



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MEMORANDUM

FEB - 9 1982

TO: Assistant Secretary - Indian Affairs

FROM: Deputy Assistant Secretary - Indian Affairs (Operations)

SUBJECT: Recommendation and summary of evidence for proposed findings for Federal acknowledgment of the Death Valley Timbi-Sha Shoshone Band of Indians of California pursuant to 25 CFR 54.

1. RECOMMENDATIONS

We recommend the Timbi-Sha Shoshone Band be acknowledged as an Indian tribe with a government-to-government relationship with the United States and be entitled to the same privileges and immunities available to other federally recognized tribes by virtue of their status as Indian tribes. We recommend that a proposed finding to acknowledge the group as an Indian tribe be published in the Federal Register.

2. GENERAL CONCLUSIONS

The modern Death Valley Timbi-Sha Shoshone Band is the successor and direct descendant of Panamint Shoshone groups which inhabited Death Valley and surrounding areas at the time of earliest white contact in 1849. Members of the group have continuously inhabited the area from earliest contact until the present. The original groups, which were historically linked, gradually combined into one beginning around 1920, coming to center on a settlement at Furnace Creek.

The group has functioned as a political unit since earliest historical times. Traditional leaders survived as late as the 1940's. A formal council was created in 1937, with Bureau assistance, and was dealt with as the group's representative until 1949. Spokesmen for the group existed and have been dealt with by the Federal government from the early 1960's on. The largely informal political processes of the group, consistent with traditional culture, have functioned historically until the present. Evidence of informal but effective political process is the group's ability to resist strong government and economic pressures against continued maintenance of the village community at Furnace Creek. In 1978, the group adopted formal articles of association.

A distinct group with the ability to maintain a strong sense of identity and group consensus continues to exist. The Timbi-Sha have retained a considerable degree of cultural distinction from surrounding non-Indian populations and are considered

relatively conservative in comparison with recognized Indian groups in the area. A clear distinction is maintained with neighboring Indian groups, which recognize it as a distinct Indian group.

Virtually all of the 199 members of the group can conclusively establish their ancestry as Shoshone Indian from the Death Valley area. No evidence was found that the members of the band are members of any other Indian tribes or that the tribe or its members have been terminated or forbidden the Federal relationship by an act of Congress.

The group was considered to be under BIA jurisdiction and provided services from as early as 1908 until 1956, although considered non-ward Indians in the 1930's. Allotments were provided some members and a reservation was created from the land belonging to one part of the group. The BIA unsuccessfully sought to create a reservation for the rest of the group in the 1930's. The group was determined eligible to organize as a community of half-blood Indians under the Indian Reorganization Act in 1977. The National Park Service has dealt with the group and its representatives continuously since the creation of Death Valley National Monument in 1933.

The group has been historically identified by scholars as Shoshone or Panamint Shoshone as early as 1886 and is described in the foremost work on Great Basin Indians.

A handwritten signature in black ink, appearing to read "John W. Fj". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

SUMMARY OF THE EVALUATION OF THE DEATH VALLEY TIMBI-SHA SHOSHONE BAND OF INDIANS BY THE CRITERIA IN PART 54 OF TITLE 25 OF THE CODE OF FEDERAL REGULATIONS.

Included in 25 CFR 54 are seven criteria which petitioning groups must meet before acknowledgment can be extended. The following is a discussion of the Timbi-Sha Shoshone in light of the criteria in Section 54.7. It is based on the three accompanying specialist reports and is intended to be read in conjunction with these reports.

54.7(a) A statement of facts establishing that the petitioner has been identified from historical times until the present on a substantially continuous basis, as "American Indian," or "aboriginal." A petitioner shall not fail to satisfy any criteria herein merely because of fluctuations of activity during various years.

Because of the remote and inhospitable nature of the Death Valley area and its inaccessibility during earlier times, first definite non-Indian contact with the Shoshone in Death Valley occurred in 1849. Historical accounts from earliest contact report Shoshone or Panamint Indians in the area, although reports before 1890 rarely provide much detail about the specific Shoshone groups. The reports correspond exactly with those described in later ethnographic accounts and other twentieth century documents concerning the location of the Death Valley Shoshone. As early as 1891, individual ancestors of group members are identified by name as Indian, generally as Shoshone or Panamint. Ethnographic accounts as early as 1886 identify the Timbi-Sha Shoshone and its antecedents as Shoshone or Panamint Indian. The Panamints are a local subdivision of the Shoshones, located in the Death Valley region.

The Death Valley Indians were considered under the jurisdiction of the Bureau of Indian Affairs at least as early as 1911, when the Bishop Agency was opened. They may have been considered under Bureau jurisdiction earlier as one member of the group was allotted by the Bureau as early as 1908. Timbi-Sha children attended Bureau boarding schools as early as 1911. Educational services were provided to group members by the Bureau from that point until 1959. A reservation was provided for a small portion of the group in 1923. This portion of the group voted to accept the Indian Reorganization Act in 1937. Members of the group or their ancestors, identified as Shoshone and as living in the area, were carried on BIA censuses from at least 1916 through 1940.

Although considering them "non-ward Indians" in the 1930's, the BIA provided a variety of services to the group. The Bureau helped organize a council for them in 1937 and entered into an agreement with them for the use of trust funds for rehabilitation. Efforts were made to have a reservation created for them but were unsuccessful because the Monument or private holdings within the Monument included all available sites. An interagency agreement between the BIA and the Park Service did set aside 40 acres for a village site for the group at Furnace Creek and also provided for cooperation between the two agencies to build housing there. The group has continued to occupy this site until the present. Because a reservation could not be created, the central office of the BIA directed that the group be enrolled as half-blood Indians, eligible for services under the Indian Reorganization Act. This work was not carried out, however.

The National Park Service has identified the group as Shoshones, native to the area, and has provided services and dealt with the group as an Indian community from the establishment of the Monument until the present. Death Valley National Monument, created in 1933, encompassed much of the lands which were traditionally used by the group.

The National Park Service and the Bureau worked cooperatively to provide a community of houses for the group inside the National Monument in 1936-7, and to provide trailers and other improvements in 1977. Services continued to be provided to the group by the Bureau as late as 1956 when the Sacramento Area Director stated the Bureau had little or no responsibility for the band because it did not have trust lands.

Some services were again considered for the group beginning around 1970. The group petitioned the Bureau in 1976 for status as a "community of half-bloods" under section 19 of the Indian Reorganization Act, and was determined eligible by Departmental officials in 1977. The group has been unable to organize under the act, however, because of the requirement that such a community have land held in trust prior to such organization. Bureau services have been provided to individual members of the group through the Sacramento Area Office since 1977. The Timbi-Sha Shoshone Band filed for Federal Acknowledgment under 25 CFR 54 on April 26, 1979.

The group and its antecedents have been clearly identified as Shoshone or Panamint and as a specific group or groups by numerous scholars as early as 1886 (Henshaw 1907-10). The Death Valley Shoshone are also identified in the works of Julian Steward (1938, 1941), the foremost authority on Great Basin Indians, and by Coville(1892), Merriam(University of California 1969), Kroeber(1925), Driver(1937), Wallace and Wallace(1979) and Irwin(1980).

The group is recognized as a distinct Indian community by the Intertribal Council of California and the Owens Valley Paiute-Shoshone Band. The Owens Valley Band and the Office of the American Indian Coordinator of the California State Governor's Office have supported their petition for Federal recognition.

We conclude that the Death Valley Timbi-Sha Shoshone Band of Indians has been identified as an American Indian tribe from historical times until the present and that it has met the criterion in 25 CFR 54.7(a).

54.7(b) Evidence that a substantial portion of the petitioning group inhabits a specific area or lives in a community viewed as American Indian and distinct from other populations in the area, and that its members are descendants of an Indian tribe which historically inhabited a specific area.

The present-day Death Valley Timbi-Sha Shoshone Band is clearly derived from several traditional Western Shoshone local political units located in Death Valley and neighboring mountain ranges. These units, made up of several family groups each, were traditionally linked by economic and kinship relationships. These gradually

combined under the economic changes and restrictions on the use of their land and water by white development in the area. The process occurred particularly after 1920, increasing as mining and tourist facilities developed in the area and Death Valley National Monument was established. By 1940, the constituent groups were centered in the Furnace Creek area, one of their traditional living sites. The community continues to serve as the core of the contemporary group. About 26 members live permanently in the village during most of the year, migrating annually, as was traditionally done, to the mountains in the summer. Severely limited job sources and housing restrict the number of residents, but sixty-five percent of those living outside of Furnace Creek live in towns or on reservations in the Sierras or Nevada. These areas, which are ones traditionally visited by the group, are the closest settlements to Death Valley.

The Timbi-Sha Shoshone have retained a considerable degree of cultural distinction from surrounding populations. The Shoshone language is still spoken widely in the group. Membership requirements clearly distinguish between Death Valley families and other nearby Shoshone and Paiute groups. The group is composed of families that can be shown to have inhabited the area since at least the earliest period of contact with non-Indians.

We conclude that the Death Valley Timbi-Sha Shoshone Band forms a community viewed as American Indian and distinct from other populations, that its members are descendants of Shoshone groups which historically inhabited the area and fused into one band, and that the band has met the criterion in 25 CFR 54.7(b).

54.7(c) A statement of facts which establishes that the petitioner has maintained tribal political influence or other authority over its members as an autonomous entity throughout history until the present.

The band and its antecedent groups have functioned as a political unit since earliest historical times as indicated by the existence of formal political leaders, spokesmen and clear evidence of the traditional Shoshone pattern of informal political processes. A distinct group with a strong sense of identity and processes for group consensus have clearly been maintained.

The traditional political units from which the current group is derived had one or more chiefs, a well-defined although not powerful office. Traditional leaders named in ethnographic accounts survived as late as 1943. A formal council was created in 1937 with BIA assistance, and was dealt with as the group's representative until as late as 1949. In 1938, the group petitioned for Federal recognition, requesting that the land set aside in the Monument for them be made a reservation so they would be eligible for full Bureau services.

The largely informal political processes of the group, consistent with the traditional culture and close-knit kinship-based community, have functioned historically until the present. Evidence of informal but effective political process is demonstrated by the group's ability to resist strong government and economic pressures from the 1940's to the 1970's against maintenance of the village community at Furnace Creek. The community was evidently held together by a core of older individuals who remained

resident in the village at Furnace Creek even in the most difficult times. The village remains a strong focus for the group until the present. Spokesmen for the village who were dealt with by the Park Service and, subsequently, the BIA, Indian Health Service and other agencies, existed from at least the middle 1960's onward. Documentary evidence was not found to show whether there was a clearly recognized spokesman in the village that was dealt with by the government between 1949 and 1966. There were efforts in the community in the 1950's and again in the early 1970's to organize formally. In 1978, the group organized formally by adopting the articles of association under which it presently operates.

The group has maintained strong sense of identity and group consensus. This is indicated by the strong distinction maintained even versus culturally related neighboring groups and retention of cultural rules against marriage between individuals related to any significant degree.

We conclude the Death Valley Timbi-Sha Shoshone Band has maintained a tribal political influence and authority over its members throughout history until the present and that it has met the criterion in 25 CFR 54.7(c).

54.7(d) A copy of the group's present governing document, or in the absence of a written document, a statement describing in full the membership criteria and the procedures through which the group currently governs its affairs and its members.

The Death Valley Timbi-Sha Shoshone Band and its membership are governed pursuant to the Articles of Association of the Death Valley Band, dated January 1978. This includes a description of the membership criteria and procedures for governing the affairs of the band. These articles and two amendments to the membership provision, dated May 24, 1978, and April 24, 1981, were submitted with the petition. We therefore conclude that the band has met the criterion in 25 CFR 54.7(d).

54.7(e) A list of all known current members of the group and a copy of each available former list of members based on the tribe's own defined criteria. The membership must consist of individuals who have established, using evidence acceptable to the Secretary, descendency from a tribe which existed historically or from historical tribes which combined and functioned as a single autonomous entity.

The Timbi-Sha Shoshone Band provided a total of three rolls and censuses, the current membership list dated March 1978, and 1933 and 1936 censuses prepared by the Bureau of Indian Affairs. The Acknowledgment staff was also able to obtain a membership list submitted in 1976 with the group's request for Federal recognition of the band as a half-blood community pursuant to Section 19 of the Indian Reorganization Act. Rolls prepared from 1916 through 1940 by the Bishop and Carson agency staffs were also researched, as was the roll prepared pursuant to the Act of September 21, 1968, for the distribution of the judgment funds awarded to the Indians of California. All data from these rolls and censuses confirm that virtually all of the members of the group have or

can conclusively establish Shoshone Indian ancestry. We conclude, therefore, that the membership of the Death Valley Timbi-Sha Shoshone Band of Indians consists of individuals who have established descendency from historical Shoshone bands in the Death Valley area which combined and functioned as a single autonomous entity, and that the band has met the criterion in 25 CFR 54.7(e).

54.7(f) The membership of the petitioning group is composed principally of persons who are not members of any other North American Indian tribe.

The petitioner asserts that none of its members are enrolled in any other North American Indian tribe. The existing constitution forbids dual enrollment. The Federal Acknowledgment staff could find no members of the group enrolled with any other North American Indian tribe.

We conclude that the Death Valley Timbi-Sha Shoshone Band of Indians is composed principally of persons who are not members of any other North American Indian tribe and that it has met the criterion in CFR 54.(f).

54.7(g) The petitioner is not, nor are its members, the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship.

The Death Valley Timbi-Sha Shoshone Band of Indians does not appear on the Bureau's official list of "Indian Tribes Terminated from Federal Supervision" or the list of "Indian Tribes Restored to Federal Status." Research revealed no legislation terminating or forbidding the Federal relationship with the group or members of it.

We conclude that the Death Valley Timbi-Sha Shoshone Band is not the subject of congressional legislation which has expressly terminated or forbidden the Federal relationship and that the tribe has met the criterion in 25 CFR 54.7(g).

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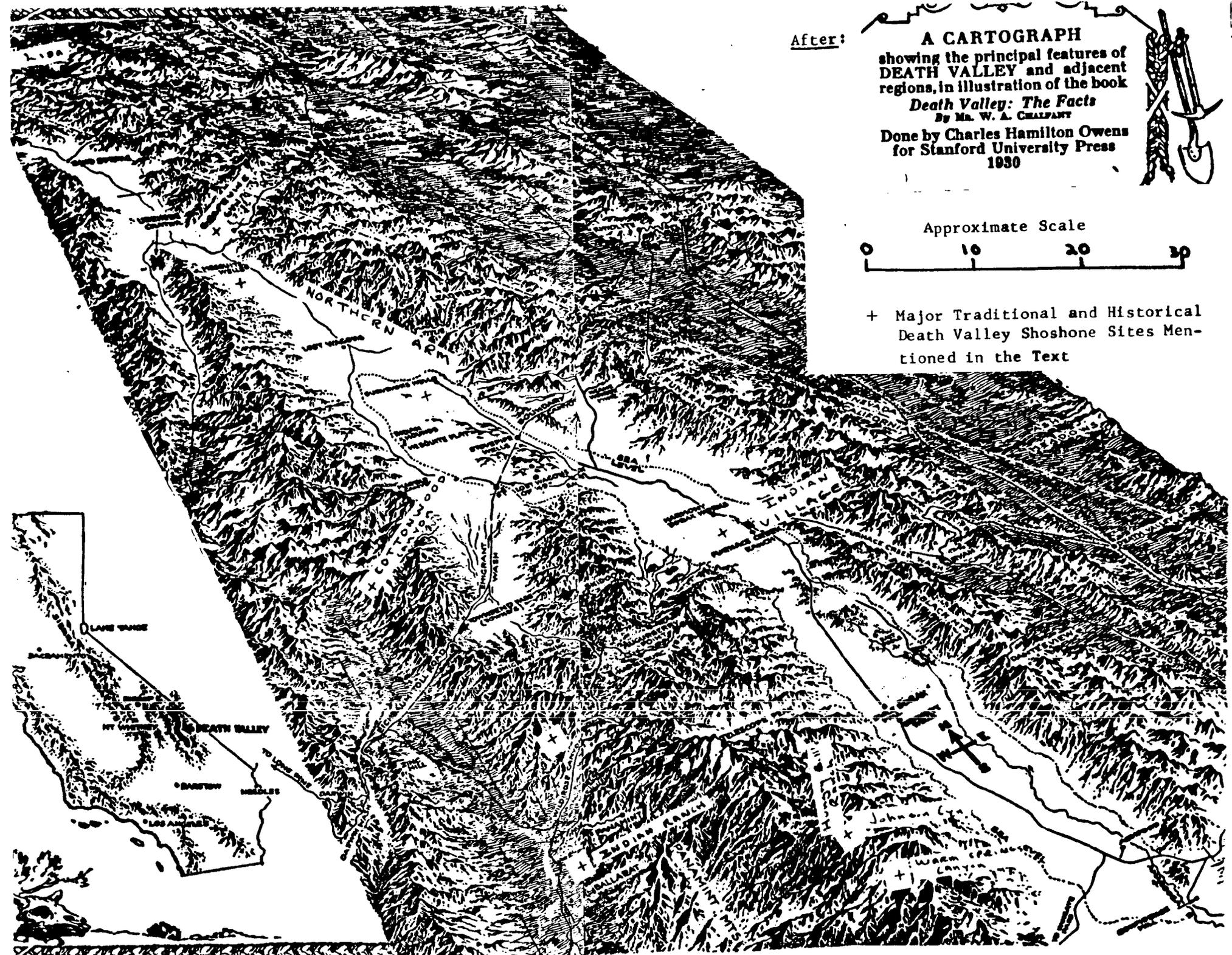
A CARTOGRAPH
showing the principal features of
DEATH VALLEY and adjacent
regions, in illustration of the book
Death Valley: The Facts
By Mr. W. A. CHALFANT
Done by Charles Hamilton Owens
for Stanford University Press
1930



Approximate Scale



+ Major Traditional and Historical
Death Valley Shoshone Sites Men-
tioned in the Text



From: J. Steward, Basin-Plateau Aboriginal Sociopolitical Groups



FIGURE 7.—Villages and subsistence areas of the Death Valley and Owens Valley regions.
60285—58 (Face p. 58)

TECHNICAL REPORTS
regarding
THE DEATH VALLEY TIMBI-SHA SHOSHONE BAND
of
DEATH VALLEY, CALIFORNIA

Prepared in response to a petition submitted
to the Secretary of the Interior for Federal
acknowledgment that the Death Valley Timbi-Sha
Shoshone Band exists as an Indian tribe.

ANTHROPOLOGICAL REPORT ON THE DEATH VALLEY TIMBI-SHA SHOSHONE BAND

Introduction

The Death Valley Timbi-Sha Shoshone Band petitioned for Federal Acknowledgment under 25 CFR 54 on April 26, 1979. Active consideration was begun November 5, 1979. Materials provided in the petition indicated that the group, under the name the "Death Valley Shoshone Indians," had petitioned the Commissioner of Indian Affairs in 1938 to have a tract of land they were occupying made an Indian reservation in order to be eligible for the benefits enjoyed by reservation tribes. In 1976, the group petitioned to be recognized as a community of half-blood Indians under the Indian Reorganization Act. It was determined to be eligible to organize as a half-blood community in 1977.

This anthropological report provides an analysis of the history and current social organization of this group with regard to whether they meet the requirements of 25 CFR 54. Primary emphasis is placed on criteria a through d in 54.7 of those regulations. The report consists of a summary evaluation of the group under each criteria for which information was developed, and a detailed discussion of the evidence.

SUMMARY AND CONCLUSIONS

Evaluation Under the Criteria in Section 54.7

Criterion a: Identification as American Indian or Aboriginal

The Death Valley Timbi-Sha Shoshone and its antecedents have been clearly identified as Shoshone or Panamint Indian and as a specific group or groups of Shoshone by numerous scholars as early as 1886. The Panamints are a subgroup of the Shoshone who were located in the region of eastern California including Death Valley and the territory west of them to the Sierras. The most important scholarly work is that of the anthropologist Julian Steward (1938, 1941) who described the group and its antecedents in great detail and their existence in the Death Valley area from early white contact. Steward's works are the primary anthropological source on Great Basin Indian tribes. The Death Valley Shoshone are also identified in the works of Henshaw (1907-10), Coville (1892), Kroeber (1925), Driver (1937), Wallace and Wallace (1979), and Irwin (1980).

Historical accounts from earliest definite white contact in 1849 by emigrant parties to California, report Indians, identified or identifying themselves as Shoshone or Panamint, in the Death Valley area. Various historical accounts report Indians living in a variety of locations. The area, as referred to here, includes Death Valley itself as well as the surrounding mountains, particularly the Panamint Range, and a portion of the Panamint Valley to the west. Historical reports before 1890 rarely provide

much detail about the Indians and do not clearly identify specific Shoshone groups. The reports are limited by the difficulty for non-Indians, whose contacts were limited, in observing the relatively informal social organization of the geographically dispersed Shoshones. The locations, however, correspond exactly with those described in later ethnographic accounts and other twentieth century documents.

The later materials are generally based on oral history from individuals who were alive between first contact in 1849 and 1900. As early as 1891, individual ancestors of group members are identified by name as Indian, generally as Shoshone or Panamint. Some individual ancestors are identified on the 1900 Federal census and at least two families from the group are identified by name on a special census of California Indians done for the BIA in 1906.

The Death Valley Indians were considered under the jurisdiction of the BIA as early as 1911, when the Bishop Indian agency was opened. They may have been considered under BIA jurisdiction earlier, since a member of the group was allotted in the valley by the BIA in 1908. Group members appear on regular BIA censuses from at least 1916 onward, until around 1940. Public school education and attendance at BIA boarding schools was funded as early as 1911 and continued as late as 1959. A reservation was provided for one small portion of the group in 1928. The rest of the group in the 1930's were considered "non-ward" Indians, although some services were provided and they were treated as being under BIA jurisdiction.

In 1936, the Bureau of Indian Affairs and the National Park Service entered into an interagency agreement on behalf of the group, under which housing was provided and 40 acres of land at Furnace Creek in Death Valley National Monument was set aside for a village for the use of the group. The monument had been created in 1933, encompassing in part lands that had been utilized by the group. The Bureau helped organize a council for the group in 1937 and entered into an agreement with them for use of trust funds for rehabilitation.

The Park Service has identified the group as Shoshones native to the area and has dealt with the group as an Indian community from 1933, when the Monument was established, until the present.

The Bureau continued to consider the group and the Furnace Creek village to be its responsibility until at least 1949. Numerous children from the tribe were provided educational services throughout the 1940's and BIA officials visited the village to determine the state of the housing. At some point after 1950 the Bureau apparently changed its policy and did not consider it had a major responsibility for the group. Decreasing numbers of tribal members attended Bureau boarding schools throughout the 1950's. This may have reflected the general reduction of services to California Indians as a result of the termination policies of the 1950's. In 1956, the Sacramento Area Director stated that the Bureau had little or no responsibility for the group because it did not have trust land.

Some services were again considered for the group by the BIA beginning around 1970. The group petitioned the BIA in 1976 for status as a community of half-bloods under the Indian Reorganization Act. The group was determined in 1977 to be eligible

to organize as a half-blood community. Although the group has been unable to organize under the provisions of that act because it does not have land held in trust for it, services have been provided since 1977 to individual members of the community through the Sacramento Area Office. The Indian Health Service entered into an agreement with the group and the Park Service in 1978 to provide a water and sewer system in the village.

The group is recognized as a distinct Indian community by the Intertribal Council of California and by the Owens Valley Paiute-Shoshone Band. Federal Acknowledgment of the group has been endorsed by the American Indian Coordinator of the Governor's Office of the State of California.

Criterion b: Historical Maintenance as an Indian Community

The contemporary Death Valley Timbi-Sha Shoshone Band is clearly historically derived from several traditional local political units of the Western Shoshone. These units, termed "districts" by anthropologist Julian Steward, were identified by him as existing in early historical times at several locations in northern and southern Death Valley and in the neighboring Panamint and other mountain ranges. These "districts," made up of several family groups each, were traditionally closely linked by economic and kinship ties. The contemporary Band membership includes individuals descended from all, or almost all, of the family lines historically associated with the districts the group is derived from.

The families from the various locations in the Death Valley area gradually combined under the influence of economic changes and restrictions on their use of land and water by white development in the area. This process occurred particularly after 1920, influenced by increased mining and tourist facilities in the valley, and the formation of Death Valley National Monument in 1933. By 1940, the constituent groups probably formed a single unit. This was centered on the Furnace Creek area, one of their main traditional living sites.

The village community at Furnace Creek serves as the core group of the contemporary band. About 26 members of the group live in the village itself during most of the year, migrating annually in the summer season to locations in the nearby Sierras. This migration follows a traditional pattern and location of seasonal movement. Severely limited job sources in the valley and limited housing reduce the number of Indians in the valley. The balance of the group has maintained close social ties with the village and with each other. Sixty-five percent of those living outside of Furnace Creek live in or near locations the group traditionally visited such as the foothills of the Sierras or Indian communities in Nevada. The current geographic dispersion of the group, over locations which may be 100 or more miles from Death Valley, is consistent with the traditional character of the Shoshones. Because of the limited economic opportunities in the desert, the Shoshones traditionally lived much of the year in small groups dispersed over several hundred square miles although maintaining strong social ties.

The group has retained a considerable degree of cultural distinction from the surrounding non-Indians, and is considered relatively traditional in comparison with

other Indians in the area. The Shoshone language is still widely spoken in the group. Social contacts outside the group continue to be primarily with other nearby Indian groups. Because cultural prohibitions against marrying relatives are still maintained, marriages are increasingly outside the group, though still frequently with nearby, related, Paiute and Shoshone groups. The membership requirements of the tribe make a clear differentiation against even Shoshone blood from other Shoshone groups. Members are all drawn from historic Death Valley area family lines.

Criterion c: Maintenance of Tribal Political Influence

The group and its historical components has functioned as a political unit since earliest historic times, as indicated by the existence of formal political leaders, spokesmen, and by evidence of informal political processes. The largely informal political process of the group is consistent with traditional Shoshone culture and the character of the group as a small, close-knit, kinship based Indian community. A distinct group, with a strong sense of identity and processes for group consensus, has clearly been maintained. There have been some significant fluctuations in the existence of formal political positions and for some periods information is relatively limited concerning the functioning of spokesmen and informal political process. Despite this, the group has substantially met the requirements of criterion c.

The districts from which the group is historically derived traditionally had one or several chiefs, a well-defined though not powerful office. The distinctions between these districts, and some of the historically named leaders of them, survived into the 1920's and 1930's, with one such leader surviving until 1943.

A council was formed in the Furnace Creek community in 1937 to represent the group in handling trust rehabilitation funds provided by the Bureau of Indian Affairs and to represent the group in their affairs. The council, formed with the assistance of the BIA, was apparently a formal body added onto rather than replacing internal political processes in the group. In 1938, the Death Valley Indians petitioned the BIA as a group to have the land at Furnace Creek set aside for them declared a reservation. The council probably did not function after about 1942, but one of the three members of the council continued to live in the village and to be dealt with by the government until his death in 1949. A second council member remains in close contact with the group, although no longer living in the village.

There is evidence that the group has and continues to be a close-knit community within which a consensus and cohesion can and has been maintained. There does not appear to have been a clearly recognized spokesman in the village between 1949 and around 1966. However, there is evidence of informal but effective political processes in that period in the ability of the group to resist strong pressures against its continued maintenance of a village community at Furnace Creek. This community persisted despite very limited economic resources for it in the valley and government policies which sought termination of the village. Affairs within the village have generally been handled by group members, without outside interference. Maintenance of group consensus is also indicated by the continuance to the presence of the strong traditional prohibition against marriage between individuals who are related to any but the most distant degree.

There were efforts within the community to organize formally in the 1950's and again in the early 1970's. Spokesmen for the village existed from at least the middle 1960's onward and were dealt with by the Park Service, and, subsequently, by the BIA, Indian Health Service, and other agencies. The group formally organized in 1978 by adopting articles of association.

Criterion d: Governing Document and Membership Criteria

The group has provided copies of the articles of association it adopted in 1978, its current roll, and 1933 and 1936 BIA censuses of Indians of the area. The membership requirements described were originally stated as simply descent from individuals on a 1933 BIA census of Indians of the area but an amendment in 1978 changed the requirement to 1/2 degree Indian blood. The requirement was apparently intended to refer to the 1936 census, since the 1933 census has no blood degree listing, although it is otherwise similar.

The group has recently amended its articles of association to change its membership requirement to 1/4 degree Death Valley Timba-Sha Shoshone Band blood. It had previously indicated that the 1978 amendment was made when the group was planning to organize as a community of half-bloods. Although the 1936 census includes a considerably wider range of communities than those of the Death Valley group, the membership roll as drawn does not include anyone whose ancestors are not from the historic Death Valley families. In addition to the roll submitted with the petition, a roll of the group was submitted to the BIA in 1976 in connection with the group's request for status as a group of half-bloods. This roll, containing approximately 100 names, does not differ substantially from the current roll other than its limitation to family members claimed to have, and in most cases having, one-half degree or more Indian blood.

Criterion f: Membership in Another North American Indian Tribe

No field data or documentary information was developed in connection with the anthropological report which indicated that individuals listed in the Timbi-Sha membership roll were enrolled with any other Indian tribe. Although some members live on reservations and are married to members of recognized tribes, there was no indication that they were enrolled with or considered members of these tribes.

Criterion g: Termination of the Federal Relationship

Neither the petitioner nor any of its members are terminated or the subject of legislation forbidding the Federal relationship. A small number of the membership is descended from George Hanson, whose family's settlement area, Indian Ranch, was made a reservation in 1928 and terminated in 1964. However, none of the descendants of George Hanson that are on the membership list are among the seven individuals specifically listed in the termination notice.

TRADITIONAL AND EARLY HISTORIC PERIOD CULTURE AND POLITICAL ORGANIZATION

Introduction

The primary ethnographic work on the Death Valley Indians is that of Julian Steward (1938). This work has been relied on here for the major outlines of the traditional groupings from which the current Timbi-Sha Band is derived. Steward describes the culture as it existed in the 1860's and 1870's, soon after the earliest contact in 1849. His research was carried out from approximately 1926 to 1936. Steward's descriptions are entirely consistent with the historical record and with accounts by current group members. These sources depict the maintenance of an essentially traditional culture throughout the 19th century, with some adaptation to and effects from the limited white settlement in this remote area. The description of the traditional culture and social organization, based primarily on Steward, will be followed by a discussion of the historical evidence.

The Death Valley Indians are part of the Panamint Indians, a subgroup of the Western Shoshone who lived throughout much of the Great Basin. The term Panamint has been applied to the Indians in the valley itself and also to the Indians from the several valleys and mountain ranges to the west and northwest, to the edge of the Sierras. This area of the Shoshones forms a small westerly arm from the main body. Consequently, the Death Valley Indians were neighbors to Southern Paiute to the south, Kawaiisu to the south and west, and Northern Paiute to the north and west.

Economy and Social Organization

The culture of the Death Valley Indians was shaped by the environment of the area, a sparse desert region broken by mountains as high as 11,000 feet, which afforded a variety of life zones and hence food sources. The economy was a predominantly gathering one, with pinon nuts in the mountains being a particularly important source. This was supplemented by hunting small animals, particularly rabbits, and some larger game such as mountain sheep and deer, as well as by farming in small gardens around the springs. This sparse economy produced a relatively informal social organization, with social ties maintained between groups of families dispersed for part of the year over several hundred square miles of territory. Boundaries between groups, even between the Shoshone and the culturally similar Paiute and Kawaiisu groups, were very weak, with intermarriage being common.

The economy of the Western Shoshone, and Death Valley in particular, required a seasonal cycle of migration. Single families or a few families together traveled separately from the rest of the group most of the year. Larger groupings wintered together for part of the winter in villages in locations where more stable food supplies could be gathered. The only cooperative economic efforts were for communal rabbit hunts, which were quite frequent, or occasional antelope hunts. These might involve several villages. Families were also able to get together on the fall to gather pinenuts and hold "fall festivals." These were gatherings for ceremonies, socializing, and gambling, which were often held in conjunction with rabbit drives. Fall gatherings to collect pineunts lasted about a month.

Although the economy placed limits on intervillage cooperation, villages in the Death Valley area tended to associate more with some villages more than others. These groupings of villages, which Steward (1938) calls "districts," had collective names and had enough unity so that they approached "band" organization in character.

Districts had "chiefs" with a limited degree of power. The Shoshone word for "chief" translates as "big talker" or sometimes "talker." Their primary functions were coordinating fall festivals and hunts. In some areas, different individuals carried out these functions. Chiefs also controlled intervillage activities. According to Steward (1938), these were real offices, i.e., not just temporary roles, and were inherited patrilineally. Family heads exercised day to day control during the major portion of the year when families traveled separately.

There was considerable social linkage between the districts in the Death Valley, as was characteristic of Shoshone social organization. The small size of the populations meant that intermarriage was frequent. The kinship links are evident in Steward's descriptions and in the family histories of group members. Fluctuations in food sources often required families to go outside their immediate area to gather or hunt. There was no permanent ownership of hunting and gathering areas, a reflection of the need to have access to resources outside a group's immediate area. Individual families often attended a fall festivals outside their own district. These kinds of social ties, including intermarriage, extended beyond the immediate Death Valley area, in all directions, including across linguistic lines to neighboring Kawaiisu, Northern Paiute and Southern Paiute.

Death Valley Groups in the Early Historic Period

The current Death Valley Timbi-Sha Shoshone are derived from several districts with settlements and camping areas within the valley itself and several of the surrounding mountain ranges. These were, roughly, northern Death Valley (north of the Stovepipe Wells area) including the Grapevine Mountains, Furnace Creek as an independent village, and the southern end of Death Valley, actually including the southern end of the Panamint Mountains and associated areas on the Panamint Valley side of those mountains(see maps). There are several ancestors who were from neighboring areas, especially the Saline Valley, which traditionally had close kin and other links to Death Valley. Most of the major Death Valley families have some distant (i.e., early) kin links with each other as well as with neighboring areas. Because of the complexity of these links, and natural movements between settlement areas, the discussion of particular families being linked to particular districts can only be approximate.

The outline below of the traditional districts and villages is based largely, but not entirely, on Steward (1938). The description is approximately how they existed in the years immediately after first white contact in 1849. The subsequent section will discuss the historical record concerning these groups and their evolution into the present group.

The total population of these area was probably no more than 100 to 150 individuals during historic times, in an area of roughly 500 square miles. It is approximately 100

miles from Grapevine Canyon in northern Death Valley to the south end of the valley, and approximately 50 miles from east to west across the territory occupied.

Steward lists as one district northern Death Valley, which included settlements at Grapevine Canyon, Surveyor's Wells and Mesquite Springs. Included in the families here are the Docks, Buttons, Tule George, Cold Mountain Jack and some Sam's and Hunters who moved in or married in from Saline Valley. The Shaw family is probably associated with this area also. The people of this area particularly had links with families of the districts to the north, including the Lida and Gold Mountain area. Grapevine Dock was listed by Steward as having been chief of the district, with Pete Sam and Tule George's father also being leaders.

Steward's (1938) information on the southern Death Valley area was limited, but it appears to have formed a traditional district, since the historically known settlements are linked with each other. One traditional site identified by Steward is at Johnson Canyon, which is the settlement known as Hungry Bill's Ranch. Resident there, according to Steward, were the families of Hungry Bill and Panamint Tom. These men, who were brothers, were ancestors of the current Billison and Thompson families. Other evidence indicates that Panamint Tom subsequently held an area at Warm Springs, in a canyon a few miles south of Johnson Canyon, that he inherited from his grandfather (U.S. vs. Grantham 1940).

Steward also lists a winter village settlement at Hall's canyon on the west side of the Panamint Mountains. This is just across the ridge from Johnson Canyon. Although Steward provides no names, other materials indicated this area was occupied by George Hanson and his family. It is close to the area later known as Indian Ranch which was granted to Hanson as a reservation. Although George Hanson was born at Grapevine Canyon in the 1830's or 1840's, he evidently resided in this area early. He married a woman from Johnson Canyon, evidently Panamint Tom's sister, since he is listed in one source as the latter's brother-in-law (U.S. vs. Grantham 1940).

Steward also lists a small winter village at Wildrose Canyon, just to the north on the west side of the Panamint mountains. Most other sources, however, suggest that this was an area used in the summer and fall by the families from these southern areas and also probably by families from Furnace Creek. There is also some historical evidence for settlements of some kind in Surprise and Panamint Canyons, but this is not certain. Both Steward(1938) and Irwin(1980) list Panamint Tom as having been a chief. According to Irwin, George Hanson succeeded to this position after Panamint Tom died. Panamint Tom's family spoke Kawaissu as well as Shoshone, and it seems likely that there were intermarriages of the neighboring Kawaissu into his and other families in the southern area (Steward 1938, F.D.).

Furnace Creek is thought by Steward to have been an independent village. Historical accounts show a substantial settlement there from earliest historical times. Steward cites conflicting informant accounts on this question without resolving them. One of his informants named a probable traditional leader and indicated there were probably several families. Another informant said there was no Indian settlement until Bill Boland moved his family in from Saline Valley when the borax works was founded nearby in 1883. Other information indicates that Bill Boland's father had been living

After:

A CARTOGRAPH
showing the principal features of
DEATH VALLEY and adjacent
regions, in illustration of the book
Death Valley: The Facts
By MR. W. A. CHALPANT
Done by Charles Hamilton Owens
for Stanford University Press
1930



Approximate Scale



+ Major Traditional and Historical
Death Valley Shoshone Sites Men-
tioned in the Text



at Furnace Creek in 1852 and that Bill Boland was closely related to other Death Valley families such as the Dock's. He was also married to someone from Death Valley. The Boland family's own traditions are that the family is historically from Furnace Creek. Overall, it seems likely that the family was historically associated with the village at Furnace Creek or at least was linked with families that were since earliest historical contact. The Kennedy family line may also have been linked with this area in historic times.

HISTORY

History to 1900

Death Valley historically has been an area in which there has been a moderate amount of contact between whites and Indians, but without a large white population. Consequently, the Indians of the area, although making some adaptations, maintained a relatively traditional culture until well into the twentieth century. Historical accounts before 1900 consistently report Indians in the Death Valley area. However, many reports make no mention of Indians and those that do rarely provide much detail. The Indians that are mentioned are usually identified as Panamint, Shoshone or, sometimes, Paiute. Non-Indians at the time often confused the culturally similar Paiutes with the Shoshone. To further confuse the issue, some of the adjacent Southern and Northern Paiutes would naturally have been found from time to time in the area. The reports generally do not clearly distinguish subgroups of Shoshone, except occasionally by location. The relatively informal and fluid, kinship based nature of Shoshone social organization was not apparently evident to contemporary non-Indians.

The locations of Indians mentioned in these reports are consistent with those described for the Death Valley group's ancestors in ethnographic descriptions such as Steward and other twentieth century documents. Steward's work, discussed above, which outlines traditional culture and group locations, describes conditions as they were in the 1860's or 1870's. His work and the other twentieth century documents are based in large part on oral history obtained from individuals who were alive during the period from 1849 to 1900.

The earliest known contact with non-Indians is thought to have been in 1849, when several parties of "49'ers" strayed from the regular trail and entered Death Valley, then an unknown area. Some of these people perished and the stories of the hardships of those who eventually survived formed the basis of a number of well-known popular accounts (Irwin 1980). Although they had only a very limited actual contact with the Indians in the valley (see below), the story has been a popular one told by the Indians of the Death Valley area. The story has been recorded a number of times, as late as 1940, from individuals who said that they remembered as children seeing the 49'ers come into the valley, abandon their wagons, etc. The story is frequently and perhaps most accurately attributed to George Hanson, who died in 1943 at the age of approximately 100 (Irwin 1980, U.S. vs. Grantham 1940). A similar story was told in 1866 by Indians in Death Valley, who reported the whites had had no water for the last

80 miles and had been forced to throw away items they were carrying, in an attempt to spare the oxen drawing their wagons (Wheat 1939).

There were several visits by non-Indians to the valley during the 1850's and numerous visits by surveyors, miners and some military expeditions in the 1860's and 1870's. The earliest white settlement in the area may have been at Resting Springs, immediately south of the valley, where Mexican miners were reported to have been attacked by Indians in 1854. Beginning in 1860's, non-Indian settlements were established in the valley, the Panamint Mountains and in other nearby areas where the Death Valley Indians frequently went. These settlements were generally in connection with mining. A mining district was established in 1861 at Telescope Peak in the Panamint Mountains, possibly the first such in the area (Levy 1969). There were three mining districts in the Panamints in 1871 (Levy 1969) and one at Grapevine Canyon. Thus after 1860, and increasingly after 1870, there was a small resident non-Indian population with whom the local Indians had a significant amount of contact. Indians did some wage work in this period, although it was not an economic mainstay. The genealogy of current families shows a few mixed-blood individuals born during this period.

There was a limited amount of conflict with Indians in the area, although it is difficult to accurately identify which Indians were involved. In 1865 a group of miners prospecting near Furnace Creek were ordered by Indians to leave, and later was attacked. However, Panamint Tom is reported to have blamed this attack on Paiutes from Kern County and claimed the local Indians warned the latter to stop (Weight 1970). In 1866, Camp Independence in the Owens Valley reported allegations of Indian threats to prospectors in Death Valley, and a small party was assigned to protect a group of non-Indians in the vicinity (Levy 1969). Other references from Camp Independence indicate the Indians in the general area including Death Valley were considered potentially hostile as late as 1875. There are some references in later oral history that indicate that Indians in the Panamints may have been drawn into the 1863 roundup of Indians in the Owens River Valley area to the west. Indians from this area were taken west to the Tejon Pass area, but some later returned (Irwin 1980, Steward 1938). Finally, there is evidence that in the 1860's or 1870's Indians from the Panamint Mountains engaged in some raiding of settlements to the southwest, in the direction of San Bernardino and Barstow (Irwin 1980). Tom Wilson, born in 1872, reported that his father had raided for horses into Los Angeles, possibly in the same period.

There are a variety of reports of Indians at Furnace Creek, beginning in 1849. A party of "49'ers" encountered a "big Indian camp" there, though all but one Indian had apparently left shortly before their arrival (Manly 1949). An 1857 survey map shows Indian huts at Furnace Creek (U.S Surveyor General 1857.) During a visit to Furnace Creek in 1858, a rancheria of over one hundred people, with 20 or 30 structures, was observed at the mouth of Furnace Creek. These Indians called themselves Panamint and distinguished themselves from Paiutes or Diggers. An 1861 party did not find any Indians at the site, but remarked rather knowledgeably that at that time of year they "had probably left for their summer resort in the high mountains on the other side of the valley, where they have their stores of pinenuts and dried Jackass rabbits (Woodward 1961)." The location would indicate this was either Wildrose Canyon

or Johnson Canyon, areas where several valley families are known to have spent the summers. A party of prospectors in 1866 encountered a deserted Indian settlement at Furnace Creek (Wheat 1939).

In 1870, non-Indians established a farm of some kind at Furnace Creek, and cattle were grazed there a little later (Chalfant 1930). These apparently did not last more than a year or two. In 1883, however, a ranch was begun at Furnace Creek, in support of the Harmony Borax works, just to the north, which also began in that year. Harmony Borax, the first really successful borax works in the valley, and Eagle Borax, begun in 1881 at Bennetts Wells in southern Death Valley, both employed Indians. Although the borax works only lasted a few years, the ranch and other activities at Furnace Creek from that point forward were an important source of wage work for Indians both from the settlement and elsewhere in Death Valley. Many sources indicate that going to the ranch for the haying and irrigation was an important seasonal wage activity from at least the 1890's.

In the 1890's the Indians were almost the entire population of the valley (Spears 1892, U.S. vs. Grantham). Traditional hunting and gardening are also reported for Furnace Creek in the 1890's. Testimony of a man who was at Furnace Creek in 1891 indicated that the Boland and Wilson families were the main Indian families there, and that it was their permanent area of residence. The testimony indicated that other Indians from the south end of the valley also worked there on occasion (U.S. vs. Grantham 1940).

There are a number of reports about the Indians in the Panamint Mountains and Panamint Valley, to the east of Death Valley. Indians are reported to have cut wood for the charcoal ovens at Wildrose Canyon that fed a smelting operation across the Panamint Valley, and to have washed clothes for the workers in the canyon (Kirk 1956). Indian work at this operation, which began in 1860, is recorded also in the oral history of the group. Also in 1860, a party of whites was led by an Indian into Surprise Canyon, just south of Hall Canyon, to a discovery which became known as the Christmas Mine (Weight 1970). Between 1873 and 1877, the mining boom town of Panamint, with as many as 1000 residents, flourished in Hall's Canyon. Indians were reported as occupying the area around Telescope Peak in February 1873. The Indians in the Panamint Mountain area around 1875 were identified as Shoshonis (Walter 1931). A report in 1875 gave the population as 800, "excluding Paiute Indians (Levy 1969)." Another 1875 report gave the population of the Rosespring Canyon District (presumably part of or near Panamint) as 25 whites and 30 "Pah Ute Indians (Levy 1969)." The Hungry Bill's Ranch area, just over the hill from Panamint, was temporarily used by whites to grow food to supply the town. Darwin, a town in the Panamint Valley where many of the group's ancestors lived from time to time, was established in 1875.

There are several historical reports concerning Indians in the northern arm of Death Valley, corresponding to the "district" which included Grapevine Canyon and Mesquite Spring. An 1836 expedition which traveled through the area and as far south as Furnace Creek, encountered Indians who told them of having seen the "49ers come onto the valley (Wheat 1939)." A party of prospectors in 1869 encountered a band of Indians north of McLean Spring (at the south end of the northern arm) and hired one as

a guide (see maps). The party went on further north in the valley and found other Indians at a pond made by damming a spring, shooting ducks with bows and arrows (Wheat 1939). The guide was described as living in a canyon with cottonwood trees and plenty of water, from the description possibly Cottonwood Canyon just to the west of Death Valley. Von Schmidt reported meeting Indians in the general area of the north end of the valley in 1871 (Levy 1969) and Hoffman in 1878 described the range of the "Shoshonees," which he distinguished from the "Pah-Utes," as extending to "Grapevine Springs in Armagosa (sic) (Euler 1966)." According to Steward (1938, 1941), the Indians there were cultivating at least 50 acres by 1870, although he felt their agricultural practices had been stimulated by white settlement at nearby Lida. Steward refers to the Indians there as "owning" the land, but does not indicate if he had reason to believe they acquired legal title to it.

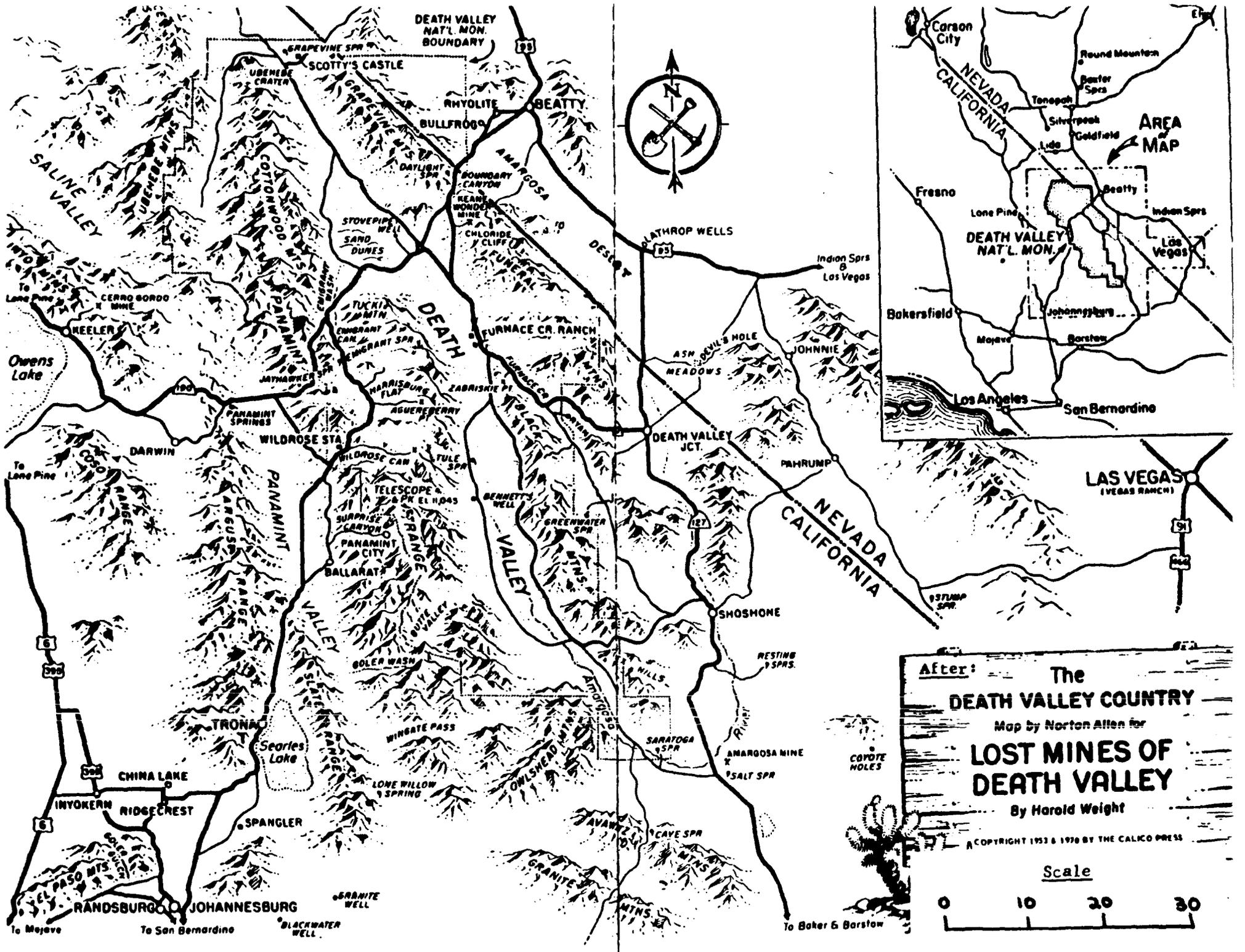
There was at least one mining district near Grapevine Canyon by 1870 and considerable mining in Lida, about 25 miles to the north. In the 1880's, a ranch was established by a white man named Steinger. This functioned until 1926, when it was bought out to build Scotty's Castle. The castle area is somewhat to the north of an area in the canyon shown on maps as "Indian Gardens," where Indians working there in the twentieth century camped (Wallace 1980, F.D.).

The earliest ethnographic report which probably concerns the group was provided by H.R. Henshaw of the Bureau of American Ethnology in 1886. Henshaw interviewed individuals in Darwin, who declared themselves to be from the Panamint Indian group. They reported there were 150 Panamints scattered in the desert east of the Panamint Valley, i.e., in the area of the Death Valley group (Henshaw 1907-10). Gatschet in 1879 was able to report that the language in the area was distinct from that of the Paiutes but that "the languages of the Panamint and Ke-at Indians have not been investigated..."

The first substantial ethnographic reports definitely referring to the Death Valley group are those by members of the Department of Agriculture Death Valley expedition of 1891. This expedition included ethnographer C. Hart Merriam. The areas described in the published reports correspond to the traditional areas described earlier as Hungry Bill's Ranch and George Hanson's Indian Ranch in southern Death Valley and the Hunter family area in Cottonwood Canyon in Saline Valley. The latter were reported by Steward to be related to and frequently visiting and intermarrying with the Death Valley Indians. These reports refer to the local Indians as the "Panamint tribe."

The reports describe that the Indians had several acres of corn, potatoes, squashes, and melons under cultivation. To this was added hunting and only minor reliance on food bought from whites. Guns were used, but bows and arrows were also used. The majority of cooking utensils were traditional, e.g., wickerware and basketry, but were combined with manufactured utensils such as knives and pots. It was also reported that the men found work at times for the mining camps in the area, as mail carrier from Death Valley to Ballarat in Panamint Valley, etc. Some of the Indians occasionally visited the Owens Valley area (Nelson 1891, Dutcher 1893, Coville 1892).

Although pre-1900 accounts rarely provide individual names, the locations and sizes of settlements in these accounts correspond very closely with those from Steward's



After: **The DEATH VALLEY COUNTRY**
 Map by Norton Allen for
LOST MINES OF DEATH VALLEY
 By Harold Weight
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Scale
 0 10 20 30

ethnographic research in the 1920's, testimony in connection with the 1928 Indians of California payment, testimony in 1940 about Hungry Bill's allotment, and similar materials. All of these later materials place the group's ancestors in the specific locations described above.

Those names which do appear in materials from 1900 and before are also consistent with those in later oral and ethnographic accounts. Federick Coville, who was part of the 1891 expedition, interviewed among others, Panamint Bill (Hungry Bill), and Frank Kennedy, a white described as living among the Indians at Wildrose, who other sources indicate may have been Joe Kennedy's father. Two photos by C. Hart Merriam, dated 1891, identify Panamint Joe and Indian George (George Hanson) as Panamint Indians (University of California 1969). The Federal censuses of 1870 and 1880 offer no useful data, since many Indians refused to give their Indian names and had no white surnames. However the 1900 census for the area shows George Hanson and his family, Panamint Tom (ancestor of the Thompsons) and his family, Grapevine and Bill Dock, as well as Panamint Joe, who was related to Panamint Tom, identifying them as Shoshone or Paiute. It also shows Ashmead Charley, who may be related to current families. The census is probably not complete, appearing to have only reported some of the Indians who were most well-known to whites.

History from 1900 to 1933

Although the history of the Death Valley Indians from 1900 to the 1930's is not known in great detail, it was evidently a period in which earlier social and cultural patterns were generally preserved. In this period, however, there was increased movement by the Indians to work in nearby towns and mines, and a somewhat increased white population in the area. There were several short-lived mining booms between 1900 and 1910 in the Panamint Mountains, near Beatty, and elsewhere around the valley. Of more importance was the revival of borax mining in the valley in 1903, first at Old Ryan, and then at new Ryan, from 1914 to 1928. Tourism increased in the valley in the 1920's as several hotels were opened. The mansion known as Scotty's Castle was also built at the site of the Steiniger Ranch in Grapevine Canyon in this period.

All of the traditional locations of the group continued to be utilized at least until late in this period, but probably with increased dependence on wage work. Steward (1938) comments that mining booms early in the century had caused a reduction in traditional agriculture and increased movement to seek wage work. Oral history and Indian Bureau censuses (Bishop Agency 1916-26, BIA 1933, 1936) from 1916 to 1936 indicate that significant permanent shifts in residence probably didn't begin until the 1920's. After 1920 there particularly was an increase in the number of families listed at Furnace Creek, Scotty's Castle (Grapevine Canyon), Lida, and Beatty. These were all areas where there were good opportunities for work in this period, though also areas where some families had traditionally lived. Even at this time, the families listed in these particular location were most frequently either traditionally resident there or had kin links with local families.

Fall gatherings continued to be held and the seasonal cycle of movement out of the valley to Wildrose Canyon or the Sierras continued. Indians at Furnace Creek were still reported to be hunting with bows and arrows in 1923 (Perkins 1923). Traditional curers were still active (F.D.).

Although the traditional subgroupings were evidently still intact, little specific information was available about leadership in the group. A number of the individuals noted by Steward or others as leaders survived into, or in some cases beyond, this period. Panamint Tom and Hungry Bill died around 1917, Grapevine Dock in 1926, and Bill Boland in 1929. George Hanson and Bill Dock survived beyond this period.

The earliest date of involvement of the Bureau of Indian Affairs with the Death Valley Indians was not determined. Some degree of contact is evident, however, soon after 1900. A 1906 survey of California Indians by Special Agent Charles Kelsey listed two families in the Panamint Valley which are among the ancestors of the present group, those of Panamint Tom and his cousin, Panamint Joe. Kelsey's report also noted there were nine families, with total of 40 members, living in Death Valley. The report provides no names or other details on these. Kelsey's survey was part of an effort to clarify the problem of the large numbers of unenrolled Indians in California (Kelsey 1971). The next evidence of contact is the approval in 1908 of an allotment for Hungry Bill in the Panamint Mountains. The reports of the Bishop Indian Agency, which was established at Bishop in the Owens Valley area of the Sierras in 1911, indicate that it considered the Indians of Death Valley to be under its jurisdiction. The agency, however, was 160 miles away, over very difficult country, and therefore was mainly active in areas near to it (Bishop Agency 1911-1926). The Bishop Agency dealt with and provided services to landless and "homeless" Indians within its jurisdiction and devoted considerable effort to obtaining land for these Indians. Hungry Bill's allotment in 1908 indicated there may have been some contact with the Indians of the Death Valley area before 1911 by the Carson Agency, which had jurisdiction over the Indians of the Sierra areas before Bishop Agency was established. After 1926, Bishop was closed and jurisdiction transferred to Walker River Agency and, subsequently, to Carson Agency again.

There were only a couple of actions to provide land for Indians of the area which affected the Death Valley group. Hungry Bill applied for a homestead for the area known as Hungry Bill's Ranch in Johnson Canyon in the Panamints. This was granted in 1907 and then this was reversed and his application sent through the Carson Indian Agency. His selection for an Indian allotment was approved in 1908, although the trust patent wasn't issued until 1927 (Jenkins 1959). George Hanson's Indian Ranch in the Panamint Valley was made a reservation in 1928. The only other action regarding land that was discovered was an allotment given in 1936 to Robert Thompson, son of Panamint Tom (Funk 1935).

Some of the group applied for payment under the 1928 Indians of California claims. Members of the group recall collecting money to hire someone to help them with this. It was not determined whether members or their ancestors received payment, but some individuals believe they did not.

After around 1910, some of the children began to attend school. This was apparently the earliest generation to receive any formal education. Members of the least one family attended Carson Indian Boarding School between 1911 and 1916 and in 1915 the Carson Superintendent wrote to several Death Valley Indians living at Lida and offered to enroll their children (Carson Indian School 1920-60?). Some Death Valley Indian

children attended public school in places like Darwin and Beatty, probably as early as 1915(F.D.). It was not determined whether public schooling was funded by the Bureau before 1920.

Beginning in 1918, the Commissioner's office was urging the agency to place all the Indian children in public schools and to pay tuition for them. The agency reported that there were seven families with 16 children of school age in 1920 at Furnace Creek. Commissioner Merritt (1920) directed the agent to "consider them under his jurisdiction" and to get them into school. In 1921 and 1922, the Bishop agent attempted to get the Furnace Creek Indians with school children to move to Owens Valley, to attend the Indian schools there, but they refused. Reference is made in this correspondence to them as a "band" and as a "community (Parrett 1920, 1922)." In 1921 it was reported that the group did not want to move because it did not want to be under government jurisdiction and, by implication, wanted to continue working at Furnace Creek. Beginning around 1922, the Bureau paid tuition for Furnace Creek Indians to attend public school. They first attended at Ryan, a mining town at the edge of the valley and then, at least in 1925 and 1926, at a school at Furnace Creek itself. This latter school had 15 Indian pupils and no non-Indian pupils at this time (Sunset Magazine 1925). Adult Indians were also taught there, after hours.

There were variations and interruptions in Indian Service funding for public schooling from 1926 to 1932, due to shortages of funds, conflicts with the public school districts and other factors (Rhoades 1932). Funding after 1932 appears to have been fairly consistent. The school at Death Valley was referred to as "The Death Valley Special School," although it was under the Ryan District. Besides those at Furnace Creek, others from the group probably were funded to attend public schools at Darwin and Beatty. At least a few individuals attended Carson and Sherman Boarding schools in the 1920's. After 1931 there were consistently at least half-a-dozen members attending Carson and at least a few at Sherman as well (Carson Indian School 1920-60?).

History 1933 to 1942

In 1933, Death Valley National Monument was established, covering essentially all of Death Valley. Consequently, it covered most of the areas where the Shoshones had been living, or hunting and gathering, except small areas of private land such as Hungry Bill's allotment and non-Indian holdings such as those at Furnace Creek. Panamint Tom's area in Johnson Canyon was allotted to his son, Robert Thompson, a few years later, with the concurrence of the National Park Service (NPS). Indian families were still living at a number of the traditional locations in the 1930's but the group was becoming more concentrated. By 1940 probably only a few sites, principally Furnace Creek, were being occupied. A distinct community may still have been functioning at Grapevine Canyon until 1940, the Wilson-Billison family still used Hungry Bill's Ranch, and the Hunter family was still at Hunter Canyon. Wildrose Canyon in the Panamints was still functioning as a summer settlement. Hunting was

gradually being restricted, as a result of establishment of the monument, as was also the running of horses and burros, another source of Indian livelihood.

The winter population of the Indian settlement at Furnace Creek had increased substantially in the 1930's and ranged from about 40 to 60. Residents of this village by now represented a wide variety of the families associated with Death Valley and nearby mountains and not just families belonging to the immediate location. The primary employment was with the borax company. The village itself was on land claimed by the company. Six Indian children were attending public school in the valley.

In 1936, the poor condition of the Indians led to efforts to do something about their situation. The county was reluctant to provide relief services to the Indians. The borax company and the county wanted the Indians removed from the valley. However, both the monument superintendent T.R. Goodwin and the BIA superintendent at Carson Agency, Nevada, Alida Bowler, opposed this. Both felt that it would be improper as well as difficult to remove the Indians from the area that both Bowler and Goodwin (1936a) recognized as the Indians' traditional territory. Bowler's (1936) opinion was that even if they were removed to a good location, she was certain within a year most would have "drifted back to their traditional home and way of living, which is to winter in Death Valley or adjacent valleys and to move into the Panamint or other mountain ranges during the summer."

Bowler and Goodwin cooperated in the next several years to seek improvement in the Indians' condition. They sought improvement of the school facilities and services from the county, made arrangements for relief supplies provided through the Carson Agency to be distributed by the Park Service to Indians in the valley, and sought to have a self-supporting Indian colony set up in the valley, modeled after the Indian colony in Yosemite National Park (Goodwin 1936a).

The key effort was the provision of this colony for the group at Furnace Creek. A "memorandum of understanding" between the BIA and the National Park Service was signed May 23, 1936, "relative to establishing a colony of Indians in the Death Valley Monument (BIA 1936b)." Under it, the BIA agreed to provide \$5000 worth of building materials for the provision of housing at Furnace Creek with the intent it be for the Indians there, with the Park Service to superintend the construction and provide most of the labor. The site was to be selected by the Park Service. It was originally expected that the borax company would donate land, but when this proved difficult to arrange, a site was selected on Park Service land. The agreement provided also that the families receiving houses were to be selected by the Indian Service, subject to the approval of the Park Service, and that the Park Service could charge a reasonable amount for upkeep and maintenance of the houses. The Park Service was also to provide employment to the extent it had it available. The memorandum was signed by Commissioner John Collier and the director of the NPS. Construction of the houses did not begin until 1937.

Later in 1936, F.H. Daiker, Assistant to the Indian Commissioner, wrote to Bowler stating that the Bureau did not have any funds to support these Indians in general, evidently viewing it as not currently a legal obligation of the Bureau. He said the best hope of the Indians would be through a rehabilitation project. He requested, however, to know whether the Indians would be able to establish status as a community

of half-blood Indians and so to organize and obtain the benefits of the Indian Reorganization Act (Daiker 1926). There was no record to indicate whether any action was taken on Daiker's request at that time.

The Indian Ranch group voted 8 to 0 in 1937 to accept the Indian Reorganization Act. However, no constitution or other organization was adopted under the act or otherwise.

In December 1937, Bowler held a meeting of the group for the purpose "of choosing a council to represent them in all their business affairs (Bowler 1937)." She explained to them that "now that they were living in a definite little community," they needed a governing body to set up and enforce certain rules for the community. Her immediate concern was to have a governing body to deal with in connection with the housing in the colony. The monument superintendent favored the formation of a council because there was no authority he could deal with over problems he was having with the group about sanitation in the settlement (Goodwin 1937).

The group, which consisted of all the adult Indians at Furnace Creek, talked it over according to Bowler, and decided to have a council composed of three members (Bowler 1937). The group then elected Hank Patterson, almost unanimously, Tom Wilson, and Fred Thompson as a council. These three in turn decided to have Patterson as chairman, Tom Wilson as vice-chairman, and Thompson as secretary. Hank Patterson was reportedly chosen as chairman because of his good command of English (F.D.).

The Indians at this meeting also, by unanimous vote, authorized the councilmen to sign the papers to accept the rehabilitation grant providing the funds for the houses in the colony. Nine houses were to be built. The document they signed was titled, "Trust Agreement for Rehabilitation Grant to Unorganized Tribe." It was for an expenditure of \$6500 for the period of March 14, 1936 to March 11, 1937 (BIA 1937). The trust agreement refers to the money as being provided to the "Death Valley Shoshone Tribe, a recognized tribe..." under Carson Agency jurisdiction. The funds were provided under the Emergency Relief Appropriation Act of 1935. Later correspondence referred to the settlement as a "rehabilitation Indian colony (Mueller 1941)."

The document refers to the rehabilitation plan as "approved by the tribe April 10, 1936." This may have been an informal approval, since no documentary record of it was discovered. Under a rider to the agreement, the councilmen were to determine, subject to the superintendent's approval, whether the Indians who got houses had the ability to repay all or part of the cost. It also stated that the "Tribe" was to maintain and operate the water system that was to be built with the grant.

After some discussion of the location for the village, it was placed on a 40 acre tract of Park Service land south of the Furnace Creek Ranch. The Indian settlement had been to the north, on land owned by the borax company. It probably was moved off at the company's insistence. The group found this new location much less desirable, distant from the school and from the mesquite groves which had been a reason for the original location (F.D.).

Between 1938 and 1940 there were continuing attempts by Superintendent Bowler, Bureau officials in Washington, and Park Superintendent Goodwin to clarify the status

of the group and to change that status so that more secure conditions and more services could be provided for them. Among the avenues for achieving improved status were requests to have the Furnace Creek village land made into a reservation. The Park Service stated at one point that it had undertaken the village project on the assurance by Bowler that the area could be made a reservation, although it later opposed this (Goodwin 1936b). The Bureau also at one point attempted to provide the group with status as a community of half-blood Indians. The attempts to find a rationale for services generated a complex series of discussions of the bases for providing services to landless Indians, some of which are discussed below. The key question was whether or not they were "ward" Indians and, if not, if they could be made "ward" Indians. "Ward" Indians, judging by the correspondence and reports of the time, were clearly entitled to all of the benefits and services of the Bureau. Ward status apparently depended primarily on membership in a tribe with a reservation or ownership of other trust property such as an allotment, or, after the Indian Reorganization Act of 1934, declaration of status as Indians of one-half degree Indian blood or more. Non-wards were technically considered to be at least partly the responsibility of local government. Superintendent Bowler particularly made efforts to obtain assistance from Inyo County, but found that the county considered the Indians to be the Federal government's responsibility.

Despite their status as "non-wards," the Death Valley Indians and other landless Indians of the region were provided with a variety of services and considered to be the responsibility of the Indian agency having jurisdiction in the area, from at least 1911 to the 1940's. The extent of this responsibility and the services provided have been described above, and included attempts to acquire land for landless Indians in the area.

The Washington office of the BIA in 1938 informed the social worker at the Carson Agency that the Death Valley Indians were not wards and that therefore they could not be extended relief funds (Bowler 1938). In response to this, Bowler in November 1938 inquired of Commissioner Collier whether there was any way the colony could be declared a reservation so that the Indians could have ward status and thus be taken care of by the Bureau. Bowler met with the village and as a result "they prepared a petition," to Commissioner John Collier. The petition stated that they had "formed a tribal council to govern the people," and asked that the 40 acre tract be made an Indian reservation so that they would be eligible for the services and protection of the Bureau (DVST 1938). This was signed by 21 adults, including most of the inhabitants of the village and Tom Wilson and his wife, who at the time were living in southern Death Valley. The Thompson, Shoshone, Kennedy, Patterson and Boland families were represented.

Fred Daiker, Assistant to Commissioner Collier, finally replied to Bowler's inquiry in June 1939. He stated that the 40 acre tract set aside in the monument could not be proclaimed a reservation except by act of congress. In a November letter he reiterated this position, saying further that he wasn't sure the Park Service would support such legislation. He stated that the 1936 agreement only gave the Indians a right of occupancy and that the only authority available for declaring a reservation, the Indian Reorganization Act, could not be applied to the Monument lands (Daiker 1939a). The Monument Superintendent, Goodwin, then wrote to the Park Service's

Washington offices citing the urgent need of the Indians and recommending that NPS and BIA jointly suggest legislation which would give the Indian Service title to the 40 acre tract. He noted that the site at Furnace Creek was "an historic site occupied by the Death Valley Shoshone Indians for many generations (Goodwin 1939)."

The effort to create a reservation stalled at this point and were never renewed. There was a mixture of opinions in the Park Service's Washington office toward such legislation, but no clear final decision was found. There were discussions between NPS and BIA over how to resolve the question. A Park Service memo, as a result of a meeting with Bureau officials in Washington, indicated the Park Service's understanding that Commissioner Collier didn't favor setting up a reservation (Collins 1939). Daiker wrote the Carson Agency in November 1939 indicating he was uncertain whether the Park Service would support legislation and suggesting that even so congressional approval was uncertain.

As an alternative to a reservation, Daiker's letter instructed the Carson Agency to undertake the process of recognizing members of the group as persons of one-half degree Indian blood under section 19 of the Indian Reorganization Act, and enclosed application forms and instructions. This recognition would have given them "ward" status, in Daiker's words, even though without a reservation they would be unable to incorporate and thus could not receive the full benefits of the act (Daiker 1939b). Daiker's letter followed an October 1939 memorandum from the Commissioner to the Indian Organization section of the Bureau to "take the necessary steps for the enrollment of this band of Shoshones . . . (Collier 1939)."

Acting Carson Superintendent Frank Parcher replied to Daiker's letter by questioning whether Indian Service funds could be expended for Indians without a reservation (Parcher 1939). He stated that the Comptroller General had in the past defined "ward" Indians as Indians who lived on government land. This may refer to a 1925 Comptroller General's opinion which states that there is no guardian-ward relationship between the Federal Government and Indians who have no reservation or trust land or treaty relationship and "who have adopted the habits of civilized life and become citizens of the U.S. by virtue of an act of Congress."

Parcher's letter evidently prompted considerable discussion in Washington, indicating uncertainty over the applicability of the Comptroller's opinion. This was despite the clearly established policy at the time of recognizing Indians of one-half degree Indian blood or more as eligible for services under Section 19 of the Indian Reorganization Act. Various draft letters and memos took the position that the passage of the IRA, subsequent to the Comptroller's decision, had modified the bases for ward status, and that the government in the past had recognized those Indians as eligible for benefits and as being under Federal supervision. Finally, in July 1940, Barton Green, writing for the Commissioner, wrote the agency stating that recognition under Section 19 of the IRA might only be necessary for benefits under that act and that "these people are entitled to the benefits and privileges as wards of the government without regard to their blood status..." He instructed Foster that they could therefore deal with the Death Valley Indians as wards of the government and extend aid to them.

There is no record that any work was conducted toward recognizing members of the group as half-blood Indians after the letter by Daiker and the subsequent correspondence about the group's status. The status of the land set aside within the Monument remained unchanged. It remained simply an area on which the Park Service, with the agreement of the Bureau, allowed the Indians to live. Although Bowler left in 1940, the Carson Agency continued to provide services and play an active role in administering the village and assisting individual members of the group. A number of the children continued to attend Indian Service boarding school. In 1939, a second rehabilitation grant for \$500 was made to provide money for a community laundry. This project was set up as a means of providing employment for the village, since it was felt the Monument and the Borax company could not provide enough. Another source of employment and income from 1939 to 1942 was a branch of the Wai Pa Shone trading post, an Indian cooperative operating in Nevada which marketed Indian crafts. It provided a market for baskets and other items made in the village. A community service worker lived at the village in the winter of 1939, paid through the Indian Service and the trading post cooperative. She helped with the running of the trading post and the laundry (Murphey 1940). One of the Indian women took over these functions the next year, when there were no funds for the community service worker. An Indian Service doctor made regular visits up through 1941.

In 1940, the group redesignated Hank Patterson and Tom Wilson as trustees. The trustees took action in 1940 to accept the second rehabilitation grant. The last recorded formal action by the trustees was in 1942, although the Bureau continued to consult with Tom Wilson (DVST 1940, 1942).

History from 1942 to 1980

World War II greatly reduced the village population as younger men joined the army and as others left the valley to find jobs. The hotels were closed in 1943 because of the war. The laundry and trading post were closed in 1942. Where there had been 12 families there in 1941, in 1943 there were only three or four. The village was never completely abandoned, with at least a few families continuing to live there during the war years and afterwards. A few other families lived in the nearby towns of Lida and Beatty and in the Panamint Valley (Goodwin 1946). Of the three trustees, Hank Patterson had moved his family permanently to Fish Lake Valley, to the north, Fred Thompson had moved permanently to Duckwater Reservation, and Tom Wilson continued to live in the valley until his death in 1949.

The limited information for the years 1942 to 1949 indicates the BIA still considered the Death Valley group their responsibility. As many as nine children were attending Carson boarding school at one time, the only Indian school for which records were checked in detail (Carson Indian School 1920-1960?). At least a few attended Sherman Institute as well. A few children attended public school in the valley, but it could not be determined if the BIA continued to pay for their schooling. Indian Service personnel continued to make visits in 1943. The program of the Carson Indian Agency for 1944 shows an Indian colony at Death Valley on a map and specifically indicates Death Valley is part of its jurisdiction, but makes no specific mention of services to be provided. In 1947, the BIA made inquiry and BIA personnel visited the village to determine the occupancy and condition of the houses. The monument superintendent

told the BIA that he expected the Indians would return as post-war jobs became scarce. He recommended that the former occupants be given time to return (Gilmore 1947).

The Indian Ranch Reservation was no longer occupied after about 1945, although descendants of George Hanson continued, and continue, to live in nearby areas. The land was leased out by the BIA. Hanson's descendants petitioned in 1955 to sell the land, then reversed themselves in 1957 (Hanson et al 1955, Hanson 1957). However, the Bureau had included the reservation in proposed termination legislation and refused to recommend that it be removed. The Indian Ranch Reservation was thus one of the rancherias listed in the legislation of August 17, 1958 (72 Stat. 19), which provided the mechanism for the termination of almost 40 California rancherias.

The 1950's were a low point for Bureau contact with the group. A decreasing number of Death Valley students show in the records of enrollment at Stewart (formerly Carson) Indian Boarding School, the main institution in which the group's children had been enrolled. No new names appeared in the Stewart records after 1949, and only a few students were enrolled after 1952, although one continued as late as 1959. This may reflect, however, the general cessation of services to California Indians in this period (cf. below). No detailed information was available concerning whether or not there were other Bureau contacts with the group in these years.

No detailed information was developed concerning other possible Bureau contacts with the group in the 1950's and 1960's but there is little evidence that any services other than the limited educational ones discussed above were provided. In 1956, in response to an inquiry from the Park Service, the California Area Director stated that because the group had no trust land and the Bureau provided no services to California Indians who had no interest in trust properties, "the Indian Bureau cannot exercise a large degree of responsibility over Indian residents of the National Monument (Hill 1956)." It appears that some time in the 1950's, probably after the passage of the 1953 House Resolution calling for termination of Federal responsibilities for Indians in California and a number of other areas, Federal services to non-reservation Indians in California were sharply reduced. Bureau programs in California were greatly restricted for reservation groups as well, because the State of California was to provide services. In 1968, in response to a request from the State of California, the Commissioner of Indian Affairs changed the policy to extend Bureau programs to California Indians on the same basis as tribes received services elsewhere (Bennett 1968).

In 1956, the Park Service decided to revise its policies toward the Death Valley group. It wrote the BIA, suggesting that the 1936 agreement between the two agencies needed to be canceled or revised, and requested the Bureau's advice concerning improving the economic condition of the Indians. The Sacramento Area Office Director replied, as noted above, that the Indian Bureau could not exercise a large degree of responsibility over the group, although it was interested in knowing the changes in policy. In May 1957, the Park Service set out a new Indian village policy which stated that the Indian village should be eliminated gradually, but that some maintenance should be provided in the meantime. A system of permits and revised fees was instituted. Housing was limited to the present occupants and their descendants, with houses to be torn down when they became vacant. It stressed that the Indians were not wards and that the 1936 agreement should be canceled. The

statement also said that the BIA's Sacramento Area Director "saw no objection to the general proposal (National Park Service 1957)." A 1959 Park Service memo said that the Acting Commissioner of Indian Affairs had concurred in the cancellation of the 1936 memorandum of understanding and endorsed the proposed Park Service policies concerning the houses and the village (Price 1959).

There continued to be relatively few families in the village at Furnace Creek in the early and middle 1950's. The Park Service stated in 1957 that there were no men in the village, that there was virtually no employment and most of the village was on relief (NPS 1957). There were 10 families in 1958 (Graham 1958). References in 1958 (San Bernardino Sun Telegram) and a National Park Study in 1959 (Belden) indicated that there were still a few Indians living elsewhere in the monument besides the village. The Park Service study stated that there were still individual families living in the Panamint Range. There were also actively used religious sites (Belden 1959). The last surviving medicine men are reported to have died in the late 1950's (Kirk 1956, F.D.). The traditional seasonal movement to Wildrose Canyon in the summer continued until at least 1956 when, according to informants, the Park Service refused to allow it any longer. Some families had been spending the summer at Indian settlements in the Sierras or elsewhere, and others now followed.

After 1960, there were gradual changes in the village. A number of members returned to the village around this time, among them Pauline Esteves who appears as an important spokesman and leader in succeeding years. The Park Service was still concerned with the poor quality of the housing and considering what they should do about it. The Monument Superintendent met in 1963 with the entire village concerning housing, and a slightly revised housing policy was set forth which reduced rents (NPS 1963). It does not appear rents were ever systematically collected. The Park Service found that the attempts to collect the rent created a lot of hostility and felt that the rent, because of the condition of the houses, wasn't justified. There is record of a 1966 meeting with the village concerning housing, with Pauline Esteves and Grace Watterson Goad as spokesmen (NPS 1966).

In 1964, the termination of the Indian Ranch Reservation under the 1958 termination act became final. The termination notice lists seven descendants of George Hanson as being specifically terminated. None of these seven are listed on the current Death Valley Timbi-Sha membership roll, but five other descendants of George Hanson, four of them born before the termination notice was published, are on the membership list. One of the five was an adult at the time of termination. The other four are grandchildren or great-grandchildren of a terminated person. The intervening ancestor, the father and grandfather respectively, is listed neither as terminated nor as a member of the Death Valley band. The reservation land was vested in the seven people listed in the termination notice, as owners in common (Department of the Interior 1964).

After the late 1950's, the population of the village remained more or less stable with the essentially the same group of families. Changes tended to be due to the migration in or out of children of the oldest residents. The latter had been living there more or less continuously since 1940. In 1966 there were at least 18 residents. In 1970, 23 residents were reported (Tobin 1970). In 1970, there were six families, with eight children in local schools (Oliver 1971), and in 1972 there were nine families reported.

Beginning in 1970, changes occurred in BIA and Park Service policies, which became more favorable to the group. At the same time, Indian service organizations became interested in the group. In 1970, California Indian Legal Services became involved, seeking more services for the group (Tobin 1970). In 1971, the Intertribal Council of California also became interested in assisting the group (Diaz de Leon 1972). Probably as a result of this, the BIA inquired of the Park Service in 1971 whether lands in the monument could be withdrawn to establish a reservation for the group, so that they could provide more services. The Park Service felt that they should retain their existing policies toward the village and that they had no authority to make such a land transfer without legislation (Murphy 1971, McMunn 1972). The Indian Health Service also sought away to provide services in the early 1970's (Daellenboch 1972).

Efforts focused on the immediate problems of improving housing and providing electrical and water service. Park Service policy had shifted toward a greater recognition of the group and the likelihood that they were a permanent part of the Monument. This reflected national changes in Indian policy. After the group was determined in 1977 to be eligible for services as half-blood Indians (see below), the BIA agreed to provide funds to help finance trailers in the village and the provision of electrical service. The Indian Health Service entered into an agreement in 1978 with NPS and the group to provide a water and sewage system. Under the agreement, the band was to establish service charges and regulations to govern water and sewage connections (Indian Health Service 1978).

In 1976 the group petitioned to be recognized as a community of half-blood Indians under the Indian Reorganization Act (DVTS 1976). In 1977 the group was determined to be eligible to organize as a half-blood community and to be eligible for services as individual Indians (Finale 1977). They could not organize as a community of half-bloods under the Indian Reorganization Act because they did not have a trust land base and, because of the Monument, could not easily obtain one. They have not proceeded further on this question, preferring to petition for acknowledgment as a tribe under 25 CFR 54. They were encouraged by the BIA to organize an association outside the Indian Reorganization Act (Finale 1977) and they adopted such articles in 1978 (DVTS 1978a).

In 1979, there were 11 resident families in the winter season, occupying five of the original houses, four of the new trailers and two older trailers. Subsequently, a fifth new trailer has been moved into the village. It was stated that ten of the group had worked for NPS that season and ten for the local hotels. The level of employment, however, fluctuated greatly from season to season. In 1979, the group petitioned for Federal Acknowledgment under 25 CFR 54.

THE CONTEMPORARY BAND

The contemporary Death Valley Timbi-Sha are a result of the combination of all of the traditional groups, referred to by Steward (1938) as "districts," from northern and southern Death Valley, Furnace Creek, and the surrounding mountains. It is derived from most if not all of the historically known family lines occupying those areas. The

majority of current families derive from the Dock, Shoshone, Patterson, and Boland lines, which are strongly interrelated in earlier generations, as well as the Kennedy, Button, and Thompson-Billison-Wilson lines. There are a few who descend from the Hanson, Charley, Hunter and Shaw lines. The latter two lines are closely linked by intermarriage with other family lines in the group. The Hanson line is probably historically derived from the Docks. These represent most if not all of the families historically known to be from Death Valley. There remains a strong sense within the group of the different geographical locations within the Death Valley area from which particular families are derived (F.D.).

The group to a large degree continues its traditional and historical cultural patterns as an informally organized, geographically dispersed group. Close contact and identification is still maintained between a large proportion of the members. There continues to be a core group of families living at the Indian village in Death Valley. These center around the Boland family line, which is historically from that location, along with individuals from the Shoshone, Dock and Cottonwood(Button) families. The village community clearly provides a strong social core and focus for the group.

There is still a significant degree of intermarriage between group members, particularly among village residents, which contributes to the links between the group members. Traditional rules limit intermarriage to no closer than fourth or fifth cousin, and these rules are still espoused and followed to large degree. This, in a small population, had led to an increasing number of marriages outside the group, which itself is consistent with traditional patterns in which intermarriage linked neighboring villages and districts.

Marriages up to the 1950's or so tended to be within the group, though some marriage with whites occurred as early as the turn of the century among families still represented on the group. After 1950, outmarriage increased, probably corresponding to movement out of the valley in the 1940's by individuals going to school or seeking jobs. At least half a dozen or more of the intermarriages are with nearby Indians from the Sierras or Nevada, from reservations, such as at Bishop and Lone Pine, of the Northern and Southern Paiute and Tubatulabal groups. Some of the children of marriages with Indians from other reservations have been enrolled on these reservations.

Traditional movement patterns are also represented in the continuance of the seasonal movement out of the valley during the summer months, usually to one of the Sierra reservations such as at Bishop. There is also a certain amount of change of residence in and out of the valley, according to the availability of jobs and housing. With the availability of trailers with electrical and water facilities, several individuals have moved back to the valley.

Based on the current membership list, the present population of the village in winter is around 26. Another 83 live on or near the Sierra reservations, which is an area of traditional contact and also the closest reasonable area of settlement away from the valley, to the west, although it is a minimum of 75 miles. Another 22 members are in Nevada, some of them on other reservations living with spouses from those reservations. It should be noted that a variety of generations from the oldest to the youngest is represented in each of these areas. Twenty eight of the remaining members are scattered in urban areas of California. Contact at least among the

members in the valley, the Sierras and some of those in Nevada appears to be quite close, although there are some families with whom contact has become limited. Most of those interviewed both in and out of the valley had a detailed knowledge of the kinship links, family history, and areas of current residence of a wide range of others in the group. Contact is maintained between the valley and outside by visiting.

A considerable amount of distinction from non-Indians has been maintained. All of the adult members of the group apparently speak Shoshone as a regular conversational medium. According to members, many of the children speak the language as well, although this ability is decreasing. Older individuals appear to speak Shoshone as their preferred language. The kinship terms used by individuals speaking English often reflect the traditional Shoshone classifications, which differ from those of non-Indians. The interpersonal behavior of group members appears to be culturally distinct from non-Indians. There is some reluctance to discuss earlier events, based on traditional avoidance of invoking the names of the dead. In general there is substantial knowledge of cultural traditions retained by many members of the group. No information was collected concerning continuance of religious traditions or religious use of traditional land sites, although there is still considerable knowledge of such sites. Seasonal collecting of pinenuts is still carried out (F.D.).

The current Furnace Creek village consists of five trailers and five or six residences in the old part of the village, in some of the original adobe houses and some small older trailers there. It is still centered around five older individuals, none younger than 60, who have lived in the village more or less all of their lives. The rest are children and grandchildren of these people. One additional family lives in non-Indian housing elsewhere in the valley.

While the housing problem has been partially alleviated by the addition of trailers, economic opportunities in the valley continue to be a limiting factor. The only sources of employment are the three hotels, the National Park Service, and the mines. Most of the employment, at the hotels and with the Park Service, has been seasonal, and is often unskilled. This reflects the seasonal fluctuation in the valley, which largely closes down in the summer because of the extreme heat. Employment levels have fluctuated, ranging from more than a dozen in 1979 to only a few in the early part of the 1980 season.

ANALYSIS

Maintenance of Political Processes within the Group

Although it is reasonably certain that political processes and tribal political relations have been maintained within the group since earliest historical times, it is difficult to provide direct and detailed data on this for several major periods. This is in part because of the traditionally informal, kinship based nature of political processes within Shoshone culture, which are not easily observed by outsiders. These kinds of political processes appear to have been maintained until the present. The evidence must be viewed in this cultural context and in light of the maintenance of close social contact

among the Death Valley Shoshone. The composition of the group has been maintained as substantially the same as in early historical times and a considerable degree of social distinction and traditional cultural attitudes have also been maintained.

Little or no data on formal or informal political processes was provided in the petition for several major historical periods. In particular, it was necessary to develop a description for the period between the early 1940's, when the formal council ceased to function, and the adoption of articles of association in 1978.

In the traditional culture there was limited formalized political process because of the mobile, family based character of the society. The most formal positions were that of hunt leader, fall festival leader and dance chief. Steward describes these as having been fairly well defined positions among the Death Valley Shoshone though functions and authority were somewhat limited according to situation. The term for chief translated as "big talker," indicating the noncoercive nature (Steward 1938) of authority characteristic of many Indian cultures. Day to day authority would have been exercised by male family heads in the context of kin roles. Beyond this, political process in the sense of control of individual behavior and achievement of consensus of group needs occurs informally in this kind of society. It operates through social pressure exercised in the small closely related, interdependent groups such as existed here.

The materials available concerning the Death Valley group support a conclusion that there existed leaders and spokesmen in the period before the 1930's and that political processes were maintained within the group. This conclusion rests, in part, on the fact that the traditional groupings and subgroupings continued to exist up to that point. In addition, at least some of those noted as leaders survived until the 1930's or close to that time. Grapevine Dock, who Steward notes as chief in northern Death Valley, survived until at least 1926. His son, Bill Dock, who by tradition should have, and probably did succeed as chief, lived until the late 1930's. Bill Boland, who by tradition was the leader at Furnace Creek, died in 1929. His son Johnny, who is referred to in some accounts as a "chief," died in the village in 1944 (Goodwin 1944, F.D.). George Hanson was a traditional leader in the southern area, being said to have succeeded Panamint Tom, the chief listed by Steward. The last of the curers, who were generally influential in Shoshone society, died in the 1950's (Kirk 1956).

There is good evidence that the traditional society in which these kinds of leaders functioned survived through the 1930's and indeed still does today in the sense of a close-knit, relatively traditional population. The traditional seasonal gatherings, e.g., fall festivals, survived until at least 1940. It was mentioned in 1936 that a particular tribal member was, temporarily, excluded from the Furnace Creek village by "tribal edict (Goodwin 1936a)."

The formal council of trustees elected by the group in 1937 and reelected in 1940 seems to have been a formal addition to rather than a replacement of internal political processes. Although technically created to provide the Government with a body to deal with for the trust rehabilitation funds provided the group, Superintendent Bowler viewed it as governing body to represent the group in general. Her advice to the group at the time was that new circumstances of the concentration of a large body of Indians

at Furnace Creek required a more formal governing mechanism. The group, in their 1938 petition for a reservation, refers to having "formed a council" to govern its affairs. The size and format of the council were decided upon by the group itself. All of the available data indicates that group considered the trustees to be their legitimate spokesmen (F.D.) and they were elected without conflict by the entire resident population of the village. Hank Patterson had left the village by 1942, but remains active in the group. Government officials continued to consult with Tom Wilson, who remained on the village, until he died in 1949.

The period after 1940 is the most difficult to deal with in terms of describing political processes, particularly formal ones, because of the scarcity of records. By this time, the village at Furnace Creek had become the primary focus, with a portion of the group dispersed in nearby towns and the nearby areas of the Sierras the group had historically used. At this point the historical groups were probably substantially combined into one. Tom Wilson, one of the trustees, remained in the village until he died in 1949, and was dealt with from time to time by the Park Service. There is some evidence that after Wilson died that a younger man in the village attempted to organize the group and seek assistance from the Park Service(F.D.). However, there is no clear record of a spokesman between 1949 and 1966. By that year, it is clear that Grace Goad and Pauline Esteves were serving in that role in dealing with the Park Service and, later, with other government agencies and Indian organizations.

Important indirect evidence of the maintenance of a political community is the survival itself of the village between 1942 and the 1960's when economic opportunities were at a minimum, services from the Bureau of Indian Affairs had been withdrawn, and there was a maximum of resistance by the Park Service to the continuance of the village. One clue to this is the reference by NPS in 1963 to "four old ladies" who held the village together (Aubuchon 1963). There is actually a core of five or six older individuals, mostly women, that has been resident in the village throughout this time until the present. The Park Service dealings with the group by the mid-1960's in effect recognized that an apparent policy of gradually forcing them out had been a failure. The geographical base at Furnace Creek remains a strong focus, to which many are closely attached, because another generation, or part of it, has grown up there.

Beginning around 1966, there is a fairly consistent record of spokesmen for the group who were dealt with by the Park Service, Bureau of Indian Affairs, Indian Health Service and Indian service organizations. Efforts at formal organization began as early as 1970. There is some evidence that draft articles of association were drawn up in 1972 and submitted to the BIA although evidently never actually adopted. Articles of association were adopted in 1978, although it is not clear that these have significantly affected the informal political processes which actually function within the group. There also seems to be an informal concensus that officeholders ought to be drawn from residents of the village.

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GENEALOGICAL REPORT ON THE DEATH VALLEY
TIMBI-SHA SHOSHONE BAND OF INDIANS OF CALIFORNIA

Active consideration of the petition for Federal acknowledgment of the Death Valley Timbi-Sha Shoshone Band of Indians of California hereinafter called the Death Valley Band began on November 5, 1979. The period of consideration was extended to May 5, 1981.

Research was designed to determine if the Death Valley Band meets the criteria in Section 54.7(a) - (g) of Part 54 of Title 25 of the Code of Federal Regulations by verifying genealogical information provided by the band using Federal, state and local records and recognized published sources and verifying whether the members meet the band's own membership criteria.

SUMMARY OF FINDINGS

The Death Valley Band has demonstrated it meets that portion of the criteria set out in 25 CFR 54 relating to genealogy. Each of the relevant portions of Section 54.7 are discussed below.

Section 54.7(b)

The Federal census enumerator indicated that many of the Indians annually left the Valley during the summer months because of the extreme heat. However, ancestors of some of the Death Valley tribal members were contacted in the Valley in July of 1900 when the Indian schedule of the Federal census of the Panamint Precinct, including Death Valley and Furnace Creek, of Inyo County, California, was taken. Census rolls of Indians prepared by the Bureau of Indian Affairs staff from 1916 through 1940 contain not only the names of those individuals shown on the 1900 census, but also the names of other families associated with the Death Valley and Furnace Creek areas. The Death Valley Band, therefore, appears to meet that portion of Section 54.7(b) of the regulations which requires that the group inhabit a specific area and that its members be descendants of Indians which historically inhabited the area.

Section 54.7(d)

In accordance with the provisions of this section of the regulations a copy of the Articles of Association of the Death Valley Band as of January 1978 which includes the membership criteria and procedures for governing the affairs of the band was provided with the petition, thereby, meeting the requirements of Section 54.7(d).

Section 54.7(e)

A March 1978 membership list was provided with the petition. Although no previous membership lists prepared by the band were submitted, one copy of each of the censuses of Death Valley Indians prepared by the Bureau in 1933 and 1936 was submitted. The Acknowledgment staff was also able to obtain a copy of the membership list submitted with the group's request for Federal recognition of the Death Valley Band as a half-blood Indian community in 1976 in accordance with the Indian Reorganization Act.

The names of at least 126 of the 199 Death Valley Band members appear on rolls prepared in the 1970's by the Bureau of Indian Affairs staff to distribute judgement funds awarded Indians in California and elsewhere by the Court of Claims and the Indian Claims Commission. Individuals whose names appear on these rolls established their Indian ancestry to the satisfaction of the Secretary of the Interior.

It appears conclusively that the remaining members of the band can establish their Shoshone Indian ancestry through the use of other records or through individuals named on the 1933 roll. Therefore, the Death Valley Band meets the requirements of 54.7(e).

Section 54.7(f)

No evidence was found to indicate that the names of any of the Death Valley tribal members appear on the membership rolls of any other tribes, either in California or Nevada.

Eligibility to share in the payments made to the Indians of California and Northern Paiute Indians was based on the individual's ability to establish his lineal or collateral relationship to an Indian ancestor. Sharing in one of these judgments as an Indian descendant did not jeopardize the individual's right to tribal membership in the Death Valley Band. Therefore, the Death Valley tribal members meet the requirements of Section 54.7(f) of the regulations.

Section 54.7(g)

The name of the Death Valley Band does not appear on the current list of "Indian Tribes Terminated from Federal Supervision" or the list of "Terminated Tribes Restored to Federal Status."

The Death Valley Band is not now federally recognized and the name of the band does not appear on the list of "Federally Recognized Indian Entities of the United States" nor has the band been the subject of congressional legislation which expressly terminates or forbids the Federal relationship.

The Death Valley Band meets the criterion found in Section 54.7(g).

ELEMENTS OF DETERMINATION

Three elements are basic to determining that the Death Valley Band meets the mandatory criteria of Section 54.7 of the regulations as they relate to genealogy. These three elements are: (1) that they descend from an Indian tribe or Indian tribes which existed historically and inhabited a specific geographical area, (2) that their descent can be substantiated using evidence acceptable to the Secretary of the Interior, and (3) that the members meet the band's own membership criteria. Element one is dealt with under the heading of "Indian Ancestry." The discussion of "Indian Ancestry" is broken into the following categories: the governing document, membership lists-current and previous, research and results of research, establishment of Indian ancestry and historical families. Elements two and three are discussed under "Documentation" and "Membership Criteria," respectively.

The last part of this report contains our conclusions as to how the Death Valley Band meets the requirements set out in Section 54.7 insofar as they relate to genealogy, and our reasons for reaching these conclusions.

INDIAN ANCESTRY

Governing Document

The membership requirements of the Death Valley Band as originally submitted are contained in Article II of the Articles of Association as certified on January 18, 1978, by the band representatives, and are as follows:

Section 1. The membership of the band shall consist of those persons on the census roll of Death Valley Indians as of April 1, 1933, and their lineal descendants.

Section 2. Admission to membership through adoption shall be governed in accordance with an ordinance enacted by the Tribal Council. This ordinance shall become effective upon adoption by the majority of the General Council.

Section 3. The official membership roll shall be prepared in accordance with an ordinance enacted by the Tribal Council and adopted by a majority vote of the General Council. Such ordinance shall contain provisions for enrollment procedures, an enrollment committee, application form, approval or disapproval of applications, rejection notice, appeals, corrections, and provisions for keeping the roll on a current basis.

Section 4. The enrolled members of the band eighteen years of age or older shall be known as the General Council.

Although there was no blood degree requirement for enrollment in the Death Valley Band contained in the Articles of Association submitted with the petition, the membership list reflected blood degrees for most of the tribal members. Blood degrees shown on the 1978 membership list range from 1/4 degree to fullbloods.

Section 1 of Article II of the Articles of Association was amended and certified on May 24, 1978, by the band representatives and reads as follows:

The membership of the Band shall consist of those persons on the census roll of the Death Valley Indians as of April 1, 1933, and their lineal descendants, who possess at least one-half degree Indian blood. (Emphasis supplied.)

It appears the governing body of the band may have, possibly on the basis of outside advice, added the 1/2 degree Indian blood to make the enrollment requirements conform with the requirements of Section 19 of the Indian Reorganization Act. With the imposition of the 1/2 degree Indian blood requirement for enrollment in the band about 33% of the members appeared not to meet the membership criteria of the band. The March 1973 membership list contained the name of about 60 tribal members who did not appear to possess 1/2 degree Indian blood. The names of these individuals were not removed from the current membership list by the band when the Articles of Association were amended to add the 1/2 degree Indian blood requirement. Several statements in the petition concerning the requirements for enrollment in the Death Valley Band conflicted with the membership requirements set out in Section 1 of Article II of the Articles of Association as submitted with the petition, and as amended on May 24, 1978. As a result it was felt to be necessary to have a clear expression from the band relative to the membership requirements and a decision was requested from the band in the matter.

Section 1 of Article II was amended again, this time on April 24, 1981, and now reads as follows:

The membership of the Band shall consist of those living persons of 1/4 or more Death Valley Timbi-Sha Shoshone Band blood.

Based on this amendment a majority of the members of the Death Valley Band meet the membership criteria set out in Section 1 of Article II of the Articles of Association as amended.

There are only six Death Valley tribal members who appear not to meet the 1/4 or more degree Death Valley Timbi-Sha Shoshone Indian blood required for membership in the band.

Comment on Section 2 of Article II of the Articles of Association of the Death Valley Band governing adoption of tribal members is not considered necessary, since it appears only one individual may have obtained membership in the band under this provision.

Section 3 of Article II indicates that the roll was to be prepared in accordance with an ordinance enacted by the tribal council and adopted by a majority vote of the general council. We assume this was the case. However, no enrollment ordinance was presented with the petition. Although this is not a problem as far as the petitioning process is concerned, the band may be required to furnish the ordinance should it decide to organize under the provisions of the Indian Reorganization Act.

Membership Lists-Current & Previous

The March 1978 membership list submitted with the petition contained spaces for the names of 200 Death Valley tribal members. Although nine spaces were provided for unnamed children of three tribal members, we were able to determine the names of six of these children from Individual History Charts provided by the band. The remaining three spaces were provided for the names of the children of a member who is the mother of five. We were unable to determine for which children these spaces were reserved. One name appeared on two consecutive lines of the current membership list of the Death Valley Band. This appears to be a duplication and for purposes of this report one of the names has been removed, leaving a total of 199 current Death Valley tribal members, including the three unnamed children of one tribal member. Certification by the tribal governing body that the Death Valley tribal members have approved the petition for Federal acknowledgment and that the membership list submitted with the petition has been seen and approved by the tribal members was provided in January 1981.

The only previous lists of members of the Death Valley Band submitted with the petition were copies of the 1933 and the 1936 census rolls of Death Valley Indians. However, a copy of the membership list presented with a request for acknowledgment as a half-blood Indian community in 1976 under provisions of Section 19 of the Indian Reorganization Act was reviewed.

Research and Results of Research

Research was conducted in the Federal population censuses and records of the Bureau of Indian Affairs in the National Archives and the Central Office.

Research was also conducted in the DAR Library and the Library of the Department of the Interior. Federal population censuses for 1870, 1880, and 1900 for Inyo County, California, and Esmeralda and Nye Counties in Nevada were searched in an effort to identify ancestors of current Death Valley tribal members.

Census rolls from 1916 through 1940 and payment rolls prepared more recently were also searched.

This research in the Federal population censuses documented as early as 1900 that many of the Indians left Death Valley in the summer months each year and went to the mountains to escape the extreme heat. Censuses in Death Valley were taken in June and July which no doubt accounts for so few names of Death Valley Indians appearing on the Federal population censuses.

The finding that the Indians left the valley in the summer is continued in the following statement made on July 5, 1900, by Mr. Thomas A. Jones, the census enumerator, in the remarks column of the Indian schedule of the census of the Panamint Precinct, which included Death Valley and Furnance Creek:

These Indians move during hot weather to the mountains (Sierra and Inyo Range) and return in cold weather. The thermometer registers now from 120 to 130 in the shade, in this Ballarat region, hence the "redskins" are on the move.

There is no indication in the census that the enumerator made an effort to go to the mountains to record these individuals who left the valley for the summer months.

No Death Valley Indians were identified on the 1870 or 1880 Federal population census schedules of Inyo County, California, or Esmeralda and Nye Counties in Nevada. Most of the Indians shown on the 1870 Inyo County, California, census indicated they were born in Mexico, and no Shoshone Indians could be identified. The Esmeralda and Nye County, Nevada, censuses did not show any Indians that we could identify as being from Death Valley. Indians enumerated on the 1880 Inyo County census were shown only as Indian man, Indian woman, boy, girl, etc. Mr. S.W. Blaisdell, the census enumerator, indicated that he did his best to obtain the names of the Indians, but they would only give the names given them by whites. In no cases would they give him Indian names, he said.

Some Death Valley families were identified on the Inyo County Indian schedule for 1900. Information contained on the Indian schedules of the 1900 census indicated these Indians lived in movable dwellings, they were hunters, day laborers, rambler, vaqueros, wood choppers, and fishermen. This supports the claim that the Death Valley Indians were on the move in search of food and work. The Indian schedule for Nye County, Nevada, for 1900 contained names of the members of one Death Valley family but no Death Valley families were identified in Esmeralda County in 1900.

The names of such Death Valley Indian families as Bill(Billson), Boland, Button, Charles, Dock, Hanson, Shaw, Shoshone, Thompson, and Watson appeared repeatedly on the census rolls prepared by the Bishop and Carson Agencies from 1916 through 1940.

The roll prepared in accordance with the Act of May 18, 1928, of Indians in California on June 1, 1852, or their descendants living in the State on the date of the Act also contained the names of current Death Valley tribal members who are descendants of historical family lines.

The 1928 enrollment applications provided information as to the degree of Indian blood of the applicant, the names of his children and the name and blood degree of and the relationship to the Indian ancestor who was residing in California on June 1, 1852.

The 1928 Act was amended in 1940, 1948, and 1950 to add the names of eligible Indians and remove the names of persons who had died since May 18, 1928. One per capita payment of \$150 was made in the 1950's to California Indians whose names appeared on the 1928 roll or any of the amendments made to it as a result of the above-mentioned legislation. We were able to identify 50 current Death Valley Shoshone tribal members who received the \$150 payment. There could have been others who shared under other names.

In 1968 many Death Valley Indians established their Indian ancestry as a result of applications having been filed to share in judgment funds awarded the Indians of California in Indian Claims Commission dockets 31, 37, 80, 80-D and 347. The Act of September 21, 1968, authorized the Secretary of the Interior to prepare a roll of persons of Indian descent whose names or the name of a lineal or collateral relative appeared on any of the rolls prepared pursuant to the 1928 Act and amendments thereto, who were born on or prior to and living on the date of the Act. The names of persons who established their Indian ancestry in accordance with the provisions of the Act appeared on the roll and they shared in the money. We have identified 114 Death Valley tribal members who shared in the Indians of California judgment funds. Others may have shared under other names.

Some of the Death Valley tribal members shared in the Northern Paiute judgment funds as a result of an award made in Indian Claims Commission docket 87. We were able to identify 12 Death Valley tribal members who shared in the Northern Paiute judgment who had not shared in the Indians of California judgment funds.

Establishment of Indian Ancestry

Fifty-five current Death Valley tribal members can trace their relationship to someone named on the 1900 Federal population censuses; 50 to someone named on the Indian Schedule of Inyo County, California, and five to someone named on the Indian Schedule of Nye County, Nevada.

Annual censuses of Paiute and other Indians taken by the staff of the Bureau of Indian Affairs from 1916 through 1926 contain the names of the same Death Valley families year after year in the same general locations.

Only six current tribal members cannot trace their relationship to someone named on the 1928 roll of Indians of California. They can, however, establish their relationship to someone named on the 1933 or the 1936 censuses of Death Valley Indians.

The names of 18 of the 199 current Death Valley tribal members appear on the roll of Indians living in California on June 1, 1852, or their descendants living in the State on May 18, 1928, the date of the Act authorizing the preparation of the roll. We have identified 126 of the 199 current Death Valley tribal members who have more recently established their Indian ancestry as a result of having shared in judgment fund payments made to Northern Paiute and California Indian descendants.

These judgments were paid to individuals who were able to establish they were lineal or collateral descendants of Indians living in California on June 1, 1852, or lineal descendants of Northern Paiute Indians and who met the other requirements for enrollment in each case. Because these judgments were distributed on a descendency basis the fact that a Death Valley tribal member shared in one or both of these awards has no effect on that individual's right to tribal membership in the Death Valley Band.

As a result of having shared in the Indians of California or the Northern Paiute judgements, these 126 individuals have established their Indian ancestry. Another 36 tribal members, children or grandchildren of members born since September 21, 1968, can establish their Indian ancestry. The following chart outlines our findings.

<u>Members</u>	<u>Established or Can Establish Indian Ancestry</u>
114	Death Valley tribal members <u>have</u> established Indian ancestry—they shared in the Indians of California judgment funds.
12	Death Valley tribal members <u>have</u> established Indian ancestry—they shared in the Northern Paiute judgement funds.
35	Children born to tribal members since 9/21/68 <u>can</u> establish Indian ancestry—a parent or grandparent shared in the Indians of California judgment funds.
1	Child of a tribal member born since 9/21/68 whose grandparent is named on the 1933 roll <u>can</u> establish Indian ancestry.
<u>162</u>	Death Valley tribal members <u>have</u> or <u>can</u> establish their Indian ancestry.

Although we were unable to determine whether the remaining Death Valley tribal members shared in either of the judgments, they can establish their Death Valley Shoshone Indian ancestry. Their names or the name of a parent or grandparent appears on the Census of Indians Living in Death Valley and Vicinity in 1936.

We believe all of the Death Valley tribal members have or can establish their Indian ancestry.

Historical Families

Descendants of the following historical Death Valley families still appear on the current membership list of the Death Valley Band. The following chart indicates the historical Death Valley families and the number of tribal members who can establish descendency through each:

Historical Death Valley Families

<u>Family</u>	<u>Descendants</u>
Bill (Billson), Panamint and Wilson, Tom	6
Boland, Bill	85
Button, Mary	28
Hanson, George	40
Dock, Grapevine	5
Kennedy, Joe	31
Patterson, Hank	74
Shaw, Ike	9
Shoshone, Johnnie	50
Tom, Panamint- Thompson, Bob	20

It is because of the high percentage of marriages between tribal members that so many can establish their ancestry through several different lines. Marriages between members of the Boland, Button, Dock, Kennedy, Patterson, Shoshone and Thompson lines continued into the 1940's. After that time marriage out of the band seems to have been the rule rather than the exception. A significant number of these out marriages are to other Indians.

DOCUMENTATION

At least 126 of the 199 current Death Valley tribal members have recently documented their Indian ancestry as a result of having shared in the Indians of California or the Northern Paiute judgment funds. Thirty six of the remaining current tribal members are children born since September 21, 1968, who can establish their Indian ancestry. We believe that the remaining 37 tribal members can conclusively establish their Shoshone Indian ancestry through other means.

Submission of documentary evidence such as birth, baptismal, marriage or death records establishing Indian ancestry to the satisfaction of the Secretary of the Interior was one of the requirements for enrollment to share in both the Indians of California

and the Northern Paiute judgment funds. These documents are now in the custody of the Agency and Area Offices of the Bureau which were involved in making the determinations of eligibility and the payments. Since such a significant number of Death Valley tribal members had documented their ancestry in recent years it was not necessary for them to provide documentary evidence of their Indian ancestry and none was requested.

MEMBERSHIP CRITERIA

Section 1 of Article II of the Articles of Association of the Death Valley Band as amended April 24, 1981, requires only that the membership shall consist of the living persons of 1/4 or more degree Death Valley Timbi-Sha Shoshone Band blood.

The 1933 census of Death Valley Indians, one of the rolls submitted with the petition, can be used to establish Indian ancestry of Death Valley tribal members because it is a roll of Death Valley Indians. It cannot, however, be used to determine blood degrees or tribal affiliation of the Death Valley tribal members because it does not contain this information.

The other roll submitted with the petition, the 1936 census of Death Valley Indians, shows blood degrees of the individuals and their tribal affiliation. It also shows the dates of birth or ages of the individuals and in some cases complete addresses in addition to the other information mentioned above. It has been used as the principal document to verify tribal affiliation and establish degrees of Indian blood for those individuals named on the 1933 roll and for the current tribal members. The 1933 and 1936 census rolls of Death Valley Indians contain basically the same family names, with the 1936 roll containing the additional information previously mentioned. Current tribal members of the Death Valley Band are either named on one or both of these rolls or are lineal descendants of someone named on them. Rolls now in the custody of the Western Nevada Agency prepared by the Carson Agency staff in the late 1930's and early 1940 were also used to verify the additional information shown on the 1936 census.

The Western Nevada Agency staff provided copies, of census cards and school records of some of the Death Valley tribal members which were helpful in verifying blood degrees of some tribal members. The Death Valley Band is composed basically of individuals of Shoshone Indian ancestry with some who may also possess Paiute Indian blood. A majority of them have documented their Indian ancestry as a result of having shared in the Indians of California or the Northern Paiute judgment funds. A good many of those individuals who have not documented their Indian ancestry are children and grandchildren of those individuals who shared in one of the judgments, and can document their Indian ancestry.

The membership list submitted in 1976 with the request for recognition as a half-blood Indian community contained the names of 109 Death Valley tribal members. The membership list prepared in March of 1978 submitted with the petition for Federal

acknowledgment of the Death Valley Band contained the names of 199 tribal members. All but three of the names on the 1976 list appear on the 1978 list. The additional 93 individuals named on the 1978 list are children and grandchildren of those individuals named on the 1976 list. Many of these 93 individuals do not possess 1/2 degree Indian blood.

There were some discrepancies in the degrees of Indian blood shown for some of the individuals named on the Ancestry Charts, the early census rolls, the Verification of Beneficiary Status forms and the March 1978 membership list. Blood degrees shown on the VOBS forms seem to have been taken from the early census rolls in most cases.

In determining degrees of Indian blood of the Death Valley tribal members for purposes of this report, the highest degree of Indian blood shown for them on the Bureau censuses have been used in most cases. Determination of blood degrees of some tribal members differs from that ascribed to them by the band. There are some cases in the records, i.e., the 1928 applications, where fathers of children are shown as non-Indian and where the mother did not indicate the father's name. In such cases only 1/2 of the mother's degree of Indian blood should have been used in determining the blood degrees of her children. However, if these individuals were consistently shown on the rolls over the years as possessing a higher degree of Indian blood we have generally accepted the higher degree of Indian blood for them.

It appears that in most cases the blood of the non-Death Valley Indian parent has not be used in determining the total degree of Indian blood of the current tribal members when the Death Valley Band prepared the current membership list.

Based on Section I of Article II of the Articles of Association as amended there are six Death Valley tribal members who do not possess 1/4 degree Indian blood, and, therefore, it appears they do not meet the band's current membership criteria.

The Central California Agency staff of the Sacramento Area Office indicated they have no record of the Death Valley tribal members being enrolled with any other California Indian tribes.

The staff of the Western Nevada Agency indicated they have no record of any of the Death Valley tribal members being enrolled with any of the recognized Indian tribes for which the Agency has administrative responsibility.

METHODOLOGY

More than 75% of the Death Valley tribal members had either recently documented their Indian ancestry as the result of having shared in a judgment awarded the Indians of California or the Northern Paiutes or could document their relationship to someone who shared in one of these judgements. Consequently, methodology was a matter of

preparing family history charts to include all of the tribal members. The following chart outlines the types of materials submitted, the dates of submission of the materials and the percentage of materials received with each submission.

Genealogical Materials

<u>Nos. & Kinds of Materials Submitted</u>	<u>Dates of Submission</u>	<u>Info about % of Tribal Members</u>
44 Ancestry Charts, 10 Individual History Charts & 31 Verification of Beneficiary Status Forms	4/26/70 with the petition.	24
33 Ancestry charts & 33 Individual History Charts	July 1979	61
31 Ancestry Charts & 31 Individual History Charts	August 1980	15
		100

Information from Indian schedules of Federal population censuses, census and other rolls prepared by the staff of the Bureau of Indian Affairs and applications for enrollment to share in judgment funds was used to identify individuals as well as family units.

CONCLUSIONS

The Indian schedules of the 1900 Federal population censuses show ancestors of some Death Valley tribal members in the Panamint Precinct, which included Death Valley and Furnace Creek, in Inyo County, California, and one family in Nye County, Nevada.

There are also indications that many of the Indians left the valley in the summer months because of the extreme heat and probably to search for food and work. Had this not been the case the names of ancestors of other Death Valley tribal members may have appeared on these censuses, since they were taken in June and July.

The census rolls prepared by the Bureau's Bishop and Carson Agency staffs between 1916 and 1940 show the same Indian families in the same general locations year after year. The fact that their names continued to appear on these rolls indicated they were considered Indians by the Federal Government.

Evidence that the members of the Death Valley Band have for many years been considered to be Indian and as such have received services and benefits from the Federal Government usually reserved for members of recognized tribes of Indians is contained in the records of the Bureau of Indian Affairs and to some extent in records of the Public Health Service. This evidence can be found on census rolls, applications for enrollment to share in judgment funds, on judgment fund rolls where names of individuals who established their eligibility to share in judgment funds appear and in records provided the Indians by the various agencies so they could obtain services through Public Health Service facilities.

The Death Valley Band did not have to choose the Federal acknowledgment route to Federal recognition. The band had earlier been found eligible to organize as a half-blood Indian community under Section 19 of the Indian Reorganization Act subject to having land taken in trust for it. Section 19 of the IRA provides in part:

The term "Indian" as used in this Act shall include all persons of Indian descent who are members of any recognized Indian tribe under Federal jurisdiction, . . . , and shall further include all other persons of one-half or more Indian blood. (Emphasis supplied.)

The name of the Death Valley Band does not appear on the list of "Federally Recognized Indian Entities of the United States."

Neither the current list of "Indian Tribes Terminated from Federal Supervision" nor the list of "Indian Tribes Restored to Federal Status" contains the name of the Death Valley Band.

Almost all of the Death Valley tribal members meet the 1/4 degree Death Valley Timbi-Sha Shoshone Indian blood requirement in the membership criteria as set out in the Articles of Association as amended on April 24, 1981.

All of the 199 current Death Valley tribal members have or can establish their Indian ancestry.

Based on the above, it must be concluded that the Death Valley Band meets the requirements of the regulations as they relate to genealogy.

SOURCES

1. National Archives, RG75, M595, R2, annual censuses prepared by the Bishop Agency staff of the Bureau of Indian Affairs of Paiute and other Indians from 1916 through 1926.
2. National Archives, RG75, applications filed by Death Valley tribal members who shared in the judgment funds distributed in accordance with the Act of May 18, 1928 (45 Stat. 602.)
3. A Census of Death Valley Indians as of April 1, 1933, prepared by the staff of the Bureau of Indian Affairs which was submitted with the petition for Federal acknowledgment.
4. A Census of Indians Living in Death Valley and Vicinity in March 1936 prepared by the Bureau of Indian Affairs staff which was submitted with the petition for Federal acknowledgment.
5. National Archives, RG75, M595, R21, a 1937 Census of the Nonreservation Shoshone Area of Southern Nevada prepared by the Carson Agency staff of the Bureau of Indian Affairs.
6. A January 1, 1940, Census of Inyo County Area Reservations prepared by the Carson Agency staff of the Bureau of Indian Affairs now in the custody of the Bureau's Central Office.
7. A January 1, 1940, Census of Pyramid Lake Reservation in Nevada prepared by the Carson Agency staff of the Bureau of Indian Affairs now in the custody of the Bureau's Central Office.
8. A microfiche copy of the roll of Indians of California prepared by the Sacramento Area Office staff in accordance with the Act of September 21, 1968 (82 Stat. 860), used as the basis to distribute payment funds awarded in Indian Claims Commission dockets 31, 37, 80, 80-D and 347 in the current files of the Bureau's Central Office.
9. A microfiche copy of the roll of Northern Paiute Indians prepared by the Stewart Agency staff to be used as the basis to distribute funds awarded the Northern Paiute Indians in Indian Claims Commission docket 87 in the current files of the Bureau's Central Office.
10. A 1976 membership list of the Death Valley Band presented with their request for recognition as a half-blood Indian community in the current files of the Bureau's Central Office.
11. National Archives, RG29, M593, R73, Federal Population Census for 1870 for Inyo County, California.
12. National Archives, RG29, T9, R66, Federal Population Census for 1880 for Inyo County, California, and National Archives, RG29, M593, R758-759, Federal Population Census for 1880 for Esmeralda and Nye Counties, Nevada.

13. National Archives, RG29, T623, R87, Federal Population Census for 1900 for Inyo County, California, and National Archives, RG29, T623, R943, Federal Population Census for 1900 for Esmeralda and Nye Counties, Nevada.

14. A List of Indian Tribes Terminated from Federal Supervision prepared by Patricia Simmons, March 1, 1981.

15. A List of Terminated Tribes Restored to Federal Status prepared by Patricia Simmons, January 10, 1980.

16. A List as of June 17, 1981, of Indian Tribal Entities that have a Government-to-Government Relationship with the United States published in Volume 46, Number 130, pps. 35360-35363, of the July 8, 1981, issue of the Federal Register.

17. The Act of June 18, 1934 (48 Stat. 984), to conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes, usually referred to as the Indian Reorganization Act (IRA).

18. Copies of Pupil's Personal History Cards from the Carson Indian School and Departmental Permanent School Census Cards provided by the Stewart Agency staff.

19. Copies of Verification of Beneficiary Status Forms prepared by the Public Health Service and completed by Stewart Agency staff for Indian citizens eligible to receive services and benefits from the Indian Health Hospital in Schurz, Nevada, provided by the Stewart Agency staff.

A REPORT ON THE CURRENT
DEATH VALLEY TIMBI-SHA SHOSHONE BAND OF INDIANS

Little information is available concerning the current Death Valley Timbi-Sha Shoshone Band of Indians. This appears to be due principally to their isolated location within Death Valley and the traditional nature of the group.

There are 200 members of the Death Valley Timbi-Sha Shoshone Band of Indians according to the current membership list submitted with the petition. One name, however, appears to have been a duplicate and there are actually only 199 members. Most of the members are 29 years of age or younger. Thirty nine members, (20%) are 0-10 years of age; 47 (24%) are between 11-19 years of age; 25 (13%) are between 20-29 years; 23 (11%) are between 30-39 years; 15 (7%) are 40-49 years; 14 (7%) are 50-59 years; and 14 members (7%) are 60 years of age and over. The age for another 22 members was not provided by the petitioner. The petition also does not indicate the sex of the members.

Although residences were not submitted with the petition, the Chairperson of the Band provided addresses for 191 members. According to this information, most members live in California or Nevada near the core community in Death Valley. One hundred seventy four, (91%) of them live in California or Nevada near the core community in Death Valley. One hundred twenty five (65%) live in California and 49 (26%) live in Nevada. Seventeen members (9%) live in other states. Many members live on or near other reservations in the area, including the Duckwater, Yerington, Tule River, Pyramid Lake, Lone Pine, Big Pine and Bishop communities.

The central focus of activities for the Band, however, is located in the Death Valley National Monument area near Furnace Creek on a 40 acre village. In 1970 23 members reportedly lived in the village, presently there are 26 members. Although the number of residents in the village has not varied substantially in recent years, the number of families appear to have increased. In 1971 there were seven families reported living in the village, in 1972 nine families and in 1979 11 families.

In 1963 the Park Service became concerned about the housing conditions and rents were reduced. The housing permits are issued on a renewable basis and do not allow the residents to sublet to anyone except relatives currently living in the village. The policy further limits residents from making any alterations, improvements or additions to the premises unless approved in advance in writing by the National Park Service. Members have expressed their dissatisfaction with this policy at various times. Residents are responsible for maintenance of the village. Five dollars a permit per residence is charged and residents living in the mobile homes are required to pay for water service, approximately \$7.00 per month. No charge is made to the residents living in the older section of the village. Approximately \$8.00 per month is charged for trash removal. Water rights to the village are controlled by the National Park Service and the water flow can be reduced "as needed."

Members of the Band have on occasion criticized the National Park Service for attempting to remove them from the area and have not been satisfied with the temporary land use permit arrangement. The Band has not been able, until recently, to make improvements or increase the size of the village to accommodate additional members who may wish to live there. Presently all residents in the Death Valley village are either a member of the Band or married to a member.

Consequently, in 1977 the housing conditions were described by the Superintendent of Death Valley in a letter to the Regional Director as "deplorable to put it mildly. A number of old buildings exist, some without roofs, and none of them have power

or sanitation facilities." The existing homes were reported to be beyond repair. Other complaints about the present land use arrangement include the members request in 1976 to prevent the Park Service from allowing the area adjacent to the village to be used for overflow camping. The Band felt threatened by this practice.

Although permanent housing units have not been built due to the status of the land, in 1977 the National Park Service approved the placement of four mobile homes in these lands in Death Valley. Residents bought the homes with a grant for the down payment from the Bureau of Indian Affairs Housing Improvement Program (HIP). Since that time, additional mobile homes have been purchased in the same manner for members living in Death Valley. The National Park Service, however has reserved the right to determine who may live in the village.

The Indian Health Service has provided all supplies, equipment and labor for the installation of a water supply. Members are responsible for maintenance and repairs. Electric power was also provided for the homes by the Bureau of Indian Affairs and water and sewage disposal from the Indian Health Service.

In 1976 the members requested to be recognized as a half-blood community under the Indian Reorganization Act. In 1977 the group was determined to be eligible for services as individuals and consequently some members have been provided limited services.

In 1979 the Band identified three immediate needs for the members living in Death Valley, they included: (1) land base to qualify for grants under the Indian Self Determination Act, (2) additional housing to accommodate children of the village's original inhabitants, and (3) improvements to existing homes including indoor plumbing, electrical and heating systems. Some of the members also expressed a desire for permanent housing. No information is available regarding the housing conditions for members of the Band living away from the core community in Death Valley.

Part of the 40 acre village in Death Valley is shifting sand which limits the potential use of the area. Members recently expressed a desire for housing in another area within Death Valley. In 1977 the National Park Service expressed some concern for what may be involved if the Band actually requested a different village site.

Generally, members live in Death Valley from November to May and move to other locations (including nearby Beatty, Nevada and Shoshone, California) for the rest of the year due to the high summer temperatures (134° record high) and due to the lack of rainfall. The climate is mild the remainder of the year.

Recently the Band was involved in efforts to protect a deteriorating Indian cemetery in Death Valley (1 mile east of Furnace Creek Ranch) and worked with several agencies including the State Historic Preservation Office, Native American Heritage Commission and the Owens Valley Indian Burial Association.

Generally, little information is available through literature or secondary sources regarding the employment situation for members of the Band. Death Valley provides little opportunity for employment. Members living in the Valley find employment through the National Park Service, (approximately two employed in 1980, 11 employed in 1979 and at the Furnace Creek Ranch (approximately ten employed in 1978). The ranch is a resort for tourist. One member apparently has made presentations on Shoshone food preparation and basket making for tourist at the National Park Service. Most of this work is seasonal however, and members have had to rely on public assistance during the remainder of the year. One member also works for the mines.

Members have also sought employment and habitable living quarters elsewhere primarily in California and in Nevada. No information is available concerning the employment situation for these members.

Recently, the group has expressed a desire to initiate some long range economic development goals for its members. The extent of the progress they have made to date is unknown.

Little information is available concerning members' educational attainment. In 1971, eight children from the village attended school and presently children are attending the Steward Indian School in Nevada and a local public school. While the educational attainment of Timba-Sha Shoshone adults as a group is not known, almost all of the current members appear to have received some level of formal education.

The governing body is composed of five elective members and is called the Death Valley Timbi-Sha Shoshone Tribal Council. Elections are held on the second Saturday in October annually. The Articles of Association provides for vacancies and removal of Council members, specifies powers of the tribal council, describes duties of officers and provides a bill of rights.

Most members speak Shoshone as a primary language but also speak English. The Band has expressed a major objective of the group is retention of the Shoshone culture and traditions including maintenance of their language.

The Band does not appear to have had the necessary resources to conduct a comprehensive needs assessment of its membership and little research has been conducted by others in providing this information.