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INDIANS OF CALIFORNIA CENSUS ROLLS
AUTHORIZED UNDER THE ACT OF MAY 18, 1928,
AS AMENDED, APPROVED MAY 16-17, 1933

Introduction

On the single roll of this microfilm publication, M1853, are reproduced the California Indians census rolls authorized by Congress in 1928 and approved by the Secretary of the Interior in 1933. These rolls were maintained by the Sacramento Indian Agency. Employees of the Sacramento Indian Agency=s successors, the California Indian Agency (1947-1949) and Sacramento Area Office (1950-present) annotated the rolls through circa 1964. The rolls are housed at the National Archives-Pacific Region (San Francisco). These records are part of the Records of the Bureau of Indian Affairs, Record Group (RG) 75.

Background

An act of Congress of May 18, 1928 (45 Stat. 602), authorized the attorney general of California to bring suit in the U.S. Court of Claims on behalf of the Indians of California for benefits they would have received under the 18 treaties negotiated with the U.S. These treaties were submitted to the Senate for ratification on June 1, 1852, but were never ratified. Section 6 of the act stipulated that no part of any judgment should be paid out in cash on a per capita basis. Rather, a trust fund should be established, with appropriations made by Congress for educational, health, industrial, and other purposes benefiting the California Indians.

The act authorized the Secretary of the Interior to create two census rolls. Roll 1 was the roll of California Indians residing in California on May 18, 1928. For the purpose of the act, the Indians of California were defined as those living in the State on June 1, 1852, and their descendants living in the State on May 18, 1928. Roll 2, authorized by section 7 of the act, was the roll of non-California Indians residing in California on May 18, 1928. No limit on the degree of Indian blood was fixed, and no requirements regarding tribal recognition and the maintenance of tribal relations were established.

The enrollees on roll 1 would share as beneficiaries in any favorable judgment recovered in the U.S. Court of Claims. Roll 2 was apparently merely for informative purposes; the Indians not of California Indian descent would not share in any beneficial judgment.

Applications for enrollment were to be accepted for 2 years from the date of the act, and the Secretary of the Interior was allowed an additional year to alter or revise the rolls. The amending act of April 29, 1930 (46 Stat. 259), extended the time for filing applications to May 18, 1932, and the time for the final closing of the roll by the approval of the Secretary of the Interior to May 18, 1933.

Examiner of inheritance Fred A. Baker was detailed to the Sacramento Indian Agency to begin compiling the rolls under Office of Indian Affairs instructions of August 21, 1928, approved by the Department of

the Interior on September 5, 1928. Baker received his orders while enrolling the Eastern Band of Cherokee Indians in North Carolina, and he completed this assignment before beginning his new detail, the fourth enrollment assignment of his career. Baker's familiarity with California dated to heirship work he had conducted at the Fort Bidwell, Greenville, and Mission Indian Agencies in the State.

Charles L. Ellis, superintendent of the Mission Indian Agency in Riverside, CA, was placed in general charge of the enrollment by instructions approved by the Department on August 1, 1930. Several examiners of inheritance and special allotting agents were detailed to the work, but Baker finally assumed most of the responsibility and actually prepared the rolls.

By the time Baker received his orders nearly 6 months of the 2-year time period had already elapsed, and he predicted that it would have completely elapsed by the time he completed his current assignment. This delay, and interruptions caused by lack of appropriations to continue the work, resulted in the passage of the amending act to extend the deadlines.

Because of his experience in enrollment work, the method of making the rolls, the evidence to be furnished, etc., was left to Baker's judgment and discretion. Baker's preliminary and final reports to the Commissioner of Indian Affairs provide a detailed summary of the enrollment process.

Baker wanted to avoid the problems he encountered in his previous enrollment work. In earlier enrollments, officials sent enrollment blanks to anyone requesting them. As a result, many doubtful and spurious claims were filed, requiring an immense amount of time for adjudication. When Baker enrolled the Eastern Cherokee of North Carolina, some 12,000 claimants were rejected and only a little more than 3,000 were enrolled. Moreover, lawyers and claim agents built businesses preparing claims and charged applicants for their services.

Baker adopted a new method for enrolling the California Indians. Enrolling officials, supplied with blank forms, visited each county in California to take applications in person. Before visiting a county, the officials issued notices announcing the times and places where applicants should appear, prepared to provide information concerning their family and tribal history. To reach everyone in the state, they distributed notices to post offices, sheriffs, district attorneys, daily and weekly newspapers, prominent Native Americans, and Indian Service employees.

The officials visited the rancherias, settlements, and communities in which the Native Americans lived, frequently holding hearings in many different places in a single county. They covered the entire state at least twice, and traversed some of the more populous regions even more often. They made special trips to people who were missed at the first or second hearing, and to county hospitals, jails, prisons, and other public institutions. Finally, they sent out application blanks to individuals who were unable to attend the local hearings. Many of these people were related to others who had already been enrolled, so their claims were fairly straightforward.

The enrollment blank was designed to present the claim briefly and efficiently, so that officials seldom needed to take additional evidence. By controlling distribution of the blanks and enrolling people in their home localities, the officials practically eliminated the filing of questionable and fraudulent claims. Applicants were enrolled in public hearings, in which they had to pass the scrutiny of the Indians of the local community. In many cases, a committee of elderly Native Americans acted as witnesses to the authenticity of claims and to the fact of claimants being recognized as persons of California Indian descent.

According to Baker, most Native Americans cooperated in presenting their claims. However, some

opposition was encountered, notably among the Pit River tribe in Shasta, Lassen, and Modoc Counties, and the Cahuilla Band of Mission Indians in Riverside County. To enroll individuals who had not chosen to do so but were entitled to enrollment, Baker obtained authority from the Department to file a blanket application for each of the Indian Service jurisdictions in California, using annual census rolls of June 30, 1928 (at the beginning of the enrollment there were seven Indian Service agencies having jurisdiction over Indians in California: Colorado River, Fort Bidwell, Fort Yuma, Hoopa Valley, Mission, Sacramento, and Walker River).

Using public notices, visiting every county, and employing blanket applications, the officials attempted to enroll every Native American in California. In a letter of April 22, 1930, to the superintendent of the Sacramento Indian Agency, Baker reported, "All is going well. I am making quite a clean sweep in the matter of enrollment. Very few are getting through the meshes of my net." Still, Baker acknowledged that a few people in remote places and not on the existing agency census rolls were missed. Some of these did not desire to be classified and considered as persons of Indian descent. Others, particularly those living near the state borders, chose to make claims as residents of other states. For example, despite two visits to the Colorado River Indians at Needles, CA, no tribal members enrolled. Many of them had property rights in Arizona and preferred to be considered as Arizona Indians.

An appeal process was established on March 10, 1931. Each applicant whose claim was rejected could appeal to the Secretary of the Interior within 60 days from the date of rejection. An appeal form contained the application number, date of rejection, and grounds for adverse action. All appeals were filed with the applications to which they referred, and forwarded at the time of the completion of the roll to the Office of Indian Affairs for review and final action. In some cases rehearings on appeals were held in the field, frequently resulting in a reversal of the adverse findings.

Upon completion of his work, Baker reported that more than 23,000 applicants had filed for enrollment on 11,253 applications. Of these, 10,719 applications were approved, 534 were rejected, and 216 involved appeals. Of actual applicants, 23,542 were accepted to roll 1, 245 were enrolled on roll 2, and 1,135 were rejected. Among applications Baker rejected, 365 were due to nonresidence in California on May 18, 1928. Other causes of rejection were insufficient proof of California Indian descent (121 applications), not of California Indian descent (29), not yet born on May 18, 1928 (15), tribal rights with other tribes (2), and applications filed after the deadline (2).

Baker's statistics were based on his preliminary roll. His decisions regarding enrollment or rejection were tentative and subject to approval by the Office of Indian Affairs and the Department of the Interior. Because most of the rejections, and most of the appeals, were based on nonresidence of the applicants in California on May 18, 1928, Baker believed that the bulk of the appeals could be easily decided.

In regard to the small number of names on roll 2, Baker believed that the majority of non-California Indians who came to California were seasonal workers who crossed the state line in response to demand for itinerant farm laborers. Most did not reside in California or have permanent homes there. Baker identified another category of non-California Indians, those of independent means, such as the Osage Indians. He believed these people failed to come forward because there was no financial incentive.

In addition to the two rolls authorized by the act, Baker created a third roll, comprised of applicants who were rejected from rolls 1 and 2. Each of these three rolls has two components, the principal roll and a supplemental roll. The principal rolls were certified by Baker on September 30, 1932, and the supplemental rolls were certified by him on February 18, 1933.

In September 1932 Baker brought the principal rolls to the Office of Indian Affairs in Washington, DC.

He remained temporarily to assist with revising and correcting the rolls, and to arrange the enrollment records. He also made a preliminary report to the Commissioner of Indian Affairs (L-C FAB, 9/30/1932).

Baker then returned to California to complete work on the doubtful, obscure, and contested cases held in the suspended file in his office at the Sacramento Agency, and to address questions arising from the review process. He also investigated the status of many of the unenrolled California Indians falling under the blanket applications.

On February 17, 1933, Baker sent to the Office of Indian Affairs the final consignment of files and records relating to the enrollment. He followed this with a final report (L-C, 3/8/1933). This provided the Office with the entire record for final official action on its part and on the part of the Department.

The entire record of the California enrollment case that Baker transmitted to the Office of Indian Affairs in Washington, DC, consisted of the following documents: applications for enrollment (11,253), general index of applications (2 copies), approved roll of California Indians (2 copies), roll 2 of California Indians (2 copies), roll of rejected applicants (2 copies), and general index of rejected applications (2 copies).

In the Office of Indian Affairs= review and correction process, a number of changes were made to Baker=s rolls. On the principal rolls, four names were taken from roll 2 and the rejected roll and added to the end of roll 1, as roll numbers 21978B21981 (Baker to Commissioner, L-C FAB, 10/3/1932, two letters). On the supplemental rolls, roll numbers 23543B23582 were added to the end of roll 1 (Indian Office letter L-C 14970-33, 5/9/1933). Names of people who were transferred from roll 2 and the rejected roll were crossed out by hand, with notations citing the authorizing letter. In response to a telegram sent by Baker from Redding, CA, a letter was approved by the Secretary authorizing the addition of three people to roll 1, numbers 23583B23585 (L-C 20617-33, 5/17/1933).

The rolls were approved by the Secretary of the Interior on May 16, 1933. Following the last-minute change of May 17, 1933, the roll was closed by the mandated deadline of May 18, 1933.

Records Description

This roll of microfilm contains the three principal rolls and supplemental rolls, arranged as follows:

- § Roll of California Indians entitled to enrollment under the provisions of the Acts
- § Roll of rejected applicants
- § Roll No. 2 (prepared under Section 7)CIndians living in California on May 18, 1928, not of California Indian descent

Each of the three rolls are arranged numerically by roll number. Roll numbers were assigned in alphabetical order by the English surname of the head of the household. Family groups were listed together on the rolls under the household head. Some household groups include people with surnames different than the household head=s surname. As a result, these names appear out of alphabetical order. However, these names are also listed alphabetically, with a cross reference to their roll number. Thus an alphabetical search may be made for a surname if the roll number is not known.

On each of the three rolls, the roll number on the principal roll begins with 1. The roll numbers on each supplemental roll continue from the last number on the principal roll. However, the supplemental roll starts over alphabetically, running from AA@ to AZ@ separately from the principal roll. Thus a surname search should be performed on both the principal and supplemental rolls.

The changes made to Baker=s certified rolls by the Office of Indian Affairs in its review and correction process resulted in several names being added to roll 1. These names appear out of order alphabetically and are not cross-referenced alphabetically on roll 1 (in some cases their names appear alphabetically, but are crossed out, on roll 2 or the rejected roll, if initially placed there by Baker). These roll numbers are 21978B21981 and 23543B23585. They should be searched whenever a name cannot be located in alphabetical order on roll 1.

The rolls are recorded on ledger-size pages, which are divided into columns as follows: (1) Marginal reference; (2) final roll number; (3) application number; (4) allotment number; (5) census number as of June 30, 1928; (6) English name; (7) Indian name; (8) relationship in family; (9) sex; (10) age in 1928; (11) date of birth; (12) degree of Indian blood; (13) name of tribe or band; (14) where enrolled and allotted; (15) post office; (16) amount and kind of property owned; and (17) remarks. Not all of the columns are completed for each person listed.

The Aremarks@ provide additional information about an applicant or family. Examples of remarks include: Wife is Navajo, wife is of Mexican descent, husband is white, husband is listed on roll number 2, and lives on trust property. The same format and information is used for all three rolls, but remarks on the rejected roll often relate to appeals.

The Amarginal reference@ column was used primarily for annotations made to the roll by Bureau of Indian Affairs employees after it was certified through approximately 1964. Most of these additions consist of ADead@ and APresumed dead by authority of June 8, 1954 act@ notes applied by rubber stamp, but other notes provide information such as ARemoved 6/30/55 by request.@ Many of these additions were made when the Roll of California Indians was reopened and revised from 1948 to 1955.

The rolls are the best source for obtaining a person=s application number. This number refers to the application files, which are arranged numerically by application number. Applications were five-page forms completed by the applicants for themselves and minor children, followed by an affidavit signed by two witnesses. The application shows the name of each person, position in family, age, sex, birth date, and degree of Indian blood claimed. There is also information concerning residence, marital status, land allotments, ancestry, and other subjects, along with an indication of the action taken on the application. In some cases there are group applications for the Indians of a particular agency.

The records covered by this microfilm publication were arranged and filmed by Library Photographic Service, University of California, Berkeley, in June 1994. These records were microfilmed without dividers between sections. It was impossible to subsequently splice them into the microfilm without damaging the images.

Related Records

Other records relating to the enrollment of California Indians at the National ArchivesBPacific Region (San Francisco) include Applications, 1928B1932 (33 rolls of microfilm), among the records of the Sacramento Indian Agency, in Records of the Bureau of Indian Affairs, RG 75. Correspondence and reports concerning the roll, from which these notes were largely compiled, are available in the Coded Records, 1950B1958, of the Sacramento Area Office, under file codes A063-enrollment, citizenship, degree of Indian blood@ and A160-personnel-Fred A. Baker.@

By subsequent legislation, the Roll of California Indians was reopened and revised in 1948 and again in 1968. Records relating to the revisions of these rolls are also held by the National ArchivesBPacific

Region (San Francisco).

At the National Archives in Washington, DC, related records in RG 75 include Applications, 1928B1932 (entry 576, described in *Preliminary Inventory* [PI] 163); Numerical List of Applications, 1928B1932 (entry 574, PI 163); and AIndexes@ to Rejected Applications, 1928B1932 (entry 575, PI 163). The rolls submitted by Baker to the Office of Indian Affairs in Washington, DC, are among the Annuity Payment Rolls, 1841B1949 (entry 906, PI 163).

Other RG 75 records relating to the enrollment are in the Central Classified Files, 1907B1939 (entry 121, PI 163) under file code A11626-29-053, General Service.@ See also Court of Claims General Jurisdiction Case File K-344 in Records of the U.S. Court of Claims, RG 123.

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