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## **A Tripartite State of Affairs: The Timbisha Shoshone Tribe, the National Park Service, and the Bureau of Indian Affairs, 1933-1994**

**STEVEN CRUM**

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On February 11, 1933 the federal government established by presidential order the Death Valley National Monument (DVNM) in southeastern California.<sup>1</sup> One reason the government set aside 1,601,800 acres of land as a monument was because it pretended that Death Valley was virgin (vacant) land and a pristine wilderness. However, government officials quickly accepted the reality that Native Americans, members of the Timbisha Shoshone tribe, were already living inside the new monument's boundaries.

The National Park Service (NPS), given the responsibility to administer the new monument, now had to deal with the Timbisha Shoshones. Additionally, the Bureau of Indian Affairs (BIA), created in the early nineteenth century to deal specifically with Native American tribes, also dealt with the Shoshones after the formation of the DVNM. This article traces the history of the unique tripartite state of affairs that developed between the Timbisha Shoshones and the two federal agencies, the NPS and the BIA. Although some positive devel-

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opments emerged from this tripartite interaction, for the most part the interaction has been negative, especially in the case of the NPS. For example, the NPS was dissatisfied because it wanted Death Valley to be an uninhabited area, except for park officials and a few others managing the monument, but the Indians' presence inside the DVNM disrupted this notion. The Indians felt dissatisfied because the NPS restricted and banned certain Native practices, including traditional hunting and gathering. Moreover, the Timbisha Shoshones considered themselves the rightful heirs to Death Valley because their ancestors had always lived there. Thus they have pushed for the creation of a permanent Indian reservation inside the DVNM, an initiative the NPS has opposed. The year 1933 is the logical starting point for this article since it marks the creation of the DVNM. The year 1994 is an ending point due to the passage of the California Desert Protection Act, which elevated the monument into an official national park and also increased the size of the park's boundaries.<sup>2</sup> Regardless of the recent changes, the uncomfortable situation between the NPS and the Indians still exists in 1997.

The first National Park Service official to deal with the Timbisha Shoshones was John R. White, superintendent of Sequoia National Park, who was also chosen to superintend the newly created DVNM. In 1933 he perceived the Timbisha Shoshones as a "problem" because they grazed some livestock in the valley, and White wanted to preserve the land by regulating the number of Indian-owned domestic animals (eventually all domestic stock animals were banned). More important, because of the visible number of Indians in the valley, White concluded that "one of the problems ... will be looking after the hundred or two [hundred] Indians who range within the Monument."<sup>3</sup>

One year later, in 1934, White again viewed the Shoshones as a "serious problem," referring to the fact that some Indians argued that they held valid claims to certain parcels of land inside the park boundaries. White wanted the park to remain intact, a wilderness, and not to be checkered with private plots of homesteaded land. He stated, "I do not believe that these Indians should be allowed to patent the springs which are of the greatest importance for public use."<sup>4</sup>

However, Superintendent White could not remove the Indians from Death Valley because of the political climate in the 1930s. In 1933 Franklin D. Roosevelt became president and

inaugurated his New Deal to combat the Great Depression; his administration also enacted numerous socioeconomic reforms. Roosevelt chose John Collier as the new commissioner of Indian affairs to run the BIA. Collier was himself an ardent reformer who had advocated on behalf of Indian concerns before becoming commissioner. One aspect of the (Indian) New Deal was the Indian Reorganization Act of 1934 which sought to preserve the existing Indian land base and also to secure more land for Indians. Collier favored the protection of Indian reservations and public-domain Indian allotments. Of course, this included two Indian allotments located inside the newly established DVNM. Collier received the support of his administrative superiors in Washington, D.C., especially of Harold Ickes who was Roosevelt's new secretary of the interior. The Interior Department housed both the Park Service and the Indian Bureau. Like Collier, Ickes favored the protection of Indian land,<sup>5</sup> and thus, Superintendent White could not recommend the removal of the Timbisha Shoshones from Death Valley.

When Superintendent White talked about Indians wanting to protect spring water, he was actually referring to Robert Thompson, one of the Timbisha Shoshones who argued that he possessed a valid claim to the water and land in Warm Springs Canyon, the home of his father Panamint Tom. Located in the southern end of Death Valley, this canyon had been occupied and farmed by Indians for years. However, a lengthy legal battle over Warm Springs developed in the 1930s and was not settled until the early 1940s. The struggle started before the formation of the DVNM when in 1929 Thompson leased the old Indian homestead and the water to Louise Grantham, a non-Indian mining prospector with business associates. Grantham agreed to lease the property for ten dollars a month for five years.<sup>6</sup> Thompson chose to lease because he was absent from the ranch during certain times of the year since he depended upon seasonal labor outside Death Valley; also, leasing his land meant additional income. Despite his temporary absences, Thompson always returned to Warm Springs Canyon and the larger Death Valley region.

Although Grantham initially believed that Thompson owned the land, she changed her mind after making only three monthly payments totaling sixty dollars. She charged that he had tricked her into believing that he held ownership and maintained that Thompson could not prove a legal claim to Warm Springs.<sup>7</sup> Her assertion was both right and wrong. She

was right that Thompson did not possess a U.S. deed to the land. She was wrong because Thompson had not lied to her. He firmly believed that he owned Warm Springs because his ancestors had occupied and possessed the locality for years.

Fully convinced that Grantham would no longer honor the 1929 contract, Thompson in 1934 turned to sympathetic non-Indians. Some BIA officials defended his position even after they became aware that he did not have a deed to the land. Ray Parrett, superintendent of the Walker River agency in Nevada, which had jurisdiction over the Indians in Death Valley until 1935, favored Thompson's securing title.<sup>8</sup> Parrett had always been sympathetic to the Indians and favored a land base for them. BIA Commissioner John Collier also sided with Thompson. As already noted, one of his objectives was the protection of Indian land, and Collier naturally favored Thompson receiving title to Warm Springs.

To prove that Robert Thompson had a valid claim, C.C. Smith, a special agent and director of investigation for the General Land Office (GLO), traveled to Death Valley in June 1935 to interview Thompson and others. Smith concluded in his written report that Thompson and his ancestors had a long history spanning more than seventy-five years in Warm Springs. Some older pioneers remembered seeing Panamint Tom at the ranch around 1880. The Indians' fruit trees had been planted more than fifty years before. Convinced of their long history of occupancy, Smith maintained that Thompson deserved title to the land. He also criticized Louise Grantham's treatment of Thompson when writing that "Mrs. Grantham, and her associates have pushed this Indian out of the picture.... the applicant [Thompson] has been dispossessed."<sup>9</sup>

With assistance from the BIA and the GLO, Robert Thompson filed for forty acres of land in Warm Springs Canyon in November 1934 and secured title two years later in December 1936.<sup>10</sup> However, he was not given outright ownership of the land. Instead, the federal government held the land in trust for him.

Both before and after the declaration of Thompson's land allotment in 1936, Louise Grantham opposed the setting aside of Warm Springs Canyon as Indian land. She claimed the same area by asserting that she had made both a mining and milling claim to the land. Furthermore, she had invested thousands of dollars in her mining operations. Grantham, however, did not provide paperwork for her claims until later. She also invented

outright lies about the Indians by asserting that "for at least the last fifty years no Indians have made their home at Warm Spring.... Mr. Thompson never made his home at Warm Spring.... His father known as Panamint Tom, never lived at Warm Spring either."<sup>11</sup> Grantham made more unfounded statements when she argued that an Englishman, not the Indians, had planted the fruit trees at Warm Springs some forty years earlier.<sup>12</sup> As will be seen, Grantham was correct on only one point: that she had made recorded claims to some of the land in Warm Springs in the early 1930s.

One person who eventually dealt with Grantham's unsubstantiated assertions was Alida Bowler of the BIA office under the Carson agency in Nevada. She became responsible for the area of southeastern California in 1935, and Bowler took a deep interest in the affairs of the Timbisha Shoshones. A Collier appointee and a New Deal reformer herself, Bowler firmly defended the Indians, including their rights to the land. She wrote that "before the white man came the entire region [Death Valley] was theirs [the Indians]'.<sup>13</sup>

Unable to make headway with Bowler and the BIA, Nina Bradley, one of Grantham's mining associates, appealed to the General Land Office in November 1937. She declared that she, Grantham, and another person, had a legal claim to the area of Thompson's allotment based on the two claims previously mentioned. These claims, she argued, predated the setting aside of the Thompson allotment in 1936. Therefore, according to Bradley, the Grantham group's title to Warm Springs was superior to that of Thompson's. However, Antoinette Funk, acting commissioner of the GLO, dismissed Bradley's assertions and argued that Thompson's title stood firm based on the legal status of the 1936 trust allotment.<sup>14</sup>

Convinced that they owned the land, Grantham and her associates appealed to the Department of the Interior, but the department did not defend them and upheld the earlier GLO position. These decisions prompted BIA Superintendent Bowler of the Carson agency to send them a notice in October 1939 to vacate the property within thirty days. When they refused, the BIA sent an eviction notice in November and December 1939. When Grantham and her associates again refused, the BIA asked the federal court to intervene and to carry out a court-ordered eviction.<sup>15</sup> This led to the court case, *United States v. Grantham, etc.*, tried in the United States district court of the Southern District of California.

Although *U.S. v. Grantham* began as a court case to evict Grantham and her associates, it ended up being a case to determine who had a superior title to the small parcel of land in Warm Springs inside the DVNM. Two points became exceedingly clear during the trial. First, Thompson and his ancestors held a valid claim because they had occupied the land for years. To prove that Thompson had an "equitable" right, the federal attorney representing Thompson made sure that certain "old inhabitants" of Death Valley were interviewed in January 1941.<sup>16</sup> One non-Indian settler remembered seeing both Panamint Tom and Robert Thompson in Warm Springs in years past. John Boland, a Timbisha Shoshone from Furnace Creek, saw both father and son at their ranch in 1913. George Hanson (Panamint George), who had witnessed some whites crossing Death Valley in the mid-nineteenth century, acknowledged Panamint Tom as the person who put in the old Indian garden before the turn of the century.<sup>17</sup>

The second major point was that the court obtained solid written evidence that Grantham and her associates held a valid claim to Warm Springs based on the two patented claims filed in the early 1930s: a mining claim dated February 24, 1933 and a lode claim dated May 7, 1934, both filed in the Inyo County Recorder's Office. Based on these two legal patents, the court ruled in 1942 that Grantham and her associates had a valid claim to certain areas of the Thompson allotment because their two claims predated the setting aside of the allotment in 1936. They were therefore given a small portion (specific places of mining operations) of the Indian allotment. But Thompson was able to keep most of his land because he proved occupancy and also because of the already existing legal status of the 1936 allotment.<sup>18</sup> The significant aspect of this case is that a federal court recognized the validity of an Indian land base inside the boundaries of the Death Valley National Monument. Two Indian allotments now legally existed inside the monument's boundaries, the Thompson allotment of 1936 and the Hungry Bill allotment of 1908.

The Hungry Bill allotment was the dwelling place of Hungry Bill, a Timbisha Shoshone who occupied a parcel of land in Johnson Canyon located on the east side of the Panamint Mountains facing Death Valley. He developed a small farm on his homestead from the 1870s onward, years before the establishment of the DVNM. However, Hungry Bill soon realized he did not have a United States claim to his land

without a deed. With the help of non-Indians, he filed for ownership of 160 acres of land in 1908. Unfortunately, Bill never owned his land from a Euro-American standpoint due to his untimely death in 1919. Not until 1927 did his heirs—daughter Susie Wilson and her husband Tom—receive a legal patent. Thus, the Hungry Bill allotment became the first legally recognized Indian allotment in the area that later became the DVNM.

In the second half of the 1930s, the biggest supporter of the Timbisha Shoshones was Alida Bowler of the Carson agency in Nevada. Like her superiors in the main BIA office in Washington, D.C., she advocated various Indian New Deal reforms for the betterment of Indian people. These included establishing reservation land and preserving Native cultures. When Death Valley fell under Bowler's BIA jurisdiction in 1935, she quickly realized that the Timbisha Shoshones had not received good treatment throughout the years. Bowler proposed creating a new Indian school in Death Valley, pointing out in February 1936 that the education of Indian children was seriously lacking, mainly because children attended classes in the same Furnace Creek workroom where whites processed locally grown dates.<sup>19</sup>

Bowler also realized that the Shoshones living in the valley in Furnace Creek did not have a federally recognized land base. Rather, they lived in a makeshift camp located on Pacific Coast Borax property, and the company wanted the Indians "moved out," even though some of the Indians worked for the company. Bowler defended the Indians and asserted that "it would be absolutely impossible to move them out of the valley."<sup>20</sup> She insisted that the Indians remain within their indigenous homeland and proposed that the federal government "build a model village" for the Indians in Furnace Creek, near the park headquarters and the resorts, where the Indians could find future employment. At this location they could sell native baskets made by the women.<sup>21</sup>

Both the NPS and the main BIA office in Washington, D.C., favored Bowler's idea of an Indian village. Superintendent White, who had no choice but to support the federal New Deal of the 1930s, maintained that the "Indians cannot or should not be moved away from their home."<sup>22</sup> He also favored the Furnace Creek location where the NPS could help the Indians with housing and a future water supply. As a result, on May 23, 1936 the BIA and the NPS hammered out an agreement entitled



"Memorandum of Understanding relative to establishing a colony of Indians on the Death Valley National Monument." In it the BIA agreed to provide five thousand dollars for building materials to build houses on a forty-acre colony or village site to be located near Furnace Creek. In return, the NPS, using labor from the Civilian Conservation Corps (CCC), a New Deal agency of the 1930s, would build the houses.<sup>23</sup> The village site, however, was not classified as a reservation because it was located within the boundaries of the monument. By late 1937 the Shoshones living in and near Furnace Creek moved into the nine newly erected adobe houses on the recently established colony site. Additionally, CCC crews later built a community laundry and a trading post where the women could make and sell baskets.<sup>24</sup> The objective was to make the Indians self-sufficient by earning income from doing laundry and creating Native art.

The NPS, however, did not want the new Indian village to be seen by the public for two reasons. First, it wanted the DVNM to appear as a pristine wilderness for the Euro-American visitors who frequented the valley. Second, it regarded the Indians as unattractive people who were backward and unrefined. For these reasons, and perhaps others, the Park Service made sure the village was located a half-mile away from the main road and about a mile away from the park headquarters in Furnace Creek. Some years later, Timbisha Shoshone leader Pauline Esteves reflected upon the NPS's position of the 1930s: "You know, they didn't want us there really because they were saying we weren't very nice looking with our old shacks.... We were close to the highway (190), and since it was a national monument, they didn't want us in the public's view—people would see us."<sup>25</sup>

Neither the laundry nor the trading post on the forty-acre Indian village succeeded. The laundry failed because Indian women who worked in the facility did not like being bossed around by the Park Service female supervisors. Additionally, the Park Service women took some of the profits the Indian women earned and used them to purchase soap and other supplies. The Indian women disliked this Euro-American maternalism which they had never experienced before. The trading post failed because the Indians did not like the middleman operation. The Indian Bureau and Park Service officials encouraged the Indians to produce Native arts, mainly basketry, and the officials in turn sold the art under a consignment plan,

thereby allowing the federal government to keep a percentage of the profits.<sup>26</sup> Eventually the Indians lost interest in this enterprise. Moreover, the Indian art could not be effectively marketed because the trading post was located a half-mile from the main road and was of course largely hidden from potential tourist buyers.

The forty-acre Indian village almost did not come into existence in 1937, for some BIA officials suggested that the Timbisha Shoshones might leave Death Valley completely and move to nearby Panamint Valley. These officials had in mind the 560-acre Indian Ranch rancheria, the home of George Hanson and his extended Shoshone family, as a possible future Indian "colony" for some ten to twelve Death Valley Indian families. One BIA employee favored the construction of a small dam to preserve the runoff of Hall Canyon so that the Indian Ranch "colony" would have a water supply to benefit the Indians, including those who would move from Death Valley. This plan was never carried out, however, because the local white people informed the BIA that the Shoshones were deeply attached to their indigenous homeland in Death Valley and would not move.<sup>27</sup> If the Timbisha Shoshones had been asked in 1937, they would have rejected the idea. Years later, in 1989, Pauline Esteves made the following comment about the 1937 removal idea: "Their way of life tells them they can't move. It would be disastrous if they did move out of here ... family groups stay within their own areas."<sup>28</sup>

After the forty-acre village was created, the BIA quickly realized that it was too small to accommodate all Shoshones living in and near Death Valley. The BIA therefore favored the establishment of two more Shoshone reservations to be located in southwestern Nevada near the DVNM, one reservation for the Shoshones living in or near Beatty, Nevada, and a second one for those in Fish Lake Valley.<sup>29</sup> Shoshone families had always lived at these two places, and they were related to those living in Death Valley. In fact, some Shoshones periodically moved between Beatty, Fish Lake Valley, and Death Valley. One of these individuals was Hank Patterson, who lived in Death Valley in the 1930s but who later settled down in Fish Lake Valley until his death in the late 1980s. For unexplained reasons, the proposed reservations never came into existence.

Soon after settling in their new village, the Timbisha Shoshones organized a tribal council at the request of Superintendent Bowler, who wanted them to be self-ruled.

Tribal self-government was one major Indian New Deal reform the BIA encouraged in the 1930s. In response, the Indians elected three village leaders in December 1937: Hank Patterson as chair, Tom Wilson as vice-chair, and Fred Thompson as secretary.<sup>30</sup>

One of the first tribal council actions was to persuade the federal government to convert the forty-acre village into a full-scale Indian reservation to be called the "Death Valley Shoshone Reservation."<sup>31</sup> The Indians favored this action because they were classified as non-ward Indians living off-reservation; as such, they were not fully entitled to all BIA services. Even T.R. Goodwin, the new superintendent of the DVNM who was influenced by New Deal sentiment, favored reservation status and noted that the NPS would "cede title ... to the Indian Service."<sup>32</sup> But the main BIA office in Washington, D.C., did not favor the Indians' petition. It maintained that only congressional legislation could create a reservation inside a national park or monument, and that this process would be too lengthy.<sup>33</sup> Furthermore, it believed that Congress would definitely reject the idea because it was turning against the liberal policies of the New Deal by this time.

However, the BIA did support wardship status (federal protection and subsistence) for Timbisha Shoshones so they could receive more BIA services, since it considered the Shoshones to possess "one-half or more degree Indian blood" in accordance with the Indian Reorganization Act of 1934.<sup>34</sup> Thus, in 1940, the Timbisha Shoshones became wards of the federal government, a status which many, perhaps most, tribes possessed since the early nineteenth century. Unfortunately, the new status did not help the Shoshones, for they did not receive added BIA services in the 1940s and for several years thereafter. One reason was the federal cutbacks during World War II. The BIA's overall budget was reduced markedly, and tribes in general received less financial support in the early 1940s. In this wartime atmosphere, the BIA failed to maintain the Indian trading post and laundry in the Indian village in Death Valley. Both entities were closed in 1942.<sup>35</sup>

Although the Timbisha Shoshones now had a forty-acre Indian village and wardship status, life did not improve for them in the late 1930s and early 1940s. In fact, life became worse after the NPS placed permanent restrictions on Native hunting and gathering practices, subsistence practices that had existed all along. The restrictions did not start all at once, but

were gradually implemented at different times after 1933. The first major ban was on big game animals, mainly bighorn sheep. Realizing that they could not hunt the bighorns, Timbisha Shoshones killed only three sheep in secrecy from 1935 to 1940. After 1940 they gave up sheep hunting completely for fear of being caught and subjected to punishment. The end of bighorn hunting had a psychological impact on the Indians. In earlier times they had called themselves the "bighorn sheep-eaters" which symbolized their reliance on this all-important game animal. Now the name no longer had significance. Moreover, killing a bighorn sheep was one way for a young man to prove his worth: that he was a good hunter and also a good provider. Young men of the 1930s and thereafter felt incomplete knowing they could no longer perform this Native function.<sup>36</sup> Reflecting on the ban on big-game hunting, tribal leader Pauline Esteves asserted, "they [the bighorns] are part of us," and the Timbisha Shoshones became extremely angry over the ban.<sup>37</sup>

Restrictions on smaller animals (including rabbits) and plant foods came a little later. But by the early 1940s the Timbisha Shoshones could not hunt them either. The Indians could harvest pine nuts and other plant foods only with a special permit from the NPS. If they wanted to gather at popular native places, such as the Wildrose Canyon inside the monument boundaries, they could no longer camp on a long-term basis, nor could they make campfires for cooking and heating purposes. Discouraged by all these restrictions, most Timbisha Shoshones gave up gathering practices in the 1940s. Not only did indigenous hunting and gathering come to an end, at least inside the DVNM, but also the Native practice of clearing the undergrowth and pruning certain bushes and trees at former gathering places.<sup>38</sup>

Even more devastating for the Timbisha Shoshones, and for all Native Americans in general, was the new federal Indian policy of termination that emerged after World War II. Termination was the opposite of the earlier Indian New Deal. If the New Deal sought to create more reservation land for the Indians, termination sought to take away land and to cut federal services. It sought to eliminate wardship status and sever federal responsibility to Indian people. In short, termination sought to dissolve the long-standing historic relationship between Indians and the federal government that had existed for more than one hundred years.<sup>39</sup>

Termination had a devastating impact on California Indian tribes, especially in regard to the marked reduction of the Indian land base. The Sacramento Area Office of the BIA carried out a massive land-elimination program in the 1950s and early 1960s. In 1950 and 1951 alone, it persuaded numerous Indian individuals to sell 210 small public-domain Indian allotments. Two of these allotments existed within the boundaries of the DVNM.<sup>40</sup>

The first was the old Hungry Bill allotment. As mentioned previously, Tom and Susie Wilson had worked the land for a number of years. When Tom died in the 1940s Susie left the allotment and chose to sell it when the BIA encouraged her to do so in the early 1950s. In 1952 an attorney from Southern California, Fred Rosser, purchased the 160-acre allotment for \$1,522. Soon after, he transferred title to the NPS in a land exchange transaction, and the former Indian allotment became part of the DVNM. Of course, the NPS favored this action because it wanted to eliminate all privately owned lands within the monument boundaries. One NPS official stated in 1952 that "the elimination of private lands from our areas has for many years been one of our most serious problems."<sup>41</sup> In other words, the Park Service still wanted the valley to be a pristine wilderness. The BIA's termination plan therefore worked to the advantage of the National Park Service.

The BIA also terminated Robert Thompson's forty-acre allotment. Thompson died in the 1940s and his survivors, wife Minnie and sons Fred and Andy, under the pressure of termination, sold the allotment in March 1959 for \$835. The purchaser was none other than the NPS itself.<sup>42</sup> In the end, the Park Service acquired two hundred acres of former Indian land. It was the big winner while the Timbisha Shoshones were the losers.

Termination also affected other Shoshones living near but outside the DVNM. In 1958 Congress earmarked Indian Ranch of Panamint Valley as one of forty small Indian reservations (rancherias) to be eliminated in California. Although George Hanson's heirs initially favored termination, some of them ended up opposing it once they realized that it meant the end of their reservation land. Their opposition proved futile, and the BIA officially terminated Indian Ranch in 1964.<sup>43</sup> Two other Shoshone land bases disappeared under termination: the 160-acre Joe Peterson allotment of Panamint Valley, sold in 1952 for \$2,500, and the eighty-acre Caesar allotment of Saline Valley, sold in 1951 for \$913.<sup>44</sup> In all, the Shoshones of southeastern

California lost one thousand acres of land under federal termination.

However, the federal government could not terminate the forty-acre Indian village near Furnace Creek because it was not an Indian reservation. Nevertheless, both BIA and NPS officials, in the name of termination, pressured Indian families to abandon the village so that the NPS could eventually eliminate it. This new policy was expressed in the Park Service's "Death Valley Indian Village Policy" of May 1957, which had several provisions. One provision specified that Indian families living in the 1937 adobe houses would have to pay eight dollars a month for rent. If the tenants failed to make payments for two consecutive months, the NPS would evict them. Moreover, if any family vacated a house, it would be torn down. At the same time, the BIA declared the Indians to be non-wards of the federal government, ending the status it gave to them in 1940.<sup>45</sup> Even further, the BIA favored the NPS policy of 1957. Leonard Hill, area director of the Sacramento Area Office of the BIA, endorsed the "new policy" that would "gradually eliminate the Indian village."<sup>46</sup> The BIA clearly interpreted the NPS policy as a termination initiative which it favored.

The Timbisha Shoshones did not sit back and passively accept the 1957 housing policy. Instead, its members voiced their opposition. In November 1957, Agnes Wilson complained to the Sacramento Area Office that the Indians were now required to pay rent. She implied that the Indians, who were financially poor with limited employment, were having difficulty making the payments.<sup>47</sup> But the BIA expressed little if any interest in the Indians' plight. Leonard Hill told Wilson that "if ... the houses are 'falling apart,' perhaps you should consider securing other living quarters," or leave the Indian village.<sup>48</sup>

In the early 1960s the NPS continued to uphold the 1957 policy. Granville Liles, the new superintendent of the DVNM, wrote in 1961 that "if the Indians are dissatisfied with the houses and rents, perhaps they should consider securing living quarters outside the Monument property," or to leave Death Valley completely.<sup>49</sup>

In response to continuous Indian opposition, the NPS softened its Indian housing policy in 1963. It eliminated the eight-dollar monthly rent and reduced the fee to only one dollar a year. The NPS finally realized that the Indians had only limited financial resources. On the other hand, the 1963 policy reinforced some of the 1957 provisions: Vacant houses would be

torn down, Indian families could not sublet their houses, and families needed NPS permission to alter or modify their houses. Moreover, the new policy continued to acknowledge the Indians as being non-wards.<sup>50</sup> Thus the NPS still regarded the Timbisha Shoshones as being terminated, even though they had never been officially terminated by the BIA.

Regardless of this change, the Shoshones remained dissatisfied with the 1963 policy because it still endorsed an ultimate phase-out plan for the forty-acre village. Clyde Wilson asked the BIA in June 1963 why the Indians could not own their land on the village site.<sup>51</sup> In May 1966 two tribal members, Pauline Esteves and Grace Goad, confronted NPS officials. Esteves said to John Stratton, the new DVNM superintendent: "[D]o you just want the Indians out of here. If this is true why not just go down and wash all the houses down and get it over with."<sup>52</sup> Stratton answered, "[W]e are not trying to get rid of the Indians."<sup>53</sup> By making this statement, the NPS had backed away from its earlier policy.

Although pleased that the NPS would not remove them, the Timbisha Shoshones still did not possess permanent reservation land in Death Valley. Without a land base, they were ineligible for various BIA services. The tribal members stated this position in October 1975 when they held an important meeting with the BIA, the NPS, and other officials. They requested reservation land, improved housing, and a new living location since the forty-acre village is located in a sand dune area. But this meeting went nowhere because the NPS stressed that the Indians did not have written objectives for their future needs. In short, the Indians' verbal concerns were not good enough. However, the NPS did distance itself further from the earlier controversial housing policies. It was now willing to allow the Indians to remain in Death Valley. Implicitly, then, the NPS did not favor the establishment of a reservation inside the DVNM.<sup>54</sup>

If the NPS did not meet the needs of the Timbisha Shoshones, the BIA did to a certain extent. In 1977, the main BIA office in Washington, D.C., recognized them as Indians of "one-half (1/2) or more degree of Indian blood" under the Indian Reorganization Act of 1934. In an indirect way, the BIA had regranted the Shoshones wardship status, which made them eligible for some federal services. In the same year, the BIA, in conjunction with the Indian Health Service (IHS), provided the old adobe houses with electricity, indoor running

water, and septic tanks. With NPS permission, the BIA brought in eight new trailer houses, which were placed in the village for some Indian families.<sup>55</sup> Not since the late 1930s had the BIA offered this kind of assistance to the Timbisha Shoshones. Also, by recognizing them as one-half Indian, the BIA was now trying to move away from its earlier termination policy of the 1950s.

The Timbisha Shoshones also benefited from a new BIA program that surfaced in 1978—the Federal Acknowledgment Program (FAP). FAP allowed Native Americans who had never been recognized as Indian “tribes” to be federally recognized as tribes, provided that they fulfilled seven specific criteria. The Timbisha Shoshones had never been recognized as a tribe by the BIA, although they were now recognized as one-half-degree Indians by blood. Their nonrecognition tribal status was compounded by the fact that they never possessed reservation land. This barred them from receiving full services from the BIA and other federal agencies.<sup>56</sup>

From 1979 to 1982, the FAP of the BIA authorized private contractors (anthropologists, and so forth) to examine the history and culture of the Timbisha Shoshones to determine if they fulfilled the criteria to become a federally recognized tribe. Once this process was finished in 1982, the BIA concluded that they deserved federal recognition. First, the Timbisha Shoshone members had proved that they had always identified themselves as Indians. Moreover, white people also recognized them as Indian, labeling them the “Panamint” Indians years earlier. Second, the Timbisha Shoshones had always lived in a specific geographic area, that is, in and near Death Valley. Third, they had always possessed group cohesiveness culturally and politically. In earlier times, even into the twentieth century, they recognized certain traditional leaders who were called “talkers.” Fourth, the Timbisha people possessed a governing document in the form of its “Articles of Association of the Death Valley Band” in 1978. Fifth, they possessed tribal membership based on two BIA census reports of 1933 and 1936. Sixth, the persons listed on these rolls were not enrolled within any other existing tribal group. Lastly, the Timbisha Shoshones (except for the heirs of the Hungry Bill and Robert Thompson land allotments) had never been officially terminated by the BIA’s termination policy of the 1950s. Based on the above criteria, the BIA declared the Timbisha Shoshones to be a federally recognized tribe in 1982.<sup>57</sup>



Elated by this decision, the Timbisha Shoshones officially named themselves members of the Timbisha Shoshone tribe. They developed a new governing body with a tribal constitution, and sponsored elections to elect members to a tribal council. This council now serves as the official governing body of the tribe. However, federal recognition still did not allow the tribe to receive certain federal services. Without a reservation land base, its members could not receive any support from the BIA's new Indian Finance Act, nor could they receive new permanent houses from the Department of Housing and Urban Development. The tribe therefore drafted a special report in July 1984 calling for the establishment of a two-thousand-acre reservation to be located around the small forty-acre village. The tribe asserted, "the establishment of an Indian reservation is the only viable solution to the needs of the Tribe for a permanent land base."<sup>58</sup> Its members stressed that they had "no desire to relocate" to another location. As their ancestors had done for generations, they continued to regard Death Valley as their indigenous homeland.

In response, the NPS produced a report in December 1984 entitled "Timba-sha Alternative Study." The report provided a brief historical overview as well as the current state of affairs of the Timbisha Shoshone tribe. It pointed out that the Indians moved about "cyclically" in earlier times between summer and winter camps. It noted that only thirty-two of the 199 tribal members lived on the forty-acre village site in the early 1980s. These persons lived in the six remaining adobe houses and the eight new trailer homes. Only a few possessed jobs in Death Valley; two were employed by the NPS in 1980, and a few others worked in the Furnace Creek Ranch and Inn, both owned by non-Indian Fred Harvey. The report reinforced the Indians' argument that they could not secure additional federal services without reservation land. But the NPS did not favor the Indians' request of two thousand acres of land. At the same time, it did not favor the "forced removal" of the Indians outside the DVNM. The NPS stated its position as follows: "Reservation status is, to the National Park Service, the least acceptable of the alternatives since it would in all probability require the Park Service to relinquish most authority over the management of these lands within the monument."<sup>59</sup>

Despite the NPS position, the Timbisha Shoshone tribe continues to push for reservation land. In October 1994 its members paid close attention to the California Desert Protection

Act, which made the DVNM into a full-scale national park and also increased the size of the park. The tribe reasoned that if the federal government set aside more land for itself, it might also set aside land for the indigenous occupants of Death Valley. Anticipating the passage of the 1994 act by over a year, the tribe passed tribal Resolution No. 16-93 on July 8, 1993 calling for the establishment of 160,000 acres of reservation land to be located at different locations, both inside and near the enlarged Death Valley National Park. The tribe hopes that the 1994 act "may lead the way for the long overdue return of ancestral territory for the Timbisha Shoshone."<sup>60</sup> However, as of 1998, the federal government, including the NPS, has not favored the establishment of reservation land inside the park.

## NOTES

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14. Funk to Register, November 17, 1938, CCF, 35483-34-Carson-313, RG 75, NA.
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16. William Fleet Palmer to Attorney General, December 5, 1940, CCF, 35483-34-Carson-313, RG 75, NA.
17. Plaintiff's Witnesses, *U.S. vs. Grantham*, January 3, 1941, pp. 6-7, 9, 12, 44, 114, Civil Case Files, Folder 56, Box 133, U.S. District Court, Eastern District of California (Fresno), RG 21, NA-PSB.
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