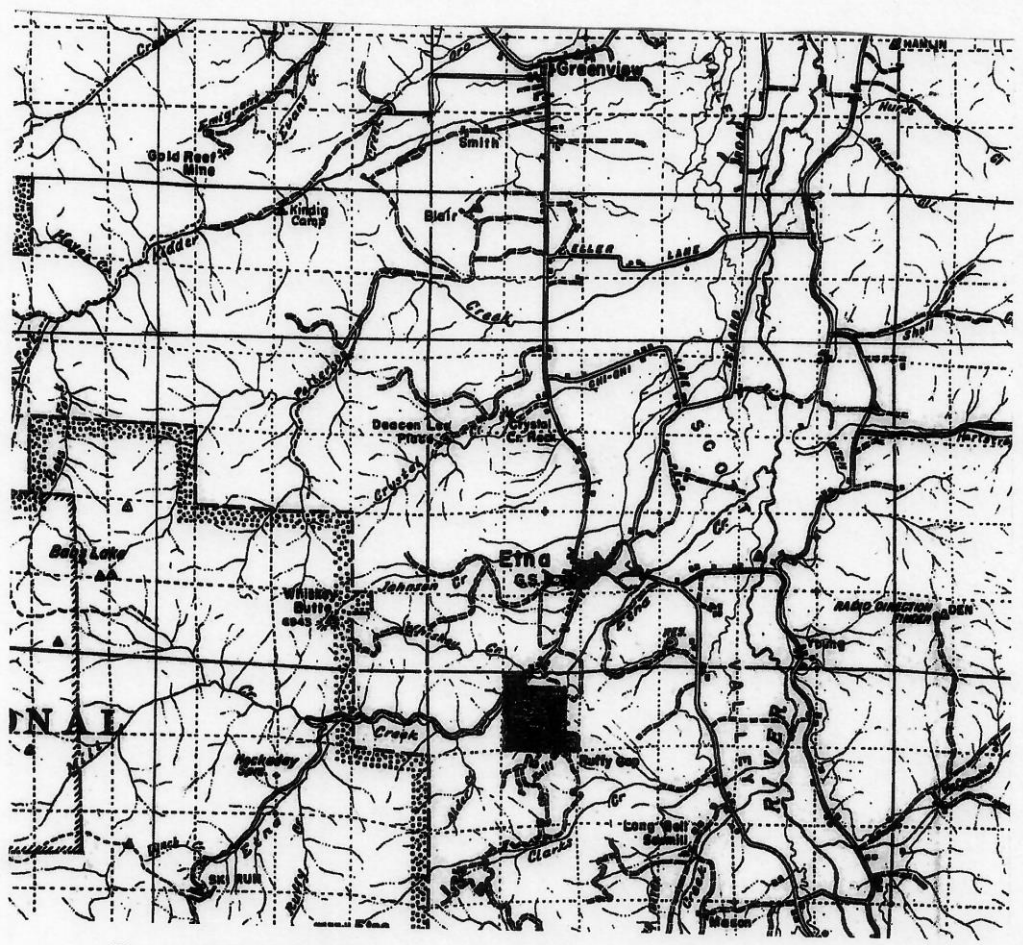


Figure 1- Ruffeys Rancheria and nearby Etna in southern Scott Valley (Bureau of Indian Affairs n.d.).

Ruffeys Rancheria History

The history of Ruffeys Rancheria is about a tract of federal fee land never occupied by any Indians.

This mountainous, forested, rough tract is located approximately one mile south of Etna, California. Mill Creek (known today as Etna Creek), a stream whose waters by 1913 were appropriated almost entirely for use by a grist mill, an electrical light plant, a brewery, and the residents of Etna, passes through the extreme northwest corner of the tract. The Sawyers Bar-Etna Road follows the banks of the creek. The location of the creek would have necessitated construction of a dam and a major ditch to bring water, though water maybe have been not available because of appropriation by users prior to 1907, to the less than ten acres of grazing land located on the extreme northern and eastern margins of the rancheria (Kelsey 1913; Engelbretson 1958b).

Although purchased for residency by the Ruffey family and other Indians of “Karak or Adatars Stock” in 1907, the land had no residents between the year of its purchase and the deeding of the property in 1959 to the Abernathy heirs of Old Man Ruffey. Originally Special Agent Kelsey thought the houses of Old Man Ruffey and his son, Charley Ruffey, were on the land he purchased from the Central Pacific Railroad. Ultimately, when surveys were completed, that proved not to be the case. Both of the Ruffey houses were on fee land owned by Charles W. Kist and John Ritz. Ritz put a chain around Old Man Ruffey’s house and attempted to drag it off his property. Eventually the structure ended up straddling the Kist and Ritz lands (Kelsey 1913). After the death of Old Man Ruffey in 1930, the house served as the home of Roy Abernathy, a grandson, until the creek washed out the bridge and ended easy access to the structure sometime after 1959.

Between 1910 and 1919 the Roseburg Superintendency of Indian Affairs had jurisdiction for non-reservation Indians residing in southwestern Oregon and northwestern California. Ruffeys Rancheria was within the administration of this unit of the Bureau of Bureau of Indian Affairs. The Superintendency’s administrative records from 1896 to 1940 are preserved in the National Archives, San Bruno. The following boxes contain correspondence, trip reports, inspections reports, office expenses, maps, and letters received from field jurisdictions at Susanville and Greenville, California, and Burns, Oregon. The holdings are as follows:

Box 5, 1896-1913
Box 6, 1909-1913
Box 7, 1900-1915
Box 8, 1910-1918
Box 9, 1916-1918, 1916-1940

A comprehensive review of these boxes yielded only one document of interest, "Indians at Yreka, February 7, 1911." This census included Mollie Oscar Clausen, age 49, and three of her children (Anonymous 1911). At no time did Superintendents Horace Wilson or Charles E. Coe visit, report on, or discuss Ruffeys Rancheria during their years of service between 1910 and 1919.

After closure of the Roseburg Superintendency the non-reservation Indians of northern California came under the jurisdiction of the Greenville School, Redding District, and then the Sacramento Area Office. The only document relating to Ruffeys Rancheria for the years 1919 to 1949 was correspondence generated by two residents of Etna offering to sell land to the federal government for use Indian use. In 1922 Alice Hellmuth proposed sale of thirteen and one-half acres for \$1,000 and J. S. McClemmons offered eleven acres at \$800. They proposed the transactions to W. S. Kriegh, clerk of the Indian office at Greenville, Redding District. Kriegh had not visited either property, but he advised considering the proposals: **"The purchase of this tract [either the Hellmuth or the McClemmons land] would give the Ruffy band good homes. They have no land suitable for homes, although 440 acres was purchased for the band.** This tract would accommodate about twenty-five homeless Indians" (Kriegh 1922). [Emphasis supplied.] Kriegh's letter confirmed Ruffeys Rancheria remained unoccupied in 1922.

Between 1922 and 1949 there is no record of Ruffeys Rancheria. On June 20, 1949, however, M. L. Robertson, District Agent, Sacramento Area Office, responded to an inquiry from Lawrence Burcell, former chair of the Quartz Valley Rancheria, seeking a legal description of Ruffeys Rancheria. Robertson sent the description and noted that Roy Abernathy and Peter Ruffey, grandsons of Old Man Ruffey, had complained that Al Robinson of Etna had trespassed onto the rancheria. The trespass was diversion of water to Robinson's property. Robertson noted: **"There is the possibility that neither Abernathy nor the Ruffey cabins are on the rancheria"** (Robertson 1949a). [Emphasis supplied.]

Fred W. Burton, an attorney in Yreka, contacted the Sacramento Area Office in November, 1949, on behalf of a client interested in purchasing the timber on Ruffeys Rancheria. Britton Clair, Area Realty Officer, informed Burton: "I wish to advise that this tract is not up for sale. I wish also to advise that the Indians have chosen to take title in their own name" (Clair 1949). Clair did not identify who the Indians were who wanted the rancheria in fee

patent, but it was most certainly the Abernathy heirs to Old Man Ruffey. Because of Roy Abernathy's concern that his house (erected by his grandfather) was not on the rancheria, the Bureau of Indian Affairs in October surveyed the tract.

When the survey of Ruffeys Rancheria was completed, Robertson wrote to Roy Abernathy and forwarded a copy of the map of the rancheria:

This map shows that your house is partly on your own deeded lands and partly on the deeded lands owned by Al Robinson. It also shows that Robinson's fence for a short distance is on your lands and that he has been farming a small tract of yours. It is probable that both you and Robinson have some possessory rights where each of you are using part of the other's land."

The map also shows that the Pete Ruffey house is on your fee patent lands and not on the reservation. Therefore, it appears that you and Pete will have to get together and make a deal relating to his continued use of your place if you object to his occupancy. Since this is deeded land, we cannot intercede in this dispute (Robertson 1949b). [See Fig. 4 for location of Pete Ruffey's house and Roy Abernathy's house.]

Thus, finally in 1949, the Bureau of Indian Affairs determined that neither Old Man Ruffey's house, occupied by his grandson Roy Abernathy, nor the Pete Ruffey's house, was on Ruffeys Rancheria. Part of Abernathy's house was on the Robinson land and Pete Ruffey's house was on Roy Abernathy's land. Because these issues did not involve the rancheria, the Bureau of Indian Affairs declined to have any involvement in their resolution.

During the summer of 1951 Roy Abernathy contacted the Sacramento Area Office to inquire about the possible sale of timber on Ruffeys Rancheria. "I would like to know if the Indian Agency has any such plans. I would also like to know if we (the heirs) could sell the salable timber on the allotment. And what procedure we should take" (Abernathy 1951). There is no record of the response from the Bureau of Indian Affairs. In November of that year, however, Abernathy again contacted the Sacramento Area Office about residents of Etna who were cutting Christmas trees on the rancheria. James B. Ring, Area Director, responded on December 14 to Abernathy and said: "It is the policy of the Indian Service not to allow the cutting of Christmas trees on Indian lands." He assured Abernathy the matter would be investigated (Ring 1951).

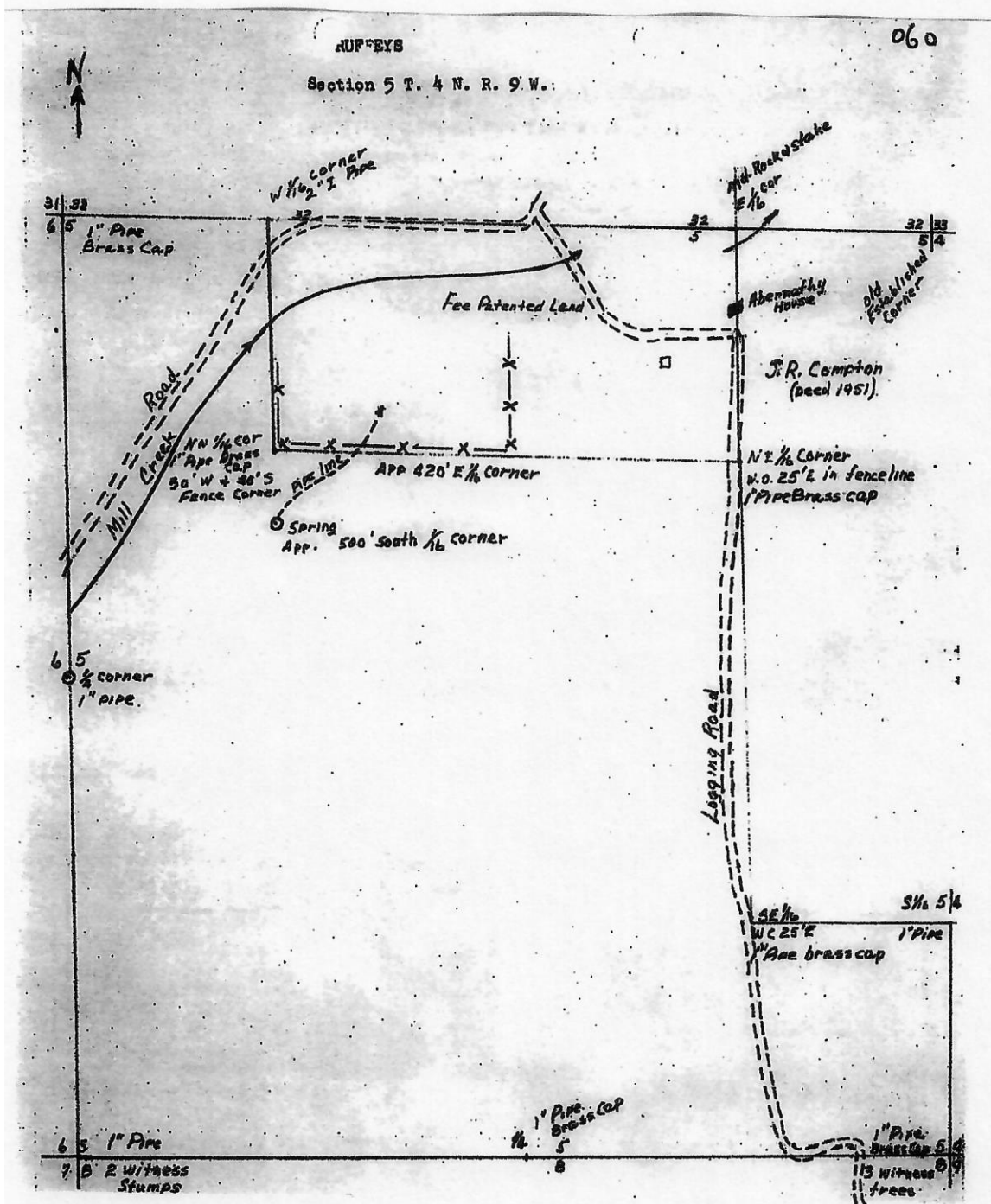


Figure 2- Ruffeys Rancheria showing spring and pipeline of Norman Marvin onto his fee land (Bureau of Indian Affairs 1953).

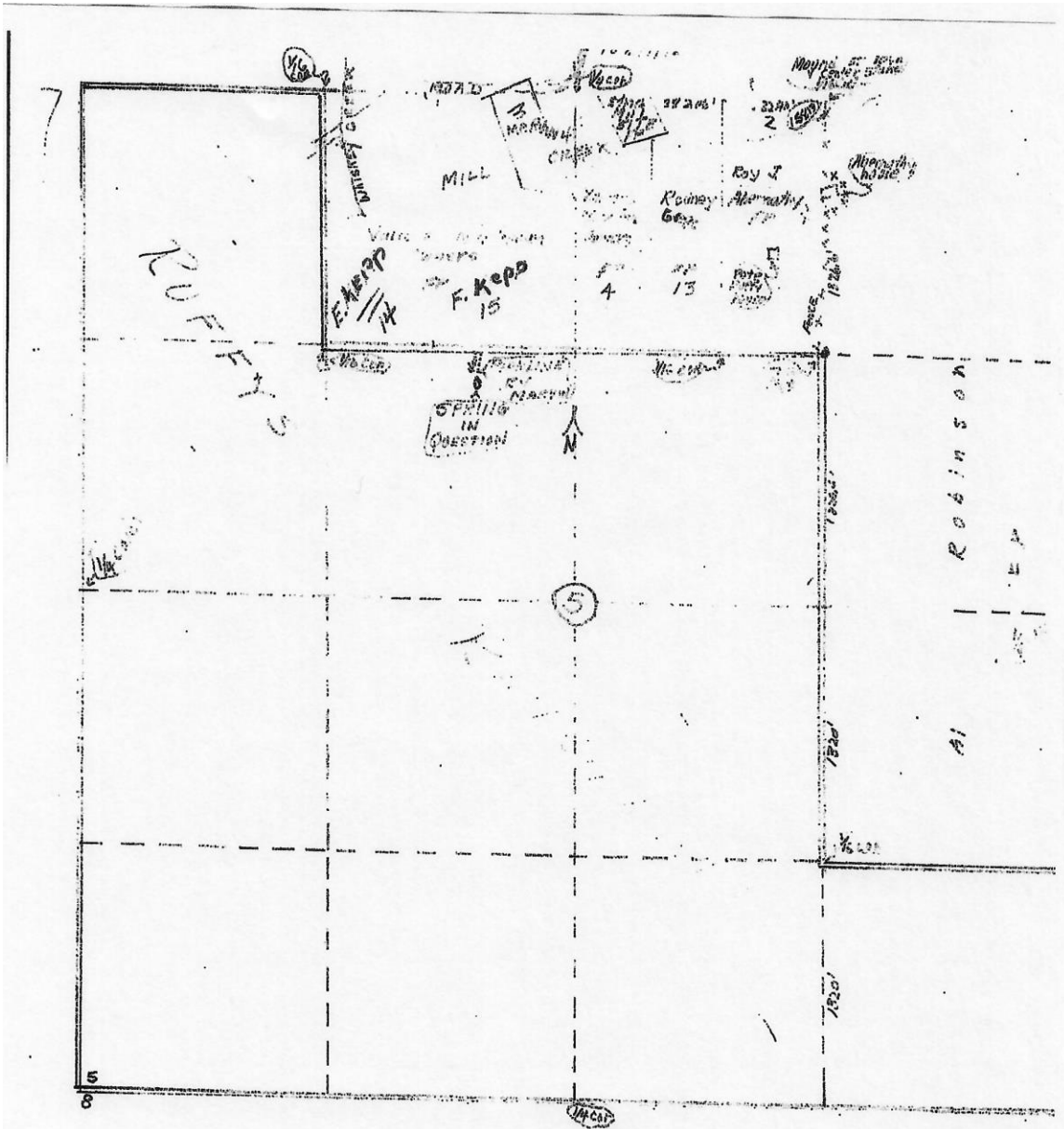
Roy Abernathy raised the issue of trespass on Ruffeys Rancheria again in May, 1953. Norman Marvin, his neighbor, “went up the gulch and dug or plowed up a ground on the Ruffys rancheria trying to get water with out asking

us about it,” wrote Abernathy. “Some white man just go and help them selfs. Seems funny,” he noted (Abernathy 1953a). A month later, Abernathy again complained. He informed the Bureau of Indian Affairs that Marvin had used a bulldozer to cut a trench and lay a pipe from a spring on the southern margin of the rancheria to his property beyond the boundary. Abernathy expressed dismay that Lawrence Burcell of Quartz Valley Rancheria had apparently given permission for Marvin’s trespass. “What is Lawrence Burcell got to do with it by letting some one get in on the Rancheria,” declared Abernathy (Abernathy 1953b).

Because of Norman Marvin’s excavation and laying of a pipeline to take water from the rancheria, Howard Dushane of the Sacramento Area Office responded to Abernathy’s complaint and made a site visit to the rancheria. He found that Marvin had dozed out a ditch and laid about 400 feet of pipe. “I did not feel that Mr. Marvin performed the above trespass with any intent to do harm,” he noted, “but rather without thinking in term of the land belonging to anyone in particular.” Dushane recommended that the Area Director inform Marvin in writing to remove his pipe (Dushane 1953a). Douglas Clark, Realty Officer, confirmed on August 11 that a Mr. Clifford was surveying on the rancheria and that the property was federal fee land purchased in 1907 for \$2,208 (Clark 1953).

On October 26 Leonard M. Hill, Area Director, informed Norman Marvin that he was to remove his pipe from Ruffeys Rancheria. He noted the trespass had been reported from “one of the interested Indians who advised you that you are using the water belonging to the rancheria.” Hill gave Marvin thirty days to remove the pipe and end his trespass (Hill 1953). Marvin responded that thirty days was too short a time; he needed to move his bulldozer to the site in order to dig up the pipe. “I can not see why you get so hard boiled about the line to me,” he complained. Marvin then offered more explanation:

I never did use any of the water as Roy claimed I did. He does not like me and trys to cause me all the trouble he can. I have let him use my road and bridge now for good many years, and why he is this way I don’t know. Any way I would like permission to wait until I can get my dozer home to finish job. I gave Mr. Duchene my word and I allways keep it (Marvin 1953).



MAP OF RUFFEY'S RANCHERIA
And Adjacent land ownerships

All in Section 5, Township 41 North, Range 9 West, MDM.
Near Etna, California - in Siskiyou County

Scale - 660 feet (or 10 chains) per inch.

FP indicates fee patented lands

Figure 3- Map of Ruffeys Rancheria showing spring and adjacent fee owners (l to r): E. Kepp, F. Kepp, Norman Marvin, Various non-Indian owners, Rodney Gregg, Roy J. Abernathy (Duchene 1953b).

The issue of trespass caused officials of the Bureau of Indian Affairs to look more closely at Ruffeys Rancheria. On June 12, 1954, Howard Dushane,

wrote a short report "Assignment Schedule Ruffeys Rancheria." He noted:

Insofar as I am able to determine there has been no definite assignments made on Ruffy Rancheria due to the nature of the purchase of such tract. This land was purchased definitely for the Ruffy Band of Indians and is even referred to by the Indians of that locality as the Ruffy Allotment.

Pete Ruffy, that last of the direct Ruffy family, died in October of 1953, however, there remains three cousins of Pete Ruffy as follows:

Roy Abernathy, Etna, California
Ed Abernathy, 115 Gladstone Drive, San Francisco, Calif.
Bessie Lippen, 413 W. Howard St., Yreka, California

It is my feeling, and that of the Indians in the vicinity of Etna, California, that the land belonged to the Ruffy Band, so the remaining relatives or heirs should have the land (Dushane 1954).

By the early 1950s the prospect of Termination and granting of fee patents to rancherias was well-known to officials of the Bureau of Indian Affairs. The Eisenhower administration included Douglas O. McKay, Secretary of Interior, who was a proponent of Termination. Similarly Senator Arthur Watkins (Republican, Utah) and Representative E. Y. Berry (Republican, South Dakota) were running the agenda in Congress to sever ties with tribes and reduce expenditures by eliminating federal programs for Indians. These policy currents fostered interest of investors in buying Ruffeys Rancheria and in the heirs of Old Man Ruffey to obtain deeds to the property. L. D. Spencer, forester for J. H. Baxter & Company of Redding, contacted the Sacramento Area Office in February, 1956, to try to buy the timber (Spencer 1956). No action was taken because the land remained in federal fee status.

In the spring of 1956 Douglas Clark, Real Property Officer, visited Ruffeys Rancheria during a trip to the Hoopa Reservation. Clark recommended a plan for disposing of the rancheria. Dillon A. Longenbaugh informed Leonard M. Area, Area Director, of Clark's thinking:

He suggested that the remaining heirs of Old Man Ruffey be given opportunity to submit formal applications for fee patent which have been requested, by the heirs in numerous letters during past years. No commitment was made as to final action that would be taken. We presume that the applications and all pertinent data is desired by you in making a decision regarding final disposition of the tract. We are therefore forwarding our entire file to Mr. Jimmy Colbert. It can be returned to this office when you are finished with it.

It will be noted on the data sheet for Lucy Ruffey Abernathy Malone that she was survived by her three children, Roy and Edmund Abernathy and Bessie Lippen and also by her husband Jim Malone who is still living. We have no record of probate proceedings for Lucy Malone or any members of the Ruffey band (Longenbaugh 1957).

Because of the requests of the Abernathys, the Sacramento Area Office in the 1950s addressed trespass and heirship interests for Ruffeys Rancheria. Frank J. Gordon, Field Representative, checked, for example, on Lucy (Ruffey) Malone's surviving non-Indian spouse. Following the death in 1899 of James Abernathy, her first husband, she married in 1905 James Malone, an Irishman. Malone, age ninety years in March, 1957, was yet living; no probate had been made of Lucy's estate which included an interest in Ruffeys Rancheria (Gordon 1957). Bessie (Abernathy) Lippen, daughter of Lucy (Ruffey) Abernathy Malone, also sought information about the potential disposition of the rancheria with Termination. On June 27, 1957, she sought quit claim deeds from the Department of Interior for Lucy's three children: Roy Abernathy, Ed Abernathy, and herself (Lippen 1957). Douglas Clark, Area Realty Officer, informed Bessie Lippen that the Bureau of Indian Affairs could not issue a quit claim deed since title to the rancheria was held by the United States (Clark 1957).

On August 18, 1958, Congress passed the California Rancheria Termination Act (P.L. 85-671). While the law was pending several individuals, towns, and companies were scouting for lands to be disposed with Termination. J. N. Sunderland inquired in May, 1958, about purchasing Ruffeys Rancheria. The Sacramento Area Office informed him that without enabling legislation it did not yet have permission to dispose of the property (Clark 1958a). The City of Etna also attempted to obtain part of the rancheria. Ruth M. Kelly, city clerk, wrote to the Bureau of Indian Affairs expressing the wish of the city to establish a public campground at "Grease Flat which is one mile southwest of Etna just below the Etna-Sawyers Bar Road" (Kelly 1958). Douglas Clark of the Sacramento Area Office responded: "Since Ruffeys Rancheria is one of the reservations named in this Act, we suggest that the City of Etna defer plans for use of the area described until the property is no longer in trust and it is possible to negotiate directly with the Indian owners" (Clark 1958b).

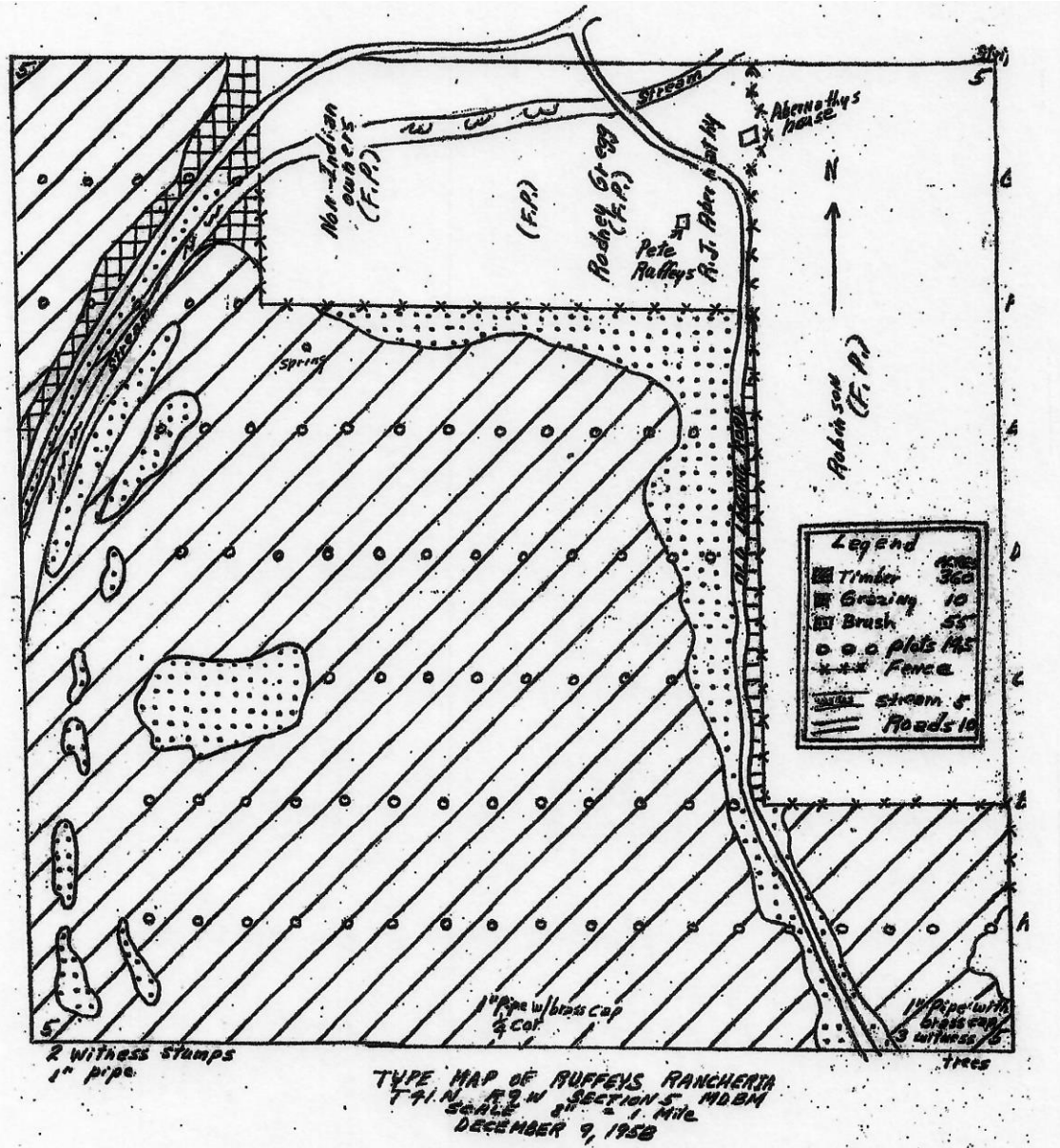


Figure 4- "Type Map of Ruffeys Rancheria" (Engelbretson 1958b).

Faced with the reality of Termination, the Bureau of Indian Affairs mounted in the fall of 1958 its first and only assessment of the lands of Ruffeys Rancheria. Kenneth E. Engelbretson, a forester working for the Sacramento Area Office, visited the site and wrote "Report on Ruffeys Rancheria." He submitted the report in December (Engelbretsen 1958a). It was accompanied by his "Type Map of Ruffeys Rancheria" (Engelbretsen 1958b). Engelbretsen addressed a number of subjects: "Stand Description," "Cruise Information," "Grading," "Reproduction," "Insect Damage," "Logging," "Trespass," "Deductions for Defect," "Boundary Locations," and "Derivation of Cruise Volume." His report was almost exclusively an assessment of the forest

products on the rancheria (Engelbretsen 1958a).

“There are no residents on the rancheria since Roy Abernathy moved to Etna,” he noted. Abernathy, however, had lived in his grandfather’s house straddling two parcels of fee land, one of which he owned. The rancheria in 1958 had the following characteristics: timber (82%), grass (3%), brush (12%), other (3%). He noted that Sawyers Bar-Etna road was paved to the rancheria and that a logging road ran along the extreme eastern boundary of the property. Engelbretsen found three indications of possible trespass and cutting of trees. None of the illegal cutting was significant. The report tallied a “Gross Stand Volume (BFM) of 2,517,250 (Engelbretsen 1958a:1-8).

Edward Winsor in March, 1959, made the timber appraisal to fix a value on the forest resources of Ruffeys Rancheria. He based his valuation on a 40% cruise:

Table 7- Timber on Ruffeys Rancheria, July, 1959

Species	Cruised 40%	Gross Vol.	Net Vol.
Ponderosa Pine	430,110	1,075,275	860,220
Douglas Fir	386,829	967,050	773,640
Sugar Pine	135,780	339,450	288,532
Incense Cedar	43,680	109,225	54,613
Total Volume		1,977,005	
Total Value (Winsor 1959)		\$29,023.92	

Through the 1950s the Bureau of Indian Affairs dealt with Ruffeys Rancheria more than in any decade since its purchase in 1907. Most of the activity was to respond to would-be purchasers of land or the concerns of the descendants of Old Man Ruffey about trespass and potential deeding of the property to them. Pursuant to the California Rancheria Termination Act, the Sacramento Area Office developed a distribution plan for the rancheria. It held a referendum on September 15, 1959, on the plan. The Bureau of Indian Affairs determined there were three voters eligible to participate and they voted three to zero in favor of the plan. The distribution plan had the following elements:

- Survey of the boundaries of the rancheria, placing clear and detectable markings around them and provide the distributees with a detailed map thereof.

- Complete an appraisal of the rancheria and advise the distributees of the value. Forestry will furnish you with copy of the timber appraisal as soon as it is completed.
- Convey title to the rancheria to the distributees in common. It is believed that the deed can be delivered to Edmund Abernathy and Bessie Lippen. Roy Abernathy's copy should be held pending the establishment of a legal guardian (Robertson 1959).

By December, 1959, Roy Abernathy, who had lived adjacent to the southern margin of the rancheria in the house of his grandfather, Old Man Ruffey, was in declining health and competency. Abernathy wrote to Leonard M. Hill of the Sacramento Area Office requesting that Don S. Avery be appointed to look after his interest in the rancheria. In his letter of December 3, Abernathy reviewed some of the history of water use from the spring on the rancheria:

I will write and let you know a man came here but I didn't talk to him long enough to tell him what I should tell him about the water he asked on he wanted to know about the water we was using up old Etna where I lived for 67 years and the water we used We had a ditch run to the Old Man Ruffey was using for garden etc. using for the house.

And Mr. Ed Robinson took our water both gulches the water which belongs to Ruffeys Rancheria

Mr. Don S. Avery told me to write to you and tell you about the water.

After that I had to haul my water from the creek.

By this account, Abernathy confirmed that his grandfather had a ditch to bring water from the rancheria to his house on fee land. Ed Robinson, a trespasser in 1939, then took the water "from both gulches" and after that Abernathy had to carry water from Mill (Etna) Creek to his house (Abernathy 1959).

"I'd rather have Mr. Don S. Avery to look after my interest. I don't want nobody else," concluded Abernathy in his letter to the Sacramento Area Office. Guy Robinson of that office wrote at bottom of Abernathy's letter: "Mr. Abernathy not living on reservation. Mr. Avery will try to protect any water right Abernathy has. Did not appear any great injustice account water" (Abernathy 1959).

In December, 1959, the Bureau of Indian Affairs approved Don S. Avery as conservator for Roy Abernathy. On December 10 the Bureau of Indian Affairs informed Bessie (Abernathy) Lippen, Edmond Abernathy, and Don S. Avery that

the deeds to the three distributees of Ruffeys Rancheria had been recorded on November 24 in the Clerk's Office, Siskiyou County, Yreka, California. Leonard M. Hill, Area Director, provided specific information about the property for the distributees:

The topography of the tract varies from very steep to relatively flat ground with a growth of timber. A spring on the property may be used for domestic water. The highest and best use of the property appears to be for the growing of timber.

In accordance with Section 2(d) of the Act of Congress of August 18, 1958, your property has been appraised by the Bureau of Indian Affairs. The total appraised value as of December 1, 1959, was \$42,000 consisting of \$9,700 for the land and \$32,300 for 1,977 m.b.f. of timber of mixed species.

You now own unrestricted title to this property and are at liberty to lease, mortgage, or dispose of it as you desire (Hill 1959).

On January 10, 1960, Britton Clair of the Sacramento Area Office forwarded the deeds to Ruffeys Rancheria to Bessie Lippen, Edmund Abernathy, and Don S. Avery (Clair 1960). The distributees promptly sold Ruffeys Rancheria on February 11, 1960, to International Paper Company (Singer 1960). The sale ended the tenuous connection of the family of Old Man Ruffey with the timbered hillside a mile south of Etna, California. The property had a new owner whose agenda was logging and manufacturing of forest products.

Findings of Fact

1. On July 17, 1907, the United States purchased 441 acres for \$2,205 to create Ruffeys Rancheria a mile south of Etna, California. The mountainous, timbered property was federal fee land obtained for the purpose of providing a home for the landless Indians of Ruffey's band living in the vicinity.
2. Ruffeys Rancheria was under the jurisdiction of the Roseburg Superintendency of Indian Affairs from 1910 to 1919. None of the records of that office preserved in the National Archives, San Bruno, document any action of any kind related to the rancheria.
3. Ruffeys Rancheria was under the jurisdiction of Greenville School and then the Sacramento Area Office of Indian Affairs from 1919 to 1960. Between Special Agent Charles E. Kelsey's letter about Ruffeys Rancheria in 1913 and 1949 the only document relating to the rancheria

was the effort of two property owners near Etna in 1922 to sell habitable lands to the federal government for the Indians of that district.

4. Between 1949 and 1953 Roy Abernathy, grandson and resident in the house of Old Man Ruffey adjacent to the rancheria, raised concern with the Bureau of Indian Affairs about trespass onto the rancheria: Al Robinson's water ditches in 1949, cutting of Christmas trees in 1951, and Norman Marvin's ditch and water pipe constructed and laid in 1953. The Bureau responded to these complaints and compelled Marvin to remove his pipe.
5. In the 1950s the Bureau of Indian Affairs responded to requests of the Ruffey family heirs about selling timber or securing deeds to the rancheria. The Bureau also responded to requests from non-Indians seeking to buy the timber or to establish a campground on the rancheria. It took no action on these items.
6. In anticipation of passage of the California Rancheria Termination Act in 1958, the Bureau of Indian Affairs surveyed the rancheria and cruised its timber. It established the standing timber volumes, species, and values.
7. Throughout the years between 1949 and 1959 the only Indians expressing interest in or concern about Ruffeys Rancheria were the grandchildren of Old Man Ruffey. Bureau of Indian Affairs files are devoid of any correspondence from any other individual Indian, tribe, or band expressing interest in the rancheria.
8. Pursuant to the California Rancheria Termination Act the Sacramento Area Office developed a distribution plan and held a vote on September 5, 1959. The Abernathy grandchildren voted in favor of the plan. Pursuant to the plan the Department of Interior deeded the 441 acres on November 14, 1959, to the Abernathy heirs. The heirs and conservator of Roy Abernathy sold the rancheria on February 11, 1960, to International Paper Company.
9. Ruffeys Rancheria was a tract of federal fee property. The only documented use of the tract was a ditch leading water to Old Man Ruffey's house on adjacent fee land.

Etna Indian Family Histories

While collecting of information on the landless Indians of northern California in 1906, Special Agent Charles W. Kelsey visited Siskiyou County. He identified two groups of “Karok or Adatars Stock” Indians residing in the vicinity of Etna [See Table 3]. A number of these individuals and families were identified in the decennial census of 1900 and 1910, the Indian Census Schedules, 1885-1940, and in the Enrollment of California Indians, 1928-33. In 1915 the Bureau of Indian Affairs enumerated all of the Indians of Etna and vicinity [See Table 6].

The following family histories provide information on these people and a number of their descendants. All of this information is available in the public domain. Some of the people on the Kelsey lists of 1906 and 1913 are not identifiable. It is likely they died or moved to other locations. By 1915 only the Ruffey and Burcell/Purcell families resided at Etna. These individuals and families were also documented in the 1920, 1930, and 1940 census records and in the affidavits of the Enrollment of California Indians, 1928-33.

Ruffey/Abernathy Family

At Termination in 1958 the Abernathy heirs of Old Man Ruffey and Sallie Ruffey were the sole “distributees” of the assets of Ruffeys Rancheria. The Bureau of Indian Affairs and the Bureau of the Census consistently identified this family as Karuk Indians. Significant mortality reduced this family to three surviving grandchildren by 1959.

Old Man Ruffey	married	Sallie/Sally/Sarah
b. 10 Oct. 1824 [?]		b.
d. 19 Mar. 1930, Etna, CA.		d. 1925
Enrollment No. 3040		

Children of Old Man Ruffey and Sallie Ruffey:

Lucy Ruffey (1863-1950) married (1) James Abernathy, (2) James Malone
Charles Ruffey (1867-1943) married Kattie/Katie, a Karuk
Tommy Ruffey (1872-1936) [never married]

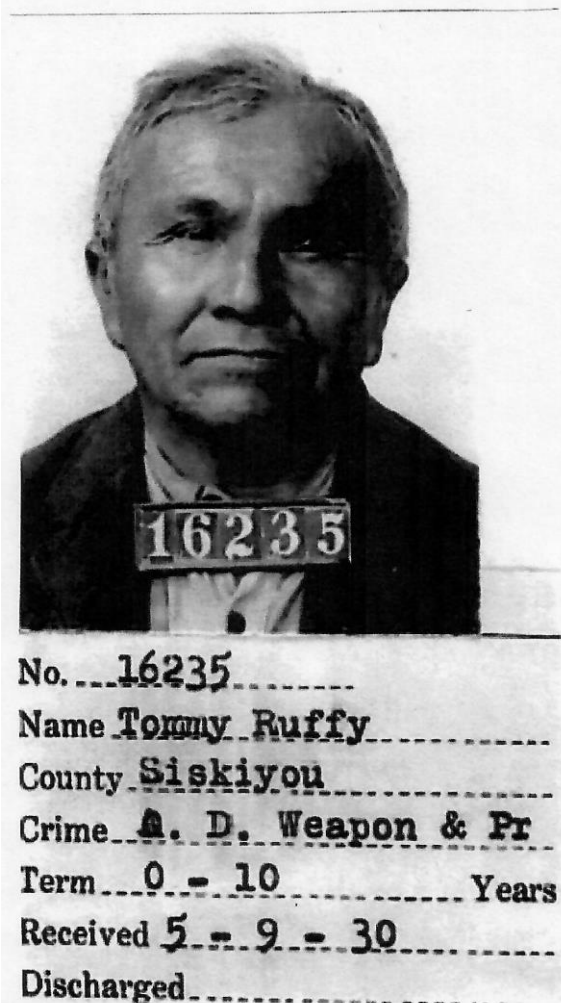


Figure 5- Tommy Ruffey (1872-1936), Folsom Prison, 1930 (California Prison and Correctional Records n.d.)

Ruffey Descendants:

- | | | |
|------------------------------------|---------|-------------------------------|
| 1. Lucy Ruffey | married | (1) James Abernathy |
| b. 11 June 1863, Siskiyou Co., CA | | b. ca. 1864, Missouri |
| d. 7 April 1950, Siskiyou Co., CA. | | d. 1899, Siskiyou County, CA. |
| Enrollment No. 3306 | | (2) James Malone |
| | | b. Ireland |
| | | d. After 1960 |

Children of Lucy (Ruffey) and James Abernathy:

- Leroy A. "Roy" Abernathy (1887-1970) married Maud McKinley
- Elizabeth May "Bessie" Abernathy (1889-1972) married (1) James Franklin Dewey,
(2) Firman Smith, (3) Walter Gillis, (4) Henry Knight Lippen
- Edward James Abernathy (1892-1986)
- Minnie M, Abernathy (1893-infancy)
- Carma A. Abernathy (1897-infancy)

1. Leroy A. "Roy" Abernathy married/
b. 19 Dec. 1887, Siskiyou Co., CA. divorced Maud McKinley
d. 24 June 1970, Etna, CA.
Enrollment No. 3285

2. Elizabeth May Abernathy married (1) James Franklin Dewey
"Bessie"
b. 17 May 1889, Siskiyou Co., CA. b. ?
d. 28 May 1972, Etna, CA. d. 1910
Enrollment No. 3858

Child of "Bessie Abernathy" and James Franklin Dewey

- James Frederick Dewey, Sr. married Agnes Mae Grant
b. 17 Oct. 1909, Siskiyou Co. b. 10 June 1912, Happy Camp, CA.
d. 19 April 1981, Contra Costa d. 9 March 1996, Happy Camp, CA.
Enrollment No. 3858 Co., CA.

- James Frederick Dewey

"Bessie" Abernathy (1889-1972) married (2) Firman Fred Smith
b. 18 Jan. 1882, Curry Co., OR.
d. 4 July 1969, Crescent City, CA.

Children of "Bessie" Abernathy by Firman F. Smith

- 1. Floyd Firman Smith married (1) Louise Emma May Wilson
b. 1 Nov. 1912, Reuben, OR. b. 21 Aug. 1909, England
d. 21 June 2006, Eagle River, Alaska d. 25 Aug. 2008, Redlands, CA.
Enrollment No. 3858

- Unknown Smith
- Unknown Smith

married (2) Phyllis Stewart

- Melbourne Lester Smith married Wynema Ann White
b. 30 Sept. 1913, Washington b. 16 Feb. 1915, Golden, NM
d. After 2013 d. 16 Nov. 2007
Enrollment No. 3858

"Bessie" Abernathy (1889-1972) married (3) Walter Gillis
b. 1886, CA.
d. Nov., 1963, CA.

Children of "Bessie" Abernathy by Walter Gillis

- Walter Henry Gillis, Jr. married Christine ?
b. 5 Feb. 1922, Long Beach, CA.
d. 18 Oct. 2006, Banta, CA.

- Unknown Gillis

<p>“Bessie” Abernathy (1889-1972)</p>	<p>married</p>	<p>(4) Harry Knight Lippen b. 31 June 1898, PA. d. 9 July 2006, Crescent City, CA.</p>
<p>3. Edward James Abernathy b. 23 December 1892, Etna, CA. d. 7 March 1986, Eureka, CA.</p>	<p>married</p>	<p>Rose Magdalena (Bigler) Cutney b. 26 May 1900, WI. d. 17 April 1994, Napa, CA.</p>
<p>4. Minnie M. Abernathy b. 1893, Etna, CA. d. Infancy (?)</p>		
<p>5. Carma A. Abernathy b. 1897, Siskiyou Co., CA. d. Infancy (?)</p>		
<p>2. Charles Ruffey b. May 15, 1867 d. 9 Jan. 1953 Enrollment No. 3035</p>	<p>married</p>	<p>Katie/Kittie, “Karock tribe” b. 1875 d. After 1930</p>

Children of Charles Ruffey and Katie/Kittie/Cary Ruffey

Peter/Bert Ruffey (25 Nov. 1895-Oct., 1963)
Alice Ruffey (13 July 1902-?)
Anna Ruffey (ca. 1905/08-?)
Recia Ruffey (ca. 1906-?)
Lacy Ruffey (ca. 1909-?)
Maggie Ruffey (ca. 1911-?)
Charles J. Ruffey (ca. 1912-?)
Rena Ruffey (21 Oct. 1913-?)

Note: No known grandchildren were born to Charles and Katie Ruffey.

Sources: Barnes Family, Gaul Family, McClelland Family, Ancestry.com; Decennial Census 1910, 1920, 1930; Indian Census, 1915, 1916-1923, 1925; California Prison & Correctional Records, Folsom Prison (Tommy Ruffey); World War II Draft Registration (Peter Ruffey); California Indian Enrollment, 1928-1933 (Old Man Ruffey, Lucy Malone, Bessie Gillis, Roy Abernathy, Katie/Kittie Ruffey).

Burcell/Purcell Family

Mille Purcell b. 1826, Ireland d. before 1900, Siskiyou Co., CA.	married	Mary Jack b. ca. 1840 d. 1924
--	---------	-------------------------------------

Children:

1. Aaron Burcell (1868-11 Feb. 1954) married Sally Much/Mutch (1869-1947)
2. Nellie Purcell (1 May 1876-17 Dec. 1967) married Ezekiel M. Snapp (1849-1922)
3. Maggie Purcell (1878-1923) married David Henry Drake (1883-1945)

Aaron Burcell, Sr. b. 1868, Etna, CA. d. 11 Feb. 1954, Siskiyou Co., CA. Enrollment No. 3047	married	Sally Much/Mutch b. 1869, Etna, CA. d. 8 June 1947 Enrollment No. 3048
---	---------	---

Children of Aaron Burcell, Sr., and Sally (Much/Mutch) Burcell

1. Edna Mae Burcell (22 Feb. 1891-24 Jan. 1982) = (1) J. L. Hartley, (2) ? Glendenning, (3) George Ruff, (4) Roy Earl Hammer
2. Harry Harold Burcell (20 Mar. 1892-1 March 1963) married Barbara E. Elliot
3. Alfred "Fred" Burcell (16 April 1895-12 Dec. 1962)
4. Aaron Burcell, Jr. (20 March 1897-1983) married Ellna Elizabeth Ramous
5. Margaret "Maggie" Burcell (b. ca. 1899-?)
6. William Burcell (25 June 1900-11 Aug. 1986) married Jessie Edna Bryant (1912-1997)
7. Mary Burcell (ca. 1902-?)
8. Lawrence Burcell (23 June 1904-13 Jan. 1972) married Mary H. Wharton (1909-1986)
9. Louisa Burcell (2 July 1906-11 May 1996) married Milton Beach Wiren (1916-1994)
10. Lillian Burcell (1911-?)
11. Freda Burcell (1913-12 Dec. 1952)
12. Floyd Burcell (1916-?)
13. Lloyd Burcell (1919-?)

1. Edna Mae Burcell b. 22 Feb. 1891, CA. d. 14 Jan. 1982, Yreka, CA.	Did not marry	1) James Lindsay Hartley (1892-1982) b. 29 Aug. 1892, Fort Jones, CA. d. 8 Jan. 1982, Yreka, CA.
	Did not marry	(2) ? Glendenning b. 30 March 1894, Fort Jones, CA. d. ?
	married	George Ruff b. 30 March 1894, Fort Jones, CA. d. ?
	married	(4) Roy Earl Hammer b. 1893 d. 24 March 1978, Yreka, CA.

Edna Mae Purcell's child by (1) James L. Hartley

- Eleanor Mae Ruff married John William Planianac, Sr.
b. 19 Aug. 1926, Siskiyou Co., CA. b. 10 April 1925, N. Braddock, PA.
d. 12 May 2004, Nipomo, CA. d. 12 Dec. 2004, Nipomo, CA.

- Linda Catherine Planinac
b. 1949, Bexar, TX.

- John William Planinac, Jr.
b. 1952, Cumberland, NC

2. Harry Harold Burcell married Barbara Elizabeth Elliot
b. 10 March 1882, Etna, CA. b. 18 March 1897, Canada
d. 1 March 1963, Siskiyou Co., CA. d. 14 March 1979, Sebastopol, CA.
Enrollment No. 3092

Children of Harry Harold Burcell and Barbara Elizabeth (Elliot) Burcell

1. Thomas Aaron Burcell (1920-1991) married ?
2. Harry J. Burcell (1921-1993)
3. Robert William Burcell (1923-1996)
4. Richard Burcell (1929-1998)

- Thomas Aaron Burcell married?
b. 8 July 1920, Siskiyou Co., CA.
d. 19 May 1991

- Delphine Elizabeth Burcell married (1) ?
b. 30 Aug. 1957, Siskiyou Co., CA.
d. 3 Jan. 2004, Fairbanks, Alaska

- Child
- Child

married (2) ?

- Child
- Child

- Harry J. Burcell
b. 19 Oct. 1921, Siskiyou Co., CA.
d. 25 September 1993, Sebastopol, CA.

- Robert William Burcell
b. 28 Nov. 1923, Siskiyou Co., CA.
d. 4 Dec. 1996, Fairbanks, Alaska

- Richard Burcell
b. ca. 1929, Siskiyou Co., CA.
d. 13 Dec. 1998, Fair Oaks, CA.

3. Alfred "Fred" Burcell
b. 16 Apr. 1895, Etna, CA.
d. 12 Dec. 1962, San Francisco, CA.

4. Aaron Burcell, Jr. b. 20 March 1897 d. 6 Feb. 1983, Etna, CA.	married	Ellna Elizabeth Ramous b. 22 Aug. 1902, Little Shasta, CA. d. 9 Mar. 1989, Etna, CA.
--	---------	--

Children of Aaron Burcell, Jr.:

1. Mary Ellna Burcell (1922-21 Dec. 1997) = Manuel Maurice Gomes
2. Sally Luella Burcell (21 Nov. 1926-?)
3. David Burcell (11 Oct. 1928-19 Nov. 2007)
4. Daniel Burcell (1931-1 March 1999)

1. Mary Ellna Burcell b. 4 Feb. 1922, Etna, CA. d. 21 Dec. 1997, Etna, CA.	married	Manuel Maurice Gomes b. 10 Mar. 1900 Serra Agua, Maderia, Portugal d. 11 June 1972, Etna, CA.
--	---------	---

Children of Mary Ellna (Burcell) Gomes

1. Manuel Aaron "Guy" Gomes b. 30 Jan. 1943, Siskiyou Co., CA. d. 20 Dec. 2012, Fairbanks, Alaska	married	Lorrie ?
---	---------	----------

~ Clint Gomes

- Darren Gomes
- Alyssa Gomes

~ Michael Gomes

2. Merrie Elizabeth Gomes b. 24 Feb. 1945 d. 23 May 2015, Anderson, CA.	married	Edward Olin Johnson, Sr.
---	---------	--------------------------

~ Edward Olin Johnson, Jr.

3. Marthe Joy Gomes b. 17 Oct. 1949	married	(1) Donald W. Snow b. 1948
--	---------	-------------------------------

~ Thaj Emmanuel Gomes
b. 7 April 1970, Siskiyou Co., CA.

~ Abel Douglas Snow
b. 7 January 1982, Siskiyou Co., CA.

married	(2) Robert D. Yarborough 17 Dec. 2004
---------	--

4. Maurice Francis Gomes b. 14 Nov. 1951	married	Cynthia Lucille Kincannon b. 1953
---	---------	--------------------------------------

~ Reece D. Gomes b. 1 Feb. 1973, Siskiyou Co., CA.	married	Andrea ?
---	---------	----------

~ Sage Gomes

- | | | |
|--|---------|--------------------------------|
| 5. Michael Dan Gomes
b. 10 March 1953 | married | Nina M. Clark
b. 1954 |
| 6. Margaret Jean Gomes
b. 9 Dec. 1954 | | |
| 7. Gabriel L. Gomes
b. 15 June 1956 | married | Colleen R. Hardaway
b. 1956 |
| ~ Ruben Michael Gomes
b. 17 Feb. 1980, CA. | married | Jennifer ? |
| ~ Scarlett Gomes | | |
| ~ Colt Gabriel Gomes
b. 17 Jan. 2014, CA. | | |
| 8. Teresa A. "Tess" Gomes (Living in Fairbanks, Alaska, 2012)
b. 30 Oct. 1957 | | |
2. Sally Luella Burcell
b. 21 Nov. 1926, Siskiyou Co., CA.
3. David Burcell
b. 11 Oct. 1928, Etna, CA.
d. 19 Nov. 2007, Etna, CA.
- | | | |
|--|----------|--|
| 4. Daniel Aaron Burcell
b. 10 Apr. 1931, Etna, CA.
d. 1 Mar. 1999, Fresno, CA. | married? | |
| ~ 3 Children | | |
5. Margaret "Maggie" Burcell
- | | | |
|--|---------|--|
| 6. William Burcell
b. 25 June 1900, Etna, CA.
d. 11 Aug. 1986, Etna, CA. | married | Jessie Edna Bryant
b. 28 Feb. 1912, Humboldt Co., CA.
d. 18 June 1997, Etna, CA. |
| ~ John H. Burcell
b. 1937, Etna, CA. | | |
- | | | |
|--|---------|--|
| 7. Mary Burcell
b. 27 April 1902
d. ? | married | (1) Herman Gilbert McBride
b. 20 Dec. 1902, Siskiyou Co., CA.
d. 18 July 1937, Siskiyou Co., CA. |
| ~ Mary Ann McBride
b. 29 April 1931, Yreka, CA.
d. 9 Nov. 1989, Siskiyou Co., CA. | | |
| ~ Frederick William McBride
b. 27 May 1934, Siskiyou Co., CA.
d. 21 Aug. 1961, Kern Co., CA. | | |

6. Bessie Snapp married (1) Raymond W. Rothhacher (1917-1991)
b. 29 Dec. 1912, Siskiyou Co., CA. b. 1917, Alaska; d. 1991, Seattle, WA.
d. 21 Aug. 1991, Sylmar, CA. (2) Hal Harry Burford
b. 1908; d. 1989

Sources: California Indian Enrollment, 1928-1933 (Charlie Snapp, Victorine Snapp); Decennial Census 1910, 1920, 1930; Grant Family, Goodwin Family, Daniels Family, Lamar Family, Snapp-Cook Family, Hagerman-Standish Family, Ancestry.com; Decennial Census 1910, 1920, 1930; Indian Census, 1915, 1916-1923, 1925.

Conclusions

During the years 1907 to 1959, when Ruffeys Rancheria was owned by the federal government for Indian purposes, the records of the Bureau of Indian Affairs, National Archives, San Bruno, confirm the following:

- The deed for Ruffeys Rancheria recorded in 1907 did not identify any tribe or band having a beneficial interest in the property. Special Agent Kelsey's letter of 1913, however, confirmed he bought the land for "Ruffey's Band" and another group of "Karok or Adatars Stock" living in the vicinity of Etna.
- There is no record of any Indian living on Ruffeys Rancheria during the fifty-two years it existed.
- There is no record of any tribal meeting, officers, minutes, or exercise of tribal political authority over any Indian, band, or tribe associated with the rancheria.
- There is no record of the construction of any house, barn, outbuilding, well, dam, reservoir, or fence on the rancheria. The sole improvement was a ditch to carry water from the rancheria to Old Man Ruffey's house on nearby fee land.
- There is no record of any farming program, agricultural advice, or technical services to the rancheria.
- There is no record of the collection of social statistics on the health, education, sanitary condition, or welfare of any Indian associated with the rancheria.
- There is no record of identification of Indian children of the rancheria enrolled in any public or Bureau of Indian Affairs boarding schools.
- There is no record of the Field Matron program administered at the Hoopa Reservation for the Karuk Tribe visiting or providing services for the rancheria.
- There is no record of the administration of "Indian Monies" or "Indian Money Market Accounts" for any Indian associated with the rancheria.
- There is no record of any forestry program for the rancheria until the cruise and valuation of its timber in 1958 and 1959.
- There is no record of any inspection reports of the rancheria.

- There is no record of land assignments or allotments on the rancheria.
- There is no record of the probate of the estate of any Indian associated with the rancheria.
- There is no record of any land leases for grazing or other resources of the rancheria.
- There is no record of any family or tribal cemetery or any cultural resources on the rancheria.

There is no record of any effort to organize a tribal government under the Indian Reorganization Act (1934) on the rancheria. There were no residents on the property and no functioning tribe associated with the property in 1935 when the Bureau of Indian Affairs organized meetings on the I.R.A. on the rancherias of northern California.

Tahj Emmanuel Gomes of Chico, California, purports to be the chair of the Shasta Nation Etna Band, the Etna Band of Indians, and Ruffeys Rancheria.¹ He testified on September 26, 2017, on H.R. 3535 [See Appendices A and B.]

The following unanswered questions arise:

1. In testimony before Congress Mr. Gomes stated: “My name is Tahj Gomes and I am Chairman of the Ruffey[s] Rancheria in Northern California” (Gomes 2017).

- Why is Mr. Gomes’s mother, Joy Marthe (Gomes) Snow Yarborough, enrolled in the Karuk Tribe?
- Why was Mr. Gomes’s grandmother Mary Ellna (Burcell) Gomes (1922-1997) enrolled in the Karuk Tribe?
- Why was Mr. Gomes’s great grandfather Aaron Burcell, Jr. (1897-1983)

¹

In a presentation in 2016 to the Board of Supervisors, Siskiyou County, Gomes identified he was chairman of the **Shasta Nation Etna Band** (Atterbery 2018). In written comments Gomes submitted in April, 2017, to the California State Water Resources Control Board he identified himself as a spokesman for the “**Etna Band of Indians**” (California State Resources Control Board 2017:10). In testimony on September 26, 2017, to the House of Representatives on H.R. 3535, Tahj E. Gomes stated: “I am **Chairman of the Ruffey Rancheria** in northern California” (Gomes 2017). [Emphasis supplied.]

enrolled in the Karuk Tribe?

- Why has Mr. Gomes declined to document his alleged Shasta ancestry when he has claimed to be chairman of the Shasta Nation Etna Band?
- Who are the 225 alleged members of Mr. Gomes's "tribe?"
- Who are the undisclosed members of Mr. Gomes's tribal council?

2. In light of no one living on Ruffeys Rancheria and no tribal activity associated with the rancheria from 1907 to 1959, how can Gomes testify before Congress: "Our community has a long history of interaction with the Federal and California state governments?" (Gomes 2017).

- Where is the documentation of that "long history?" Where is it in the records of the Roseburg Superintendency, Greenville School, or the Sacramento Area Office held in the National Archives, San Bruno, California? Where is it confirmed in the newspapers of Siskiyou County? Where is it confirmed in *The Siskiyou Pioneer*, the journal of The Siskiyou County Historical Society published since 1952?

3. Mr. Gomes testified before Congress "Our ancestors participated in the negotiation for California's unratified 'Treaty R' in 1851" (Gomes 2017).

- Where is the evidence that Mr. Gomes or any member of his "tribe" can document they are the political successor in interest to any of the bands attending the treaty council on Scott River in November, 1851?
- What is the evidence that Mr. Gomes and his "tribe" are the lineal descendants of any of the signers of the treaty of November, 1851?

4. Mr. Gomes testified before Congress that the Bureau of Indian Affairs perceived Ruffeys Rancheria to be "an individual land allotment, and, as a result, no effort was made by the BIA to encourage the Ruffey Rancheria to enact an Indian Reorganization Act constitution." (Gomes 2017).

- Since there were no Indians living on or any tribe associated with Ruffeys Rancheria in 1934, how could the Bureau of Indian Affairs "encourage" the creation of "an Indian Reorganization Act constitution?"

5. Mr. Gomes testified before Congress "Our leaders have been elders

such as Sunrise, Moffett Creek Jake, Tyee Jim, and Old Man Ruffey-the namesake of our rancheria” (Gomes 2017).

- What is the evidence of the leadership of these men? When and how did they lead?
- Where is evidence these men were perceived by the surrounding non-Indian community as tribal leaders?
- What is the evidence these men exercised political authority over the members of Ruffeys Rancheria (which had no residents)?

6. Mr. Gomes testified before Congress that at Termination “Not all qualifying members of the Ruffey Rancheria were notified of their tribal interests or rights. In fact, a BIA field inspector elected not to make such notification” (Gomes 201).

- Why during the years 1907-1959 did no Indian, other than members of the family of Old Man Ruffey, raise any concern about Ruffeys Rancheria?
- What is the basis for Mr. Gomes’s statement that a BIA field inspector declined to notify alleged tribal members? Who were these people and how were they “members” of Ruffeys Rancheria?

7. Mr. Gomes testified before Congress “Since Termination, the Ruffey[s] Rancheria’s members have continued to advocate for their collective interests as an Indian community. In 1974, its terminated members helped to establish an unincorporated, non-profit entity to support economic and cultural activities for Native people in Siskiyou County” (Gomes 2017).

- What evidence is there about this advocacy “for their collective interests as an Indian community?”
- What evidence is there of the work and accomplishments of the “unincorporated, non-profit entity?”

8. In written testimony on H.R. 3535 Mr. Gomes claimed the relevance of a March 9, 1874, California legislative resolution, “The Establishment of an Indian reservation in Siskiyou County,” forwarded to the House of Representatives and referred to the Committee on Indian Affairs. The legislative resolution referred to “some seven or eight hundred” Indians residing in Siskiyou County who lived in poverty and “were permitted to roam at will through it.” The resolution called on Congress “to procure the establishment of a reservation in Quartz Valley” and confine the Indians on it.

- In light of the establishment of the Quartz Valley Rancheria and its administration by the Bureau of Indian Affairs, what is the relevance of this 1874 resolution to the restoration of Ruffeys Rancheria?

9. In written testimony on H.R. 3535 Mr. Gomes claimed the U.S. Supreme Court decision in *Cramer v. U.S.* (1923) “affirmed the existence of such an ownership right.” He stated this case was initiated by the Bureau of Indian Affairs “arguing that some of the Ruffey[s] Rancheria’s members (Old Man Ruffey’s cousins) retained individual aboriginal title to lands they had lived upon since time immemorial.”

- Who were the Indians named in this case and how were they related to Old Man Ruffey?
- Why did the Supreme Court reach the following conclusion that the act of March 3, 1851 (9 Stat. 631), creating the California Land Commission:

“The act plainly has no application. The Indians here concerned do not belong to any of the classes described therein, and their claims were in no way derived from the Spanish or Mexican governments. Moreover, it does not appear that these Indians were occupying the lands in question when the act was passed” (U.S. Supreme Court 1923:261 U.S. 231).
[Emphasis supplied.]

10. In written testimony on H.R. 3535 Mr. Gomes identified the case of *Tillie Hardwick, et al. v. United States* (1983). He stated: “Due to a legal technicality, however, the Ruffey[s] Rancheria members did not qualify for the Tillie Hardwick class action because they had sold the original land assignments in order to provide a basic income for themselves and their families.”

- In light of the issuance of fee patents for all lands at more than twenty rancherias participating in the Tillie Hardwick cases, how was the sale of the land at Ruffeys Rancheria the reason for non-qualification?
- Who were the Indians who had “land assignments” on Ruffeys Rancheria and when were they made?

These numerous facts and questions raise significant concerns about H.R. 3535. The bill purports to restore to federal status a tribe that never existed or functioned on Ruffeys Rancheria. Congress is asked to create a government-to-government relationship with an unoccupied tract of rugged, forested hillsides near Etna, California, now owned by International Paper

Company. It is asked to extend federal funds, services, trust status to lands, undefined water rights, and the opportunity for an unidentified “group” of 225 people to establish a casino within twenty-five miles of the site of former Ruffeys Rancheria.

H.R. 3535 proposes to put Ruffeys Rancheria on equal standing with more than 560 federally-recognized tribes and Indian communities of the United States. It is legislation moving forward without adequate documentation. The proposed statute may have the consequence of burdening the American taxpayer for programs, staffing, and other services to permit an unidentified “group” to gain the right to acquire land, take land into trust, build and operate a casino, and to appropriate water in Scott Valley.

Bibliography

Abernathy, Roy

- 1951 Letter of July 14 to J. B. Ring. Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.
- 1953a Letter of May 31 to Leonard M. Hill. Folder 060, Ruffeys Rancheria, Tribal Group Files, 1915-1972, Box 48, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.
- 1953b Letter of June 11 to Douglas Clark. Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.
- 1959 Letter of December 3 to Leonard M. Hill. Folder 060, Ruffeys Rancheria, Tribal Group Files, 1915-1972, Box 48, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Anonymous

- 1911 Indians at Yreka, February 7. General Correspondence, 1896-1940, Box 6, Roseburg Superintendency of Indian Affairs, Roseburg, Oregon. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.
- 1928-33 Index to Census Roll of Indians of California. Microcopy 1853, Roll 1. National Archives, Washington, D.C.

Atterbery, Russell "Buster"

- 2018 Lamalfa Bill to Create New Tribe Raises Questions. *Record Searchlight* (Redding, CA.), April 5.

Barbour, George

- 1936 The Journal of George W. Barbour, May 1 to October 4, 1851. Alban Hoopes, ed. *Southwestern Historical Quarterly*, 40(2):145-153.

Beckham, Stephen Dow

- 1969 George Gibbs, 1815-1871: Ethnologist and Historian. Ph.D. dissertation, Department of History, University of California, Los Angeles.

Bureau of Indian Affairs

n.d. [Map] Ruffeys Rancheria. Folder 060, Ruffeys Rancheria, Tribal Group Files, 1915-1972, Box 48, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

1915 Indian Census, Etna Mills, Calif. Microcopy 595, Indian Census Rolls, 1885-1940. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

1928-33 Enrollment of California Indians. Microcopy 1853. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

1953 [Map] "Ruffeys Section 5 T. 4 N. R. 9 W." Folder 060, Ruffeys Rancheria, Tribal Group Files, 1915-1972, Box 48, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Bureau of the Census

1900 Twelfth Census of the United States. Etna and Etna District, Siskiyou County, California. Microcopy T-623. RG 29: Records of the Bureau of the Census, National Archives, Washington, D.C.

1910 Thirteenth Census of the United States. Etna District 108, Siskiyou County, California. Microcopy T-624, Roll 108. RG 29: Records of the Bureau of the Census, National Archives, Washington, D.C.

1920 Fourteenth Census of the United States. Yreka, Siskiyou County, California. Microcopy M-625, Roll 149. RG 29: Records of the Bureau of the Census, National Archives, Washington, D.C.

California State Water Resource Control Board

2017 Scoping Report for Lower Klamath Project License Surrender Environmental Impact Report, April. https://www.waterboards.ca.gov/.../lower_klamath.../appxb_scoping_meeting_materia...

Campbell, Reita M.

1947 "Old Man" Ruffey and Early Scott Valley. The Siskiyou Pioneer in Folklore, Fact, and Fiction. Siskiyou County Historical Society.

Central Pacific Railway

1907 Deed of July 17 to the United States of America. Folder 311, Deeds and Titles Conveyances of Lands, Ruffeys, Tribal Lands,

1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Clair, Britton

1949 Letter of November 12 to Fred W. Burton. Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

1960 Letter of January 18 to Don E. Avery. Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Clark, Douglas

1953 Letter of August 11 to Howard Dushane. Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

1957 Letter of July 2 to Bessie N. Lippen. Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

1958a Letter of May 20 to J. N. Sunderland. Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

1958b Letter of August 29 to City of Etna. Folder 060, Ruffeys Rancheria, Tribal Group Files, 1915-1972, Box 48, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Dushane, Howard

1953a Letter of June 22 to Area Director. Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

1953b [Map] Map of Ruffey's Rancheria and Adjacent land Ownership All in Section 5, Township 41 North, Range 9 West, MDM, Near Etna, California - in Siskiyou County. Folder 308, Tribal Lands, Ruffeys

Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

1954 Assignment Schedule Ruffeys Rancheria, June 12. Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Engelbretson, Kenneth E.

1958a Report on Ruffeys Rancheria. Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

1958b [Map] "Type Map of Ruffeys Rancheria, T41N R9W Section 5 MDM, December 9." Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Gibbs, George

1853 Journal of the Expedition of Colonel Redick M'Kee, United States Indian Agent, through Northwestern California. Performed in the Summer and Fall of 1851. *Information Respecting the History, Condition, and Prospects of the Indian Tribes of the United States, III*, Henry R. Schoolcraft, ed. Philadelphia: Lippincott, Grambo & Company.

Gomes, Tahj E.

2017 Testimony of Tahj Gomes, September 26. Legislative Hearing on H.R. 3535. Typescript. [Appendix B]

Gordon, Frank J.

1957 Letter of March 22 to Leonard M. Hill. Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Heizer, Robert Fleming

1972 *The Eighteen Unratified Treaties of 1851-1852 Between the California Indians and the United States Government*. Berkeley: University of California Archaeological Research Facility.

1978 "Treaties." *Handbook of North American Indians, Vol. 8, California*, pp. 701-704. Washington, D.C.: Smithsonian Institution.

1993 *The Destruction of the California Indians: A Collection of Documents from the Period 1847 to 1865 in which are Described Some of the Things that Happened to Some of the Indians of California*. Lincoln: University of Nebraska Press.

Hill, Leonard M.

1953 Letter of October 26 to Norman Marvin. Folder 060, Ruffeys Rancheria, Tribal Group Files, 1915-1972, Box 48, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

1959 Letter of December 10 to Edmund Abernathy, Don S. Avery, Conservator for Roy Abernathy, and Bessie Lippen. Folder 311, Deeds and Titles Conveyances of Lands, Ruffeys, Tribal Lands, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Kelly, Ruth M.

1958 Letter of August 27 to Indian Bureau, Sacramento. Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Kelsey, Charles E.

1906 Report of the Special Agent for California Indians to the Commissioner of Indian Affairs. Included in Indian Appropriation Bill, January 10, 1919. Washington, D.C.: Government Printing Office.

1913 Letter of June 24 to Commissioner of Indian Affairs. Letters Received, Central Classified Files, Bureau of Indian Affairs, Washington, D.C., Letter No. 81310. Photocopy, Legal Department, Karuk Tribe, Happy Camp, CA.

1971 Census of Non-Reservation California Indians, 1905-1906, Siskiyou County. Berkeley: Archaeological Research Facility, Department of Anthropology, University of California, pp. 100-107.

Kriegh, W. S.

1922 Letter of June 6 to Edgar K. Miller. Folder 311, Deeds and Titles

Conveyances of Lands, Ruffeys, Tribal Lands, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Lippen, Bessie M.

1957 Letter of June 27 to Agent, U.S. Department of Interior. Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Longenbaugh, Dillon A.

1957 Letter of March 14 to Leonard M. Hill. Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Loughery, A. S.

1850 Letter of October 15 to R. McKee, G. W. Barbour, and O. M. Wozencraft. *Annual Report of the Commissioner of Indian Affairs, 1850*, pp. 121-122. Washington, D.C.: Printed for the Commissioner of Indian Affairs.

Maricopa County Probate Court

1900 Probate No. 548, Lindley Abel. Arizona Wills & Probate Records, 1803-1995. Images 1687-1701. *Ancestry.com*.

Marvin, Norman

1953 Letter of November 23 to Mr. [Leonard] Hill. Folder 311, Deeds and Titles Conveyances of Lands, Ruffeys, Tribal Lands, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

McKee, Redick, G. W. Barbour, and O. M. Wozencraft

1851 Letter of May 15, 1851 to Luke Lea. *Annual Report of the Commissioner of Indian Affairs, 1851*, pp. 222-224. Washington, D.C.: Gideon & Company, Printers.

Metcalf, Barbara Ann

1963 Oliver M. Wozencraft In California, 1849-1887. M.A. Thesis, Department of History, University of Southern California, Los Angeles.

Ring, James B.

1951 Letter of December 14 to Roy Abernathy. Folder 060, Ruffeys Rancheria, Tribal Group Files, 1915-1972, Box 48, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Robertson, Guy

1959 Letter of October 6 to Branch of Realty. Folder 311, Deeds and Titles Conveyances of Lands, Ruffeys, Tribal Lands, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Robertson, M. L.

1949a Letter of June 20 to Lawrence Burcell. Folder 060, Ruffeys Rancheria, Tribal Group Files, 1915-1972, Box 48, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

1949b Letter of November 18 to Roy Abernathy. Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Ruffey, Old Man

1930 Application for Enrollment No. 3040. Enrollment of Indians of California, 1928-1933. Microcopy 1853, Affidavits. National Archives, Washington, D.C.

Singer, Rita

1960 Letter of November 7 to Area Director. Folder 060, Ruffeys Rancheria, Tribal Group Files, 1915-1972, Box 48, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Spencer, L. D.

1956 Letter of February 6, to Bureau of Indian Affairs. Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

U.S. House of Representatives

1919 Indian Appropriations Bill, January 10. Washington, D.C.: Government Printing Office.

2017 H.R. 3535, To restore Federal recognition to the Ruffey[s]

Rancheria of California, and for other purposes. <https://www.congress.gov/bill/115th-congress/house-bill/3535/text>
[Appendix A]

U.S. Supreme Court

1923 *Cramer v. United States*, 261 U.S. 219. <https://supreme.justia.com/cases/federal/us/261/219/case.html>

Winsor, Edward

1959 Timber Appraisal Ruffeys Rancheria, March 19. Folder 308, Tribal Lands, Ruffeys Rancheria, 1949-1960, Tribal Group Files, 1915-1972, Box 49, Sacramento Area Office. RG 75: Records of the Bureau of Indian Affairs, National Archives, San Bruno, CA.

Appendix A: H.R. 3535

Note: This is the amended bill voted on by the House Natural Resources Committee on May 8, 2018; however as of June 20, 2018 the amended bill remained unavailable at congress.gov.

1 shall be inapplicable to the Tribe and its members after
2 the date of the enactment of this Act. Such Federal trea-
3 ties and other authority shall not include any treaty, Exec-
4 utive Order, agreement, statute or other authority entered
5 into in the Territory or State of Oregon or affecting any
6 tribe or band of Indians whose historical territory was lo-
7 cated therein.

8 (C) FEDERAL SERVICES AND BENEFITS.—

9 (1) IN GENERAL.—Without regard to the exist-
10 ence of a reservation, the Tribe and its members
11 shall be eligible, on and after the date of the enact-
12 ment of this Act, for all Federal services and bene-
13 fits furnished to federally recognized Indian Tribes
14 or their members. For the purposes of Federal serv-
15 ices and benefits available to members of federally
16 recognized Indian tribes residing on a reservation,
17 members of the Tribe residing in the Tribe’s service
18 area shall be deemed to be residing on a reservation.

19 (2) RELATION TO OTHER LAWS.—The eligibility
20 on the part of the Tribe and its members for, or re-
21 ceipt of, services and benefits under paragraph (1)
22 shall not be considered as income, resources, or oth-
23 erwise when determining the eligibility for or com-
24 putation of any payment or other benefit to such
25 tribe, individual, or household under—

1 (A) any financial aid program of the
2 United States, including grants and contracts
3 subject to the Indian Self-Determination Act; or

4 (B) any other benefit to which such tribe,
5 household, or individual would otherwise be en-
6 titled under any Federal or federally assisted
7 program.

8 (d) HUNTING, FISHING, TRAPPING, GATHERING,
9 AND WATER RIGHTS.—Nothing in this Act shall expand,
10 reduce, or affect in any manner any hunting, fishing, trap-
11 ping, gathering, or water rights of the Tribe and its mem-
12 bers, provided, that any such rights shall not extend into
13 the Territory or State of Oregon.

14 (e) CERTAIN RIGHTS NOT ALTERED.—Except as
15 specifically provided in this Act, nothing in this Act shall
16 alter any property right or obligation, any contractual
17 right or obligation, or any obligation for taxes levied.

18 (f) RIGHTS OF THE QUARTZ VALLEY INDIAN RES-
19 ERVATION.—Nothing in this Act shall be construed as in-
20 fringing upon or diminishing the territorial rights or sov-
21 ereignty of the Quartz Valley Indian Reservation.

22 **SEC. 3. TRANSFER OF LAND TO BE HELD IN TRUST.**

23 (a) LANDS TO BE TAKEN IN TRUST.—Upon applica-
24 tion by the Tribe, the Secretary shall have the authority
25 under this section to accept into trust for the benefit of

1 the Tribe real property located in Siskiyou County, Cali-
2 fornia, after the property is conveyed or otherwise trans-
3 ferred to the Secretary and if, at the time of such convey-
4 ance or transfer, there are no adverse legal claims to such
5 property, including outstanding liens, mortgages, or taxes.

6 (b) FORMER TRUST LANDS OF THE RUFFEY
7 RANCHERIA.—Subject to the conditions specified in this
8 section, real property eligible for trust status under this
9 section shall include Indian owned fee land in Siskiyou
10 County, California, that is held by persons listed as
11 distributees or dependent members in the distribution plan
12 approved by the Bureau of Indian Affairs and published
13 in the Federal Register on April 11, 1961, or such
14 distributees' or dependent members' Indian heirs or suc-
15 cessors in interest, provided, that such lands shall not in-
16 clude any lands located within the boundaries of the State
17 of Oregon.

18 (c) LANDS TO BE PART OF THE RESERVATION.—
19 Any real property taken into trust for the benefit of the
20 Tribe pursuant to this Act shall be part of the Tribe's
21 reservation.

22 (d) LANDS TO BE NONTAXABLE.—Any real property
23 taken into trust for the benefit of the Tribe pursuant to
24 this section shall be exempt from all local, State, and Fed-

1 eral taxation as of the date that such land is transferred
2 to the Secretary.

3 **SEC. 4. MEMBERSHIP ROLLS.**

4 (a) **COMPILATION OF TRIBAL MEMBERSHIP ROLL.**—
5 Not later than 1 year after the date of the enactment of
6 this Act, the Secretary shall, after consultation with the
7 Tribe, compile a membership roll of the Tribe.

8 (b) **CRITERIA FOR ENROLLMENTS.**—

9 (1) **P_{RECONSTITUTION} ROLL.**—Until a tribal
10 constitution is adopted pursuant to section 6, an in-
11 dividual shall be placed on the Ruffey Rancheria
12 membership roll if the individual is living, is not an
13 enrolled member of another federally recognized In-
14 dian tribe, and if—

15 (A) such individual's name was listed on
16 the Ruffey Rancheria distribution list compiled
17 by the Bureau of Indian Affairs and approved
18 by the Secretary and published in the Federal
19 Register on April 11, 1961, under Public Law
20 85–671;

21 (B) such individual was not listed on, but
22 met the requirements that had to be met to be
23 listed on the Ruffey Rancheria distribution list;
24 or

1 (C) the individual is a lineal descendant of
2 an individual, living or dead, identified in sub-
3 paragraph (A) or (B), and has never been an
4 enrolled member of any other Federally recog-
5 nized Indian tribe.

6 (2) ROLL AFTER ADOPTION OF CONSTITU-
7 TION.—After adoption of a tribal constitution under
8 section 6, such tribal constitution shall govern mem-
9 bership in the Tribe.

10 (c) CONCLUSIVE PROOF OF RUFFEY RANCHERIA IN-
11 DIAN ANCESTRY.—For the purpose of subsection (b), the
12 Secretary shall accept any available evidence establishing
13 Ruffey Rancheria Indian ancestry. The Secretary shall ac-
14 cept as conclusive evidence of Ruffey Rancheria Indian an-
15 cestry information contained in the letter regarding cer-
16 tain lands purchased for the use of Ruffey and other Indi-
17 ans near Etna, California, sent by Charles E. Kelsey, Spe-
18 cial Agent for the California Indians, to the Commissioner
19 of Indian Affairs dated June 24, 1913; residence on or
20 adjacent to lands purchased or leased in Siskiyou County,
21 California, by Special Agent Charles E. Kelsey, provided
22 that such lands were occupied by an individual with a bona
23 fide relationship to the Ruffey Rancheria; and in the
24 Ruffey Rancheria distribution list compiled by the Bureau

1 of Indian Affairs and approved by the Secretary and pub-
2 lished in the Federal Register on April 11, 1961.

3 SEC. 5. INTERIM GOVERNMENT.

4 Until a new tribal constitution and bylaws are adopt-
5 ed and become effective under section 6, the governing
6 body of the Tribe shall be an Interim Council. The initial
7 membership of the Interim Council shall consist of the
8 members of the Executive Council of the Tribe on the date
9 of the enactment of this Act, and the Interim Council shall
10 continue to operate in the manner prescribed for the Exec-
11 utive Council under the tribal constitution of the Tribe
12 adopted on December 19, 2014, as amended by Tribal
13 Resolution 18-02, to the extent that such constitution is
14 not contrary to Federal law. Any new members filling va-
15 cancies on the Interim Council shall meet the enrollment
16 criteria set forth in section 4(b) and be elected in the same
17 manner as are Executive Council members under the trib-
18 al constitution adopted December 19, 2014, as amended
19 by Tribal Resolution 18-02.

20 SEC. 6. TRIBAL CONSTITUTION.

21 (a) ELECTION; TIME; PROCEDURE.—After the com-
22 pilation of the tribal membership roll under section 4,
23 upon the written request of the Interim Tribal Council,
24 the Secretary shall conduct, by secret ballot, an election
25 for the purpose of ratifying a final constitution for the

1 Tribe. The election shall be held consistent with sections
2 16(c)(1) and 16(c)(2)(A) of the Act of June 18, 1934
3 (commonly known as the Indian Reorganization Act; 25
4 U.S.C. 5123(c)(1) and 5123(c)(2)(A), respectively). Ab-
5 sentee voting shall be permitted regardless of voter resi-
6 dence.

7 (b) ELECTION OF TRIBAL OFFICIALS; PROCE-
8 DURES.—Not later than 120 days after the Tribe ratifies
9 a final constitution under subsection (a), the Secretary
10 shall conduct an election by secret ballot for the purpose
11 of electing tribal officials as provided in such tribal con-
12 stitution. Such election shall be conducted consistent with
13 the procedures specified in subsection (a) except to the
14 extent that such procedures conflict with the tribal con-
15 stitution.

16 **SEC. 7. LIMITATIONS ON INDIAN GAMING ON ACQUIRED**
17 **LANDS.**

18 In addition to any other requirements under applica-
19 ble Federal law, gaming conducted pursuant to an excep-
20 tion under subsection (b)(1)(B) of section 20 of the Indian
21 Gaming Regulatory Act (25 U.S.C. 2719) shall not be
22 conducted on any land taken into trust by the United
23 States for the benefit of the Tribe unless the Secretary
24 determines, on the date that the land is taken into trust,
25 that—

1 (1) the Tribe has received a written determina-
2 tion by the Secretary that the land is eligible to be
3 used for gaming under such section; and

4 (2) the land is located in the county of
5 Siskiyou, California, 5 miles or less away from lands
6 within such County taken into trust under section 3
7 of this Act.

8 **SEC. 8. DEFINITIONS.**

9 For purposes of this Act:

10 (1) **INTERIM COUNCIL.**—The term “Interim
11 Council” means the governing body of the Tribe
12 specified in section 6.

13 (2) **MEMBER.**—The term “member” means any
14 person meeting the enrollment criteria under section
15 4(b).

16 (3) **RESERVATION.**—The term “reservation”
17 means those lands acquired and held in trust by the
18 Secretary for the benefit of the Tribe pursuant to
19 section 3.

20 (4) **SECRETARY.**—The term “Secretary” means
21 the Secretary of the Interior.

22 (5) **SERVICE AREA.**—The term “service area”
23 means Siskiyou County in the State of California.
24 Neither the Tribe’s service area nor its near-reserva-
25 tion area shall be extended into or located within the

1 State of Oregon for any Federal or State program

2 or service.

3 (6) STATE.—The term “State” means the State
4 of California.

5 (7) TRIBE.—The term “Tribe” means the
6 Ruffey Rancheria of California.



Appendix B Testimony of Tahj Gomes before House Subcommittee on Indian, Insular, and Alaska Native Affairs, 9/26/17

Name: Tahj Gomes
Title: Chairman
Organization: Ruffey Rancheria
Hearing Date: 9/26/17
Hearing Title: Legislative Hearing on:

- H.R. 3535 (Rep. Doug LaMalfa), To restore Federal recognition to the Ruffey Rancheria of California, and for other purposes. “Ruffey Rancheria Restoration Act of 2017”;
- H.R. 3650 (Rep. Robert Pittenger), To provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes. “Lumbee Recognition Act”; and
- H.R. 3744 (Rep. Rob Bishop), To provide that an Indian group may receive Federal acknowledgement as an Indian tribe only by an Act of Congress. “Tribal Recognition Act of 2017.”

Testimony of Tahj Gomes

Chairman LaMalfa, Ranking Member Torres, and Distinguished Members of the Subcommittee:

Thank you for the opportunity to testify before you today about H.R. 3535, the Ruffey Rancheria Restoration Act. My name is Tahj Gomes and I am Chairman of the Ruffey Rancheria in Northern California. As a legislatively terminated tribe, the Ruffey Rancheria seeks restoration as a Federally recognized tribe in order to establish a government-to-government relationship that can further the health, economic well-being, and culture of our Indian community.

The Ruffey Rancheria’s membership consists of the descendants of the historic Indian villages of central Siskiyou County, California, who have long intermarried, traded, and shared in an interconnected cultural and political life. Our leaders have been elders such as Sunrise, Moffett Creek Jake, Tyee Jim, and Old Man Ruffey—the namesake of our rancheria. Our community has a long history of interaction with the Federal and California State governments. Our ancestors participated in the negotiations for California’s unratified “Treaty R” in 1851. The California State legislature petitioned Congress to provide the group with a reservation in 1874 (Exhibit A).

In 1907, a special Indian agent purchased 441 acres of land for the rancheria pursuant to the Act of June 21, 1906 (Exhibit B). The Bureau of Indian Affairs (BIA) also acquired individual land allotments for other members of our tribe. Some of this land remains in trust to this day. Our members hold other nearby land parcels in this area in private fee and still reside in the immediate area. I, myself, grew up and lived in a single wide trailer house on an allotment before going on to college and law school.

Following the purchase of a land base for the Ruffey Rancheria, the BIA continued to demonstrate an ongoing concern for the group. In 1919, the BIA initiated a lawsuit, arguing that some of the Ruffey Rancheria’s members (Old Man Ruffey’s cousins) retained individual aboriginal title to lands they had lived upon since time immemorial. A decision by the U.S. Supreme Court in *Cramer v. U.S.* (1923) affirmed the existence of such an ownership right.

Nevertheless, the documentary record shows substantial confusion by the BIA about the legal arrangements of the 1907 land purchase and the allotments. At times, the BIA—by its own admission—mistakenly treated the original land purchase as an individual land allotment, and, as a result, no effort was made by the BIA to encourage the Ruffey Rancheria to enact an Indian Reorganization Act constitution, although its

members still resided as a multifamily tribal community on the 1907 land purchase and the nearby allotments.

The Ruffey Rancheria was terminated under the California Indian Rancheria Act of 1958. A great many irregularities occurred in the process. Not all qualifying members of the Ruffey Rancheria were notified of their tribal interests or rights. In fact, a BIA field inspector elected not to make such notification. An order by the BIA Area Supervisor to have the field office complete the many unprobated estates associated with the Ruffey Rancheria in order to determine its potential heirs was not completed, either. To this day, I am still attending probate hearings for some of my great-aunts and uncles.

The termination of the Ruffey Rancheria proceeded in 1959 with the involvement of only the three surviving grandchildren of Old Man Ruffey. The final termination of Federal supervision for the rancheria was published in the Federal Register in 1961 (Exhibit C). In 1972, the BIA listed the Ruffey Rancheria as among Indian groups no longer entitled to Bureau of Indian Affairs services because of specific statutes.

The Ruffey Rancheria was among the enumerated rancherias listed in 1983 *Tillie Hardwick et al. v U.S. et al.* class action, which resulted in the restoration of many of California's Indian rancherias to Federal status. Due to a legal technicality, however, the Ruffey Rancheria's members did not qualify for the *Tillie Hardwick* class action because they had sold the original land assignments in order to provide a basic income for themselves and their families.

Since Termination, the Ruffey Rancheria's members have continued to advocate for their collective interests as an Indian community. In 1974, its terminated members helped to establish an unincorporated, non-profit entity to support economic and cultural activities for Native people in Siskiyou County. That status is inadequate to adequately represent and address present day tribal needs and governance, and the full restoration of a government-to-government relationship is absolutely necessary to support our tribal community. Crucially, the restoration of the tribe enjoys local backing, including the unanimous support of the Siskiyou County Board of Supervisors (Exhibit D).

Only Congress can restore a tribe that has been legislatively terminated to Federal status. The Federal recognition process restricts petitions by tribal entities that have been legislatively terminated. It is patent that the only available remedy is congressional action. I am here today to respectfully request your support in that effort. For us, restoration is not a political issue. It is not a partisan issue. It is a question of justice for our tribal community.

While in Washington, I have visited the Smithsonian's National Museum of the American Indian, which has an exhibit listing terminated California tribes. The name of our tribe is there, on display, on that list. It is my hope that each of you, and the Congress as a whole, will act to remove the Ruffey Rancheria from that list.

Tahj Gomes
Chairman, Ruffey Rancheria