

EXECUTIVE SUMMARY: In May, 2000, a Hearing was held before the House Resource Committee (HRC) on the matter of the “Graton Restoration Act”, in which both Greg Sarris, Chairman of the Federated Indians of Graton Rancheria (FIGR), and Bureau of Indian Affairs (BIA) Assistant Secretary Kevin Gover testified. In their testimony, both men cited one historical fact - that of Indian Agent John Terrell’s census of California Indians that took place prior to 1920. However, they twisted that fact to support their claim that Graton Rancheria was eligible for restoration.

Agent John Terrell’s census count of California Indians found 76 Indians living in the town of Sebastopol. He also found Indians living in the cities of Santa Rosa, Petaluma, and so forth. Sarris and Gover, however, stated that Terrell meant that there were 76 Indians living on the rancheria in “1917” (Gover) or “1920” (Sarris). The problem is that the land for the rancheria was not even purchased until 1921, and no one lived on the rancheria until 1937.

But Sarris and Gover were able to convince Congressmen Gilchrist and Kildee of the HRC, that the Graton Rancheria had “76 members” living on it immediately after it was created, thus “proving” that Graton not only was a tribe, but a viable group from 1917 (or 1920) on, and that the eventual loss of the rancheria was because of deceitful behavior on the part of the United States government.

Recently, several hundred pages of Indian Agency/BIA documents were retrieved from the National Archives in San Bruno. These documents form a comprehensive history of the Graton Rancheria, and this historical record paints a picture that is very much different from the testimony of Sarris and Gover. The record proves the following:

- 1) From its purchase in 1921 and up to 1937, *no one* lived on the Graton Rancheria.
- 2) This was government housing for a few Indians. It was never a tribal reservation.
- 3) At its peak in 1952, the rancheria only had three adult assignees, one of whom was a Karok Indian from Siskiyou County.
- 4) There is no history of any tribal government, tribal council, or tribal office, nor was there any collective activity, any structure or any tribal entity of any kind at all at Graton Rancheria. There was never a “tribe” on the Graton Rancheria, just several individuals from towns scattered across Northern California.
- 5) The residents of the rancheria wanted to dissolve the rancheria, and looked forward to their private ownership of the property.
- 6) There was no coercion or pressure from the government to dissolve the rancheria, nor did the government act in an abusive, deceitful or unethical fashion.

With the discovery of the BIA documents, one thing is clear to all who have reviewed them: Graton was never a tribe. The rancheria and its one remaining acre of land appears to have been a vehicle of convenience that allowed the Federated Indians of Graton Rancheria to make a claim for restoration. Graton’s restoration was a *fait accompli* which allowed them to bypass not only the rigorous BIA recognition process, but also the two-part test that other tribes must undergo when taking land into trust.

It also gave them a free pass for taking land into trust for a casino in an urban area.

THE HISTORY OF THE GRATON RANCHERIA: The designation of “Coast Miwok” or “Southern Pomo” was given to a general population group of several dozen bands of Indians in the Sonoma County and Marin County area, by anthropologists and linguists in the early 20th century. These bands existed as independent entities, and were not co-joined politically in any fashion.

At no time since the United States gained possession of California, was there ever a government-to-government relationship with any of these bands now known collectively as the Coast Miwok and/or Southern Pomo. At no time since then did they exist as a political entity until the creation of the FIGR in the year 2000 through the Graton Restoration Act, an act which was based on a gross misrepresentation of the facts surrounding the Graton Rancheria.

From a study of Bureau of Indian Affairs (BIA) documents obtained from the National Archives in San Bruno, CA, which go back almost 100 years, it is now clear that in the fifty-five years that the “Graton” or “Sebastopol” (the two names were used interchangeably for the first several years) Rancheria existed, there was never any tribal structure or tribal government or tribal or political entity at all. There never existed at any time in the rancheria’s history, a government-to-government relationship between the federal government and/or the State of California, and the Graton Rancheria. In short, there was never any tribe, either formally or informally. Instead, there were only a few individuals who came from towns scattered across Northern California.

The record shows that the “Graton” or “Sebastopol” rancheria was established for the benefit of “Marshall and Sebastopol bands of homeless Indians”, on land purchased in 1921.¹ As recorded both in the July 6, 1920, Department of the Interior letter² and in the record of the County of Sonoma, CA in Book 310, at page 180, this property had been the private property of Joseph and Louisa Corda, from whom it was purchased. It is significant to note that none of the early letters pertaining to the purchase of this 15.45 acre property make any mention of any Indians residing on the property, which was heavily timbered and hilly.

For the first 16 years after the property was purchased, no one lived there at all. The earliest proof of this fact comes in 1936, a time when California’s Indians were voting on the Indian Reorganization Act (IRA) of 1936. At the time of the vote, Sacramento Indian Agency Superintendent Roy Nash wrote to Washington to advise them that there were no Indians living on the “Sebastopol” (Graton) rancheria, and thus, no one to vote on the Act.³ Indeed, the official IRA voting records from that period list no Coast Miwok, Graton or Sebastopol tribes.⁴ Sixteen years later, in his 1952 field notes made upon a visit to the rancheria, Agency representative Leonard Hill confirms this, stating, "This rancheria is not organized under IRA."⁵

¹ Letter from E. B. Meritt, Ass’t. Commissioner, DOI, Office of Indian Affairs, to Walter W. McConihe, Supt., Round Valley School, dated July 6, 1920, AND Letter from E. B. Meritt, Ass’t. Commissioner, DOI, Office of Indian Affairs, to Walter W. McConihe, Supt., Round Valley School, dated March 19, 1921

² Letter from E. B. Meritt, Ass’t. Commissioner, DOI, Office of Indian Affairs, to Walter W. McConihe, Supt., Round Valley School, dated July 6, 1920

³ Letter from Roy Nash, Superintendent, Sacramento Indian Agency to the Commissioner of Indian Affairs, dated April 17, 1936.

⁴ Document entitled “Tribal Organization-California Tribes”, 1936, showing IRA votes of all CA tribes voting

⁵ Field notes of Leonard Hill, Agency representative, dated August 21, 1952

Andrew Sears, a native of the town of Sonoma, was given a land assignment on the rancheria on March 19, 1937, thus becoming the first inhabitant of the rancheria.⁶ A bit after the fact, in a letter dated June 9, 1937, from Sacramento Indian Agency Superintendent Roy Nash to the Commissioner of Indian Affairs in Washington, Mr. Nash states, “The purchase (*of the Graton Rancheria*) was intended ‘for use and occupancy by the Marshall and Sebastopol Bands of homeless California Indians’, but said bands never occupied the tract, nor has any Indian ever lived on the tract from date of purchase up to now.”⁷ In the letter, Mr. Nash asks, “Am I limited to Indians of Marshall and Sebastopol bands, or their descendants? I think decision should be that any landless Indians may be located on these unused California tracts.”⁸ (*emphasis mine*). A response from Washington gave Mr. Nash permission to allow other Indians to live on Graton.⁹

Eight years later in 1945, Arthur Faber, an Indian Agency (BIA) employee, made application for his mother, Mrs. Laura Faber who was living in Lake County.¹⁰ Mrs. Faber was given an assignment in 1946¹¹, lived in a tent cabin on the property, and moved out in 1950.¹² An BIA document dated “4-21-51” and entitled “Graton Reservation (Sebastopol), states that in 1951, there was “1 family, 3 people” living on the rancheria, and gives the number of residents as “4”, and mentions only Andrew Sears as a resident.

BIA Agent G.T. Nordstrom, in his notes made during a visit to Graton Rancheria on June 24, 1952, clearly indicates that of those living on the rancheria, only Andrew Sears had been granted an assignment (in March 1937) to live on the property. In 1952, Frank Truvido, whose daughter Gloria is the owner of the one remaining acre of the land that had been Graton Rancheria, had not yet been assigned permission to live on the property.

At its peak in 1952, the property had a “House occupied by Andrew Sears... (and Fred Everill)”, a “tent occupied by Frank Truvido...”, three “small tent houses constructed by Arthur Faber for his mother....” which according to Mrs. Faber had been unoccupied since 1950¹³, and an “incomplete house occupied by Lawrence Bellman....”¹⁴.

By 1954-55, as the Eisenhower administration began to terminate forty-one small California land holdings, the records show that the rancheria was occupied by three assignees: Frank Truvido, Fred Everill (a Karok Indian from Siskiyou County), and Andrew Sears.¹⁵ A fourth assignee, Lawrence Bellman, was by that time living in Inverness, and had not lived on the rancheria for

⁶ Letter from Roy Nash, Superintendent of the Sacramento Indian Agency to Mr. Andrew Sears, dated March 19, 1937

⁷ Letter from Roy Nash, Superintendent, Sacramento Indian Agency to the Commissioner of Indian Affairs, dated June 9, 1937

⁸ Letter from Roy Nash, Superintendent, Sacramento Indian Agency to the Commissioner of Indian Affairs, dated June 9, 1937

⁹ Letter from Assistant Commissioner to Roy Nash, dated July 6, 1937

¹⁰ Letter from John G. Rockwell, Superintendent, Sacramento Indian Agency, to Mr. Arthur Ray Faber of Upper Lake, dated November 20, 1945

¹¹ Letter from John G. Rockwell, Superintendent, to Mrs. Laura C. Faber of Upper Lake, CA, dated February 13, 1946

¹² Field notes to “Area Director” from “Evaluating Officer”, dated August 27, 1952

¹³ *Ibid.*

¹⁴ Memo to Leonard M. Hill, Henry Harris, Jr., and Rita Singer from Harold J. Brodhead, dated March 22, 1954

¹⁵ Agency Field notes of visit to rancheria dated December 13, 1955

over a year.¹⁶ A Frank and Carrie Drake also lived in a cabin, but had “no approved assignment”.¹⁷

Apparently, the three assignees on the Rancheria were in favor of the termination of the Rancheria. In 1956, Frank Truvido sent a very pleasant hand-written note was sent to a Mr. Lowe in the Sacramento office of the BIA, which the BIA stamped as “RECEIVED Nov 20 1956 Sacramento”. In that note, the work of any obviously intelligent individual with a good level of education, Mr. Truvido writes:

“Graton Rancheria
10091 Occidental Road
Sebastopol Calif.

Mr. Lowe. Dear Sir

I have written Mr. Scudder that we are in favor of the Termination Bill, and we a hoping that this Bill passes this January. All the members of this Rancheria signed this letter to Mr. Scudder

Thank you Mr Lowe for doing your best for us indians.

Sincerely yours,

Frank Truvido

Graton Rancheria

Sebastopol, Calif’

In 1959, official distributees Frank Truvido, Fred Everill and Andrew Sears, voted 3-0 in favor of termination of the “Graton” rancheria. The referendum dated September 17, 1959, shows each man’s signature, as do the individual ballots.

Fred Everill and Andrew Sears died in 1960, leaving only Frank Truvido and his daughter Gloria. Court records show that appropriate probate hearings were conducted to locate the heirs of Mr. Everill and Mr. Sears.

Each distributee or their heirs received letters in February, 1965 and again in December, 1965, which advised them of “...the approximate value of the property received and that the property was tax-free at the time of distribution and further that from the date of recording at the time of recording in the county records the same taxes apply to the property as apply to property generally.”¹⁸

The final distribution of the Graton Rancheria was finally completed in 1966, with the distributees or their heirs, if any, not only receiving rancheria land, but also improvements to the land such as a septic system, a well, and modern bathrooms, kitchens, etc., for the three houses on the rancheria. This work was done free of charge to the distributees.¹⁹ In addition, conservator arrangements were made for Frank Truvido, who was having difficulty managing his affairs.²⁰

¹⁶ *Agency Field notes of visit to rancheria dated December 13, 1955*

¹⁷ *“List of Assignees” dated “12-13-55”*

¹⁸ *Graton Rancheria Completion Statement, M.G. Ripke, Acting Director, December 20, 1965*

¹⁹ *Letter dated June 21, 1961 from John W. Shipp, Project Engineer, Department of Health, Education and*

In 1989, the Indian Gaming Regulatory Act (IGRA) was passed by Congress. This Act provided a framework for tribes seeking to engage in gambling activities in states where such activities were allowed. Also in 1989, Greg Sarris, a native of Santa Rosa, CA, with a degree of Indian blood, began his tenure at UCLA.²¹ During his stay at UCLA, Mr. Sarris collaborated with Carole Goldberg, Professor of Law specializing in Native American legal issues, on a number of UCLA programs such as the Joint Degree in Law and Native American Studies, of which Mr. Sarris was a faculty member.

Sometime in the period 1990-1992, Greg Sarris began seeking Federal recognition for what he claimed was one of his paternal grandmother's Native American groups, the Coast Miwok. Mr. Sarris had apparently found relatives of his paternal grandmother who told him that his grandmother had been one-half Coast Miwok and one-half Kashiya Pomo.²² (The Kashiya Pomo's have an existing land holding.).

In 1992, Congress commissioned the Advisory Council on California Indian Policy (ACCIP), which was chaired by Joseph Saulque. (Mr. Saulque is now chairman of the Utu Utu Gwaitu Paiute tribe in Benton CA.) The purpose of the ACCIP was to determine how to address the needs of California's numerous tribes.

In 1995, the "Federated Coast Miwok" filed a Letter of Intent to Petition, dated February 8, 1995²³, thus beginning the process of seeking federal recognition.

In 1996, long-time Sarris friend and co-worker at UCLA Carole Goldberg authored a study for the ACCIP report entitled "A Second Century of Dishonor". In it, she makes a two-sentence mention of the "Graton Rancheria", stating " An example of the federal government's failure to meet Section 3 (b) was found on Graton Rancheria, a non-restored rancheria. On Graton, the original road to the rancheria property was blocked off by a private owner who would not give a right-of-way. ".²⁴

In 1997, the ACCIP made its final report to Congress. In it, the Advisory Council recommends "immediate restoration" of four obscure California tribes, including a newly-coined "Federated Indians of Graton Rancheria". Acting in good faith upon this recommendation, U.S. Congresswoman Lynn Woolsey introduced the first Graton Restoration Act, which includes a no-gaming clause, in 1998.

Welfare, to Mr. Leonard M. Hill, BIA, Sacramento,

²⁰ *Memorandum dated May 16, 1961, to Regional Solicitor from the Area Director, BIA.*

²¹ "Greg Sarris & the Native American Literature", *Information Resource Center, Embassy of the United States of America, Madrid, Spain, December 2002*

²² *Greg Sarris & the Native American Literature", Information resource Center, Embassy of the United States of America, Madrid, Spain, December 2002*

²³ *Bureau of Indian Affairs, "Branch of Acknowledgment & Research"*

²⁴ "A Second Century of Dishonor, Federal Inequities and California Tribes, A report prepared by the UCLA American Indian Studies Center for the Advisory Council on California Indian Policy The Community Service Governance / Census Task Force Report, March 27, 1996", by Carole Goldberg, J.D. and Duane Champagne, Ph.D, <http://www.aisc.ucla.edu/ca/Tribes.htm> Reference to the Graton Rancheria can be found in Section XIV

In 2000, FIGR Chairman Greg Sarris testified before the House Resource Committee, in the matter of Congresswoman Woolsey's Graton Restoration Act, H.R. 946. In his testimony to the House Resource Committee on May 16, 2000, , "The Graton Restoration Act", FIGR Chairman Greg Sarris stated in the Congressional Record that "15.45 acres were purchased in Graton for our members. Seventy-five members moved on in 1920".

That same day, BIA Assistant Secretary Kevin Gover made the same claim in his testimony to the Committee, citing as his authority the 1917 notes of John J. Terrell, a "...Special Indian Agent. who found 76 Indian living in the town of Sebastopol...".²⁵ Gover claims that Terrell meant that the Indians were living on "Sebastopol" rancheria in "1917".²⁶, but the record is crystal-clear on these points: (1) The land was not purchased until 1921, several years after Terrell had left the Agency, 2) *No* Indians moved onto the land at all until 1937, and (3) There was never any organized tribe at Graton, either formally or informally, only a few individuals.

Also in his statements to Congress on May 16, 2000, and speaking of the vote by which the rancheria's trust status was terminated, FIGR Chairman Greg Sarris made the following statement: " In 1958 when they came by and did a census at the height of the harvest season, when no one was around, they found three families and with the Rancheria Termination Act, offered those three families or three designees, the right to buy the land, and, in essence, terminate the rancheria as trust land.... (and) without the vote or the consensus of the rest of the members."²⁷

The record shows otherwise: between 1951 and 1959 when the actual vote to terminate took place, several field visits were made at various times of the year. In fact, after a 1952 field visit, it was learned that Frank Truvido did not yet have an official assignment.²⁸ It is clear that by the time the vote took place, there truly were only three assignees living on Graton, and only those three were eligible to vote. It took seven years - from 1959 to 1966 - for the Graton Rancheria to be finally dissolved after the distributees voted in favor of termination; during that time, no one challenged either the validity of the vote or the process.

Seven months later, Mr. Sarris switched stories on this subject. The December 14, 2000, edition of the *Point Reyes Light*, says, "For Sarris, the decision (*restoration*) corrects a 42-year-old mistake by Congress, which dissolved federal recognition of the tribe in 1958 after deciding wrongly that all the Rancheria's members were dead". Again, the record does not support any such accusations of impropriety on the part of the government. As previously stated, all three assignees voted for the termination, and when two of them did die in 1960, court transcripts show that appropriate proceedings were conducted through Probate Court.

In November of 2000, Congresswoman Woolsey's bill was usurped by Senator Barbara Boxer who included gambling rights for Graton²⁹. The Act was passed in the 2000 Indian Omnibus Act.

²⁵ *Testimony of Kevin Gover, Assistant Secretary for Indian Affairs, At the Hearing Before the House Resources Committee on H.R. 946, the Graton Rancheria Restoration Act, May 16, 2000*

²⁶ *Testimony of Kevin Gover, Assistant Secretary for Indian Affairs, At the Hearing Before the House Resources Committee on May 16, 2000*

²⁷ *Resource Committee Hearing on H.R. 946, the Graton Rancheria Restoration Act, May 16, 2000*

²⁸ *Letter from Leonard M. Hill, Ass't. Director, BIA Sacramento, to Mr. Frank Truvido, dated June 24, 1952*

²⁹ "Sen. Boxer ambushes Woolsey, adds casino rights for Miwok", by Greg Foley, *Pt. Reyes Light*, November 2,

On December 14, 2002, Secretary of the Interior Gale Norton signed off on the tribe's Constitution, making them official. Four months later, in April of 2003, the tribe announced its plans to open a casino in southern Sonoma County. In August of 2003, the tribe announced its plans to move the project to the Rohnert Park area.

FINAL SUMMARY: These facts are irrefutable: there was never a tribal entity at Graton. There were never "76 members" on that land at any time in its history. No one lived there at all for the first 16 years after the land was purchased. There were only a handful of adults who ever lived there, some with families, most without. Some only stayed a few years, some stayed longer. There is no evidence of any tribal organization, or of any tribal council or entity of any kind. All of the adult assignees on the rancheria freely voted to terminate. Mr. Truvido personally thanked the government for the Termination Act.

Despite the official record that clearly indicates there was never anything but a few adults from disparate tribes, with no tribal government living on the rancheria, Graton was one of only four California rancherias recommended by the 1997 ACCIP report for "immediate restoration". Why? Out of all of California's rancherias, why Graton? What role may long-time Sarris friend Carole Goldberg have played in the ACCIP's recommendation? Did Sarris or Goldberg take meetings or hold conversations on the matter of Graton with ACCIP Chairman Saulque? If so, when? What was discussed?

Why did the tribe suddenly abandon its recognition efforts, begun in 1995? Was it because the record would not substantiate their claim to legitimacy? Who examined the record for the tribe? Did BIA historians examine the record? If so, what was their conclusion? What happened between 1995 and 1997, the year of the ACCIP's report, that caused "Federated Coast Miwok" suddenly to become the "Federated Indians of Graton Rancheria" in that report?

Why did Chairman Sarris and Kevin Gover make statements regarding the number of people who lived on Graton Rancheria and when they lived there, that are so completely at odds with the vast body of evidence in the National Archives? Why did they make no mention of that evidence? Did they know of its existence? Was their disregard intentional? Why did they misrepresent John Terrell's census figures? Was that misrepresentation intentional?

One thing is clear: the historical record does not support the claims of Graton. Graton's restoration needs to be re-examined immediately.