

REPORT OF
SPECIAL COMMITTEE ON INDIAN AFFAIRS

Palm Springs, California

March 18, 1948

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I N T R O D U C T I O N

The report following was prompted by the conditions existing with respect to Indian Reservation lands, the indication that the Department of the Interior might relinquish control of Indian affairs in California and the introduction of Senate Bill No. 1685¹ at the first session of the 80th Congress of the United States of America by which it is proposed "to remove restrictions on the property and moneys belonging to the individual enrolled members of the Hoopa, Mission, and Sacramento Tribes of California, to provide for the liquidation of tribal property and distribution of the proceeds thereof, to confer complete citizenship upon such Indians, and for other purposes."

A group of interested citizens of the City of Palm Springs requested the City Council to appoint an unbiased representative committee to prepare an outline for the benefit of those concerned showing the conditions in need of correction and thus to emphasize the advisability of some such legislation and, for the assistance of those eventually to be charged with the execution of the provisions of such a Bill, to make recommendations based on the views of the residents of the area, Indian, non-Indian, property owners and tenants, in order that as near as may be possible, any future disposition of Reservation lands will be of benefit to all.

The City Council acted on the request and appointed a Committee composed of its own Indian Affairs Committee delegates from the Chamber of Commerce, the Riverside County

¹ appendix "A"
² appendix "B"

Flood Control District, the City Planning Commission, the Palm Springs Unified School District and the Home Owners League. The members of the Committee obtained opinions as time would permit from a cross-section of the members of the Community. These opinions were considered, evaluated in the light of the objective sought to be obtained and have been set forth in this report.

In an effort to present a concise report, many concepts have been mentioned but have not been fully developed and statistical information has been inserted in the appendix. A more exhaustive treatment of the subject is being undertaken by the Committee.

I. AREA AND POPULATION CONSIDERED

The Indian land considered,¹ a checkerboard area of 47½ Sections, lies in the upper portion of Coachella Valley, County of Riverside, State of California. Eight and one-half Sections are within the City limits of Palm Springs. The balance of the Sections are on the mountainside to the west of Palm Springs, to the south of the City and across Whitewater Wash to the east.

The eight and one-half Sections of Indian land within the City of Palm Springs are numbered 2, 4, the W½ of 10, 12, 14, 18, 22, 24 and 26. Sections 2, 4 and the W½ of 10 and 12 are not occupied and are in a virgin desert state. Sections 22, 24 and 26 are valuable land, but have not been utilized to any great extent. Section 14 is immediately adjacent to the heart of the City and has been occupied in the manner hereafter stated. Section 18 and part of Section 12 forms a part of the City Airport.

Of those Sections outside the City limits, the Sections in which Tahquitz, Murray, Andreas, Chino and Palm Canyons are located are of considerable importance. Andreas Canyon presents lovely canyon scenery with its palisades-type cliffs and its many large palm trees. Palm Canyon is a rocky, winding ravine, strikingly picturesque, crowded with thousands of palm trees. Many thousand visit the canyons annually.

The balance of the Indian Sections are for the most part desert lands in their native state.

Practically the entire population of the Indian

1 Appendix "B"

Sections reside within the boundaries of the City of Palm Springs. The City has an estimated seasonal population of 20,000. During the summer months the population is approximately 8,000. On the Reservation Section 14 is populated by approximately 5,000 non-Indians. On Sections 22 and 26 are located approximately 1,000 non-Indians.¹ These numbers are emphasized when compared with the 50 members, men, women and children, of the local Band of Indians. Estimations of population are based on the census of 1946, which indicated that over one-fourth of the population of the city resides on the Reservation, with an allowance being made for recent growth. Public utility statistics, building permit records and school attendance reports have been taken into consideration in arriving at the present estimate of the population of the City.

1 See Appendix "F"

II. THE CITY OF PALM SPRINGS

The problems hereafter outlined can be attributed to the unbelievable growth¹ of the City of Palm Springs. There is an urgent need for constructive action to safeguard not only the economic security of all the members of the community, but to an alarming degree, the security of their health and well being.

A resume of the factors contributing to this growth was stated in 1941 by L. Deming Tilton, Planning Consultant, for the City:

"Location has had much to do with the growth and development of Palm Springs. It holds a favorable position with respect to both the desert and the populous Los Angeles plain. It stands in the shadow of San Jacinto Peak, protected from the desert winds by projecting spurs of this mountain. Being but three hours by rail and highway from the metropolitan center, it serves as a one-day recreation area, as well as for week-end and winter residents. It also lies upon and is served by trans-continental rail and air routes. By air it is only one hour from Los Angeles and fifteen hours from New York."

"Climate and scenery have contributed much to the popularity of this spot. The rigors of the desert, which once made it an area to be feared and avoided, are now unimportant. The automobile and surfaced highways have made the manifold resources of this extraordinary province available to all. Within the last twenty years the people of California, and the nation as well, have learned the value of these resources. They come in increasing numbers every year to enjoy the benefits of a warm winter sun; balmy, restful nights; clear smokeless atmosphere, and the peace and quiet found in this vast seemingly deserted world."

¹ Appendix "C"

"The City of Palm Springs is merely a convenient center from which all the unique qualities and attractions of the desert may be enjoyed. For only a few it is an end in itself. It serves by providing food, shelter, water, supplies and social contacts for those who come to rest and relax, to build up depleted stores of energy and spirit, to seek normal health in body and mind. The colors of the desert, its plant and animal life, its medicinal waters, the view of majestic mountains, and starry skies, all contribute to these ends."

"Because of the service which it renders in the fields of health and recreation, Palm Springs has become important as a city not only to California but to the nation. The gift of the desert, made accessible by modern transportation, are given distribution to all classes through the facilities and accommodations provided here. Rich and poor alike constitute this community. Luxurious houses and hotels deminate the scene, but along unpaved desert roads are found many small and inexpensive cottages. Shop girls and stenographers, clerks and mechanics, ride horses into the desert and bicycles on the streets of this informal carefree city. The Palm Springs area renders a service to those who seek health-giving sunlight or enjoy riding or hiking in the land of little rain."

"Palm Springs, therefore, when seen in perspective, is not just another town. It has a notable quality, derived from both its setting and the investments made to date by its builders. It offers exceptional opportunities for

"health and happiness to citizens of this and other states. Because of its appeal to people of all classes, the corporate area of Palm Springs has become one of the precious spots of California. It is a small bit of desert belonging to the world quite as much as to those who claim title to the land. Its importance transcends any local interest and extends beyond any immediate considerations."

III EXISTING PROBLEMS

The alternate ownership of land sections within the City of Palm Springs and the large population presents a problem of government that is unique in American cities. This problem almost entirely revolves around the Indian Reservation land.

On Indian Lands, particularly Sections 14 and 26, live the 50 members of the Agua Caliente Band of Mission Indians, together with some 6,000 non-Indians, mostly working people, Mexicans, colored and white. These people rely on the remainder of the City for their police, health and fire protection, their public education facilities, and in fact, for their employment and livelihood.

As an illustration of the dependency of the Reservation residents on City facilities, the Palm Springs City Elementary School enrollment records disclose that as of March 11, 1948 of the 1,158 students, 57% are from homes located on the reservation, and but twenty of these are Indian children. Over 50% of the fire calls in the past year have been from Reservation Sections 14 and 26.

Because of the uncertain tenure of non-Indians upon these lands, they have for the most part placed cheap houses, shacks, crude business establishments and trailer camps upon the lands, which include a deplorable slum area in large measure contrary to the State and City regulations governing health, safety and buildings. The non-Indians occupying these lands do so by virtue of "leases" from individual Indians, which are not leases at all and have no legal effect, and also under revocable permits granted by the tribe and approved by the Department of Interior.

The City is very conscious of these conditions and the pressing need for their correction. Nevertheless, important questions of jurisdiction¹ over these lands must first be settled. Former Commissioner of Indian Affairs, John Collier, in a letter to the City Attorney of Palm Springs, on March 14, 1939, accurately summed up the situation by saying:

"* * * * * this office is not disposed in any manner to question the jurisdiction of the Courts of California over persons other than Indians within the Reservation except where the rights of the Indians would be affected thereby."

What enforcement of State or City laws would affect Indians concerning these lands? There are some things certain, such as that the State and City may not tax these lands, nor may they regulate the improvement or use thereof by the Indians or agencies of the federal government. There always has been uncertainty over the authority of the State and City concerning the improvement and use of these lands by the thousands of non-Indians who occupy them under revocable permits approved by the Department of the Interior. The right of the City to exercise authority over the non-Indians so occupying these lands has been opposed - not only by these occupants, but also by the federal government. The effect of this has been to allow non-Indians the privileges and exemptions intended only for the Indians themselves.

Words defy a description of the street layout on Section 14. The development of the land has been generally formless and irregular, which for the most part is due to the absence of dedicated rights of way for traffic and other public use. Additional problems arising in connection with Section 14 are hereinafter indicated.

1. Appendix "D"

IV. SUGGESTIONS ON DISPOSITION OF LAND

It is difficult, if not impossible to center the responsibility for the existing conditions. The Agua Caliente Indians did not order or anticipate the establishment of a city at this particular spot. Congress, in providing for the Reservation in 1891, could have never imagined the developments that have taken place. The Indian Bureau, handicapped by inapplicable precedents, has been unable to cope with the situation. However, as has been briefly set forth, a major problem does exist. With the conviction that an equitable solution is possible, the following suggestions are offered for the assistance of those charged with the framing of legislative enactments intended to provide a solution.

The question of the disposition of the land viewed in terms of demands and needs is divisible into several broad categories:

1. Public recreation area needs:

It is recommended that all of the Indian sections which form the approach to, or are a part of Palm Canyon, Murray Canyon, Tahquitz Canyon, Andreas Canyon and Chino Canyon, be set aside as PUBLIC RECREATION AREAS. These lands should be acquired either by the California State Park Board, or by the Department of the Interior, as National Parks or National Monuments. Payment should be made on the basis of

appraised values. The Canyons are too precious ever to permit them to come into the possession of private interests for exploitation. They are relatively small and in the upper reaches, inaccessible. They should be converted into public parks and preserved forever in their native beauty and attractiveness for the enjoyment of all people.

Trails. The growth of the City makes it advisable to plan trails which will lead from the interior of the City to the canyons and natural areas. The Community's position as a desert resort makes the establishment of riding and hiking trails a necessary accomplishment.

2. Public non-recreation land needs:

Portions of Indian land, both inside and outside of the city limits, are needed for public use, for the benefit of non-Indians and Indian alike, as flood control channels and watersheds, highways and roads. Although the primary use would be for non-recreation purposes some of this land, by being preserved in its natural desert state, would add to the beauty of the area and in future years when the balance of the desert is improved, would be a place of historical interest to the people of this country. Such land should be provided without cost to those public agencies which show need for it.

3. Lands required for use by the Indians:

Some Indian land in a suitable location, should be set aside for the sole use of the Indians, where, with adequate housing and sufficient land and water, they can live a healthful life. In accordance with the Indians' own wishes, any traditional sites, such as the cemetery, Fiesta House, Church, as well as the springs, should be preserved.

4. Lands required by the City of Palm

Springs: The non-Indian part of Palm Springs has provided for all the services needed in an American community, i.e., schools, parks, library, police and fire station, roads etc. The opportunity has now presented itself for the creation of a more equal balance between Indian and non-Indian lands. Palm Springs badly needs, for benefit of non-Indians and Indian alike:

(a) A street and road plan for Indian lands, integrated with the community's street plan, as regards Section 2, 14, 22 and 26. For example, the widening of Indian Avenue to a minimum of 100 feet is immediately necessary in order to relieve a critical traffic problem. Prior to any sale, the government should first lay out a complete system of streets, with plans for parks and other public places. This will greatly enhance the value and beauty of all the lands to the monetary benefit of the Indians, and also will be of inestimable benefit

1 See Appendix "E"

to the community.

- (b) Parks on Indian land inside the city limits for the benefit of all and especially for the benefit of the visitors who support us all. These should be located on Section 14, 22, 24 and 26.

Land needed for streets and parks should be acquired at no cost to the city. The benefit to the value of the Indian lands is quite evident.

- (c) Automobile parking areas. World War II brought to all of us a realization of the fact that our present economy is dominated by the automobile. To grow properly we must make provision now for automobile parking areas. The logical place for these is on Section 14, possibly opposite the cross-streets connecting Palm Canyon Drive and Indian Avenue, between Aleje and Ramon Roads.

The City of Palm Springs should be required to pay for land used for this purpose. In order to do this, the City would need a period of years in which to complete purchase.

- (d) School sites. The Appendix contains¹ a statement of the amount of land

¹ Appendix "F"

used for school purposes. It is submitted that at least 20 acres in each Section of Indian lands within the city limits will be required for school purposes. The School District should pay a price for such land similar to that paid private owners for the same purpose.

- (e) Golf Courses. The west one-half of Section 10 has been examined and approved as a site for an 18-hole golf course, which is badly needed in this resort community. The best disposition of this land would appear to be to sell it for golf course use.
- (f) Airport. It is imperative that Section 18, T4S, R5E and the SE $\frac{1}{4}$ of Section 12, T4S, R4E be set aside to the city for continued use as an airport. Let us further recommend that these Sections be given to the City. This disposition finds justification in the fact that the field may be necessary for military use as it was during the past war. It is noted that similar gifts have been made to other cities.

5. Lands to be sold for the benefit of the Indians: It is recommended that the Indian lands be sold in fee, in an orderly fashion, except such land which is reserved for sole occupancy by Indians and for the uses enumerated above. In this way will be eliminated

for all time the perplexing problem of jurisdiction. By this plan the Indians will gain maximum economic security. Wholesale "dumping" of Indian land on the present real estate market would injure both non-Indian and Indians insofar as land values are concerned. Therefore, it is suggested that all lands not covered in the previous categories be sold in fee over a limited period of time in accordance with immediate needs and market demand. A non-political authority could be appointed to administer land sales for the benefit of the Indians. First consideration should be given to the sale of Section 14 which lies immediately adjacent to the heart of the City. Deplorable conditions exist on this Section. As previously discussed the 5,000 non-Indian residents have erected in most cases sub-standard and non-conforming structures following no orderly plan. Their use of the land has been obtained either by revocable permit from the Indian Department or by "lease" from an Indian. The land is occupied by Mexicans, colored persons and white persons. A sale of Section 14 would present a housing problem for these people and to solve it the following suggestions are offered:

(a) Mexican residents: For many years some of the leaders in the Mexican

group have expressed a desire for a "Mexican Colony" for the Mexicans who work and live in Palm Springs. A parcel of land could be provided for such use where, in addition to standard housing, there could be a typical "Plaza", shopping center featuring native crafts and foods, which could develop into a profitable tourist attraction.

- (b) Colored residents. Under the leadership of Lawrence Crossley, prominent negro citizen, this group of people has also attempted for many years to establish a balanced community center for those colored persons who work and live in the City of Palm Springs. A parcel of land could be set aside for such a use. It is felt that substantial assistance will have to be given by community leaders and by the city to make these two "community centers" possible. But if the land can be acquired in fee, present indications are that a housing project could be established with financing by private capital, or, if need be, by federal assistance.
- (c) All residents. If the Government sells Section 14 (and other Indian lands occupied by non-Indians), to obtain the highest possible price for the Indians, it would necessitate subdivision with resultant removal of existing structures and residences. The Government has permitted

a situation to develop where several thousand non-Indians would be faced with a serious housing problem if the land on which their houses are erected is sold for its most advantageous use. Therefore, we believe that the responsibility rests with the Government to plan in advance standard housing facilities in a proper restricted subdivision for these people. Owners of "business" property improvements on Indian Avenue may in many cases be required to consent to moving their structures back, if the widening of Indian Avenue, a prime recommendation, is accomplished.

In event the lands are sold into private ownership, then the full authority and jurisdiction of the State of California and the City of Palm Springs should attach to them. As part of any such transfer into private ownership the government should take care to provide that any use contrary to the state and city regulations built up and existing during the period of government ownership shall be terminated, and shall not create any right to continue such non-conforming use, but that the lands shall be fully subject to the local regulations.

These suggestions, as to the disposition of the Indian Lands are offered as a basis upon which the ultimate legislative action may be predicated.

V. CONCLUSIONS:

The arrangement of alternate sections of lands in the Upper Coachella Valley, the large number of people residing in a relatively small area, and the lack of proper jurisdiction over the land and its occupants, have brought about an undesirable situation which requires immediate corrective action, such as proposed by Senate Bill 1685.

In summary, the foregoing suggestions are: (1) The Indian Lands be sold; (2) The sale be conducted in such a manner that the most desirable utilization of the land will be obtained; and the economic security of the entire community be preserved; (3) a suitable plan for streets, roads and public uses be adopted before the sale; and, (4) Adequate housing be provided for the present occupants before the sale.

These suggestions are the result of an objective, unbiased study and are offered with the firm belief that by their acceptance equal benefits will be derived by all. The observations and recommendations here made are in most instances general in nature. A more detailed report will be made. In the interim the Committee would be

pleased to furnish desired specific information
on any phase of this problem.

Respectfully submitted,

Special Committee on Indian Affairs,
of the City of Palm Springs

F. Thomas Kieley

E. F. Martell

E. F. Martell

Culver Nichols

Herbert Samson

B. F. Shearer

Ben F. Shearer

Charles J. Burket

Harry J. Williams

Wm. E. Alworth

Roy W. Colegate

C
O
P
Y

80th Congress
1st Session

S. 1685

IN THE SENATE OF THE UNITED STATES

July 21 (legislative day, July 16), 1947

Mr. Butler introduced the following bill; which was read twice
and referred to the Committee on Public Lands

- - - - -

A B I L L

To remove restrictions on the property and moneys belonging to the individual enrolled members of the Hoopa, Mission, and Sacramento Tribes of California, to provide for the liquidation of tribal property and distribution of the proceeds thereof, to confer complete citizenship upon such Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) all restrictions on the alienation and encumbrance of lands, interest in lands, or other property of individual members of the Hoopa, Mission, and Sacramento Tribes are hereby removed, and the Secretary of the Interior is authorized and directed to issue unrestricted patents in fee to the holders of such lands or interest therein.

(b) In any case in which an allottee of lands who is a member of the Hoopa, Mission, or Sacramento Tribes has died, or hereafter dies prior to the issuance of a patent in fee as provided in subsection (a), without having made a will disposing of such allotment, and such allotment has not been partitioned, or the proceeds from the sale thereof distributed, among the heirs of such allottee, the Secretary of the Interior, within one year after the date of enactment

of this Act, shall cause such allotment to be partitioned among the heirs, or if such partition is not practicable because of the number of heirs or the nature of the property, shall cause such allotment to be sold and the proceeds distributed among the heirs in accordance with the laws of the State of California. Priority in the purchase of any lands sold under this subsection shall be given, first, to the heirs of the deceased allottee; second, to other members of the Hoopa, Mission, or Sacramento Tribes; and, third, to veterans of World War II and the widows of such veterans.

Sec. 2. (a) There is hereby established an appraisal board to be composed of three qualified appraisers, one of whom shall be appointed by the President, by and with the advice and consent of the Senate, and two of whom shall be appointed by the President from among persons nominated by the Governor of the State of California.

(b) There is hereby authorized to be appropriated, out of any unobligated tribal funds of the Hoopa, Mission, and Sacramento Tribes, the sum of \$50,000, which shall be available for the payment of compensation to members of the appraisal board at rates not to exceed \$6,000 per annum, and for the employment of such cruisers and appraisers as said board shall deem necessary, and for transportation, subsistence, lodging, clerical assistance, office supplies, and other necessary expenses.

(c) It shall be the duty of the appraisal board to determine the fair market value of all tribal property of the Hoopa, Mission, and Sacramento Tribes, and to report to Congress, the Secretary of the Interior, and the tribal councils of such tribes within one year after the date of enactment of this Act the results of such determination.

(d) In carrying out its functions under this Act, the board may utilize the services, information, facilities, and

personnel of the General Accounting Office, Department of the Interior, Department of Justice, and other departments and agencies of the Government to the extent that such facilities and assistance are needed and can be made available by such departments and agencies.

Sec. 3 (a) The Secretary of the Interior is authorized and directed, upon receipt of the report of the appraisal board, to purchase from the Hoopa, Mission, and Sacramento Tribes all such tribal property at the fair market value thereof as determined by the appraisal board. In the event of disagreement among members of the appraisal board as to the fair market value, the said value shall be determined by a majority of the board, and if no agreement can be reached by a majority of the board as to the fair market value, then and in that event the said value shall be that figure which represents the average of the estimates of fair market value given by each of the three members of the appraisal board. Any adult enrolled member who wishes to purchase agricultural lands acquired by the Secretary under this section shall have the right to purchase under competitive bid advertised at the appraised value; priority right to the purchase shall be to the person who has been accustomed to carry on agricultural activities in the area wherein such lands lie. Purchase may be made from the amount made payable under this Act.

(b) Within one year after the conveyance of such lands to the United States the Secretary of the Interior shall pay to each enrolled member of the Hoopa, Mission, and Sacramento Tribes living on the date of such conveyance his pro rata share of the purchase price of such tribal lands, together with his pro rata share of all funds, including Government bonds, held in the Treasury of the United States to the credit of or in trust for such tribes. In making the payments

provided for in this section the Secretary of the Interior shall withhold from the distributive share of any member an amount equal to any indebtedness of such member to the United States or to such tribes. All amounts so withheld on account of indebtedness to any such tribe shall be distributed among the other members of such tribe.

(c) In case of the death of any member of any such tribe after the date of conveyance of such tribal lands and prior to payment to such member of his distributive share under this section, the amount which would have been payable to such member shall be distributed as personal property.

(d) The distributive share of any person found by a court of competent jurisdiction to be incompetent to manage his or her own affairs because of infirmities of age or mental incapacity, or of any minor orphan, shall be credited to the individual Indian money account of such member to be disbursed by the Secretary of the Interior, or his duly authorized representative, under the rules and regulations governing such amounts; Provided, that all funds from sale of lands or interest in lands shall be credited to the individual Indian money account of such member: And provided further, that no part of the individual funds of such member shall be used for administrative purposes.

(e) Any funds which may accrue to the Hoopa, Mission, or Sacramento Tribes from any source, including claims against the United States Government as provided in Section 12, Public Law 726, August 13, 1946, shall be pro-rated in accordance with the provisions of this Act; Provided, that in the case of the death of any enrolled member after the date of the passage of this Act and entitled to share in the funds recovered from claims provided herein, his or her share shall descend to the heirs in accordance with the laws of inheritance of the State of California.

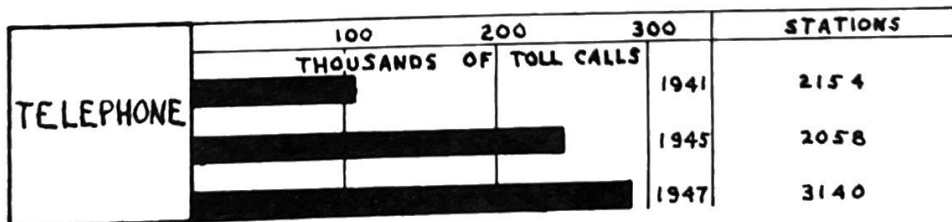
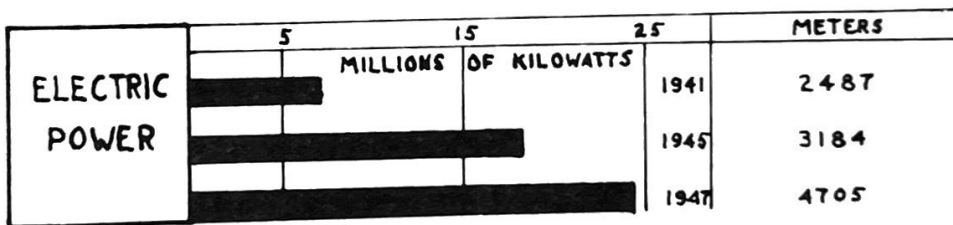
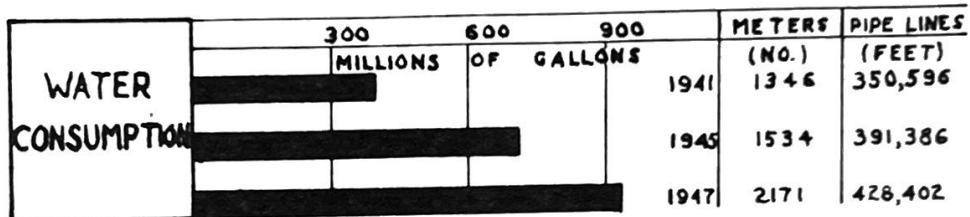
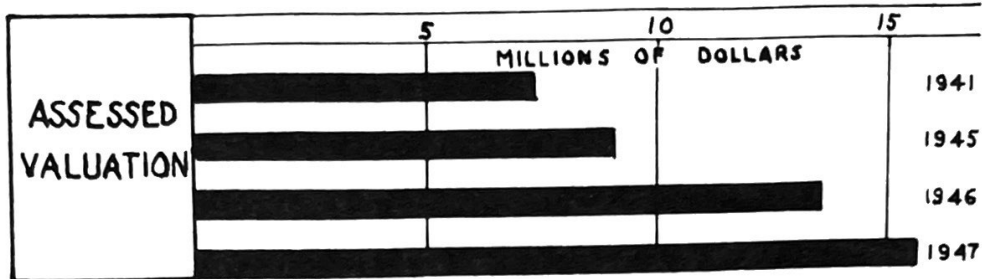
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Sec. 4. Except as provided in section 3 (b), no amounts payable to any members of the Hoopa, Mission, or Sacramento Tribes, under this Act and no lands, restrictions on which are removed under this Act, shall be liable to the satisfaction of any debt contracted prior to receipt of such payment or removal of such restrictions, as the case may be.

Sec. 5. Upon acceptance by a member of the Hoopa, Mission, or Sacramento Tribes of the amount payable to him under this Act, such member shall have all the duties, rights, benefits, and immunities of other citizens of the United States.

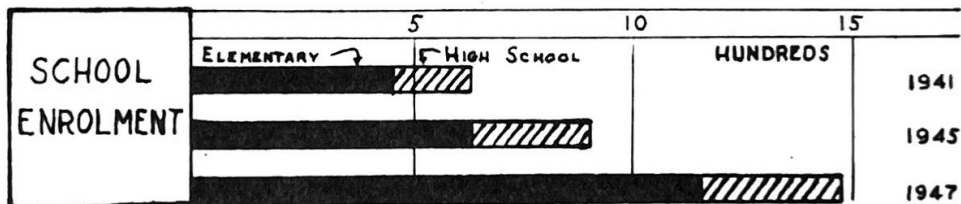
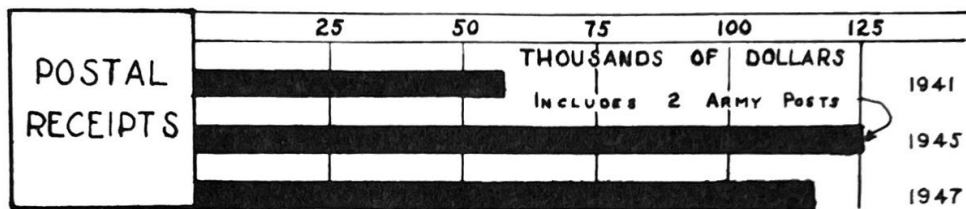
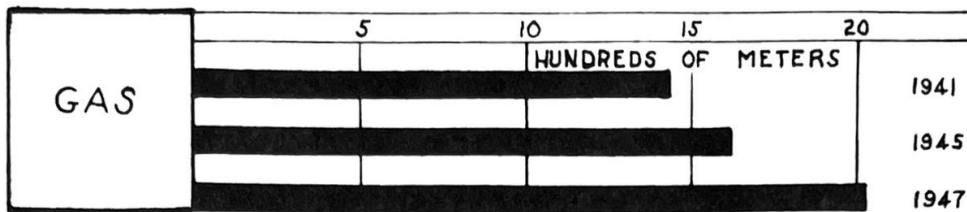
Sec. 6. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

GROWTH CHARTS



PALM SPRINGS, CALIFORNIA - 1948

GROWTH CHARTS



PALM SPRINGS, CALIFORNIA - 1948

JURISDICTION OVER PALM SPRINGS
INDIAN RESERVATION LANDS

In 1891 Congress passed an Act for the Relief of the Mission Indians in California, which provided for patenting the lands in question to the United States as trustee for the Agua Caliente Band of Mission Indians. This act provides that the United States shall hold the title in trust for the tribe or band and also provides for the selection and patenting of allotments to the individual Indians. Section 5 of this Act provides that any conveyance or contract concerning allotted lands is absolutely null and void if made prior to expiration of the period of restriction. Any lease or conveyance by any individual Indian is therefore void. There are, however, regulations of the Secretary of the Interior providing for approval by that Department of leases of tribal lands. Under these the Department of the Interior has been approving so-called "revocable permits," whereby the tribe grants permission to Non-Indians to use and occupy these lands. Such permits are revocable on thirty days notice.

In the case of St. Marie v. United States 198 Fed. (2d) 876, it was held that although certain selections have been made, no allotments have been approved and no patents issued to individual Indians and that therefore the reservation lands are still tribal property. However, in the later proceeding of Lee Arenas v. United States, he not being a party to the earlier proceedings, it was determined that he

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an order by the Secretary of the Interior in 1933, the State of California (and its subdivisions, such as this City) were given jurisdiction over Indians for the purpose of making inspection of health conditions and enforcing sanitation and quarantine regulations under the State law, in the same manner as such regulations are enforced in the surrounding territory among the general population. The enforcement of health and sanitation regulations includes City ordinances under a wide field, such as plumbing and building regulations, etc.

Non-Indians who are otherwise subject to the laws of the State of California and the City of Palm Springs may not claim immunity merely because they may be upon the Indian Reservation Lands. It is only when they or their operations can be classed as governmental or Indian instrumentalities or agencies, the operations of which would be substantially interfered with by State or local interference, that immunity can be claimed.

The foregoing is of necessity a very brief resume of the matters affecting City jurisdiction on the land. Summarizing, it may be said that as to the Indians themselves, The City of Palm Springs has jurisdiction only as follows:

(a) As to their acts and conduct on the reservation only in those cases where Congress has authorized such control.

did have an approved allotment as to which he will receive a patent from the Secretary of the Interior at a later date. Lee Arenas was not a party to the St. Marie case and therefore was not bound by the decision therein as are the other Indians.

The fact that certain land belongs to the United States does not necessarily mean that the Government has exclusive jurisdiction over it. This is true of an Indian reservation. As said by the Supreme Court in its decision in Surplus Trading Co. v. Cook, 281 U. S. 651:

"A typical illustration is found in the usual Indian reservation set apart within a State as a place where the United States may care for its Indian wards and lead them into habits and ways of civilized life. Such reservations are part of the State within which they lie and her laws, civil and criminal, have the same force herein as elsewhere within her limits, save they can have only restricted application to the Indian wards. Private property within such a reservation, if not belonging to such Indians, is subject to taxation under the laws of the State."

The foregoing language was not necessary to the decision of the Court but nevertheless is quite enlightening, and has subsequently been referred to in other decisions.

On the other hand it is always true that State jurisdiction may never interfere with or burden Federal functions in the territory in question. Neither may it hinder the government in its use or disposal of the lands. Neither may the rights of the Indians be impaired by State or local authorities. So long as they live in tribal relations the Federal government has exclusive jurisdiction over them, excepting to the extent Congress may delegate same to the States. Such Indians are wards of the government.

By an Act of Congress passed in 1929, followed by

(b) As to the lands to which the United States hold title, there is no City jurisdiction concerning the development or use by Indians or governmental agencies.

(c) As to real or personal property of the Indians or the United States on the reservation lands, the State and City tax laws do not apply, nor can the State or City require any license or permit from an Indian or a governmental agency for conduct of any business or other operations thereon.

As to non-Indians, the State of California and the City of Palm Springs have jurisdiction:

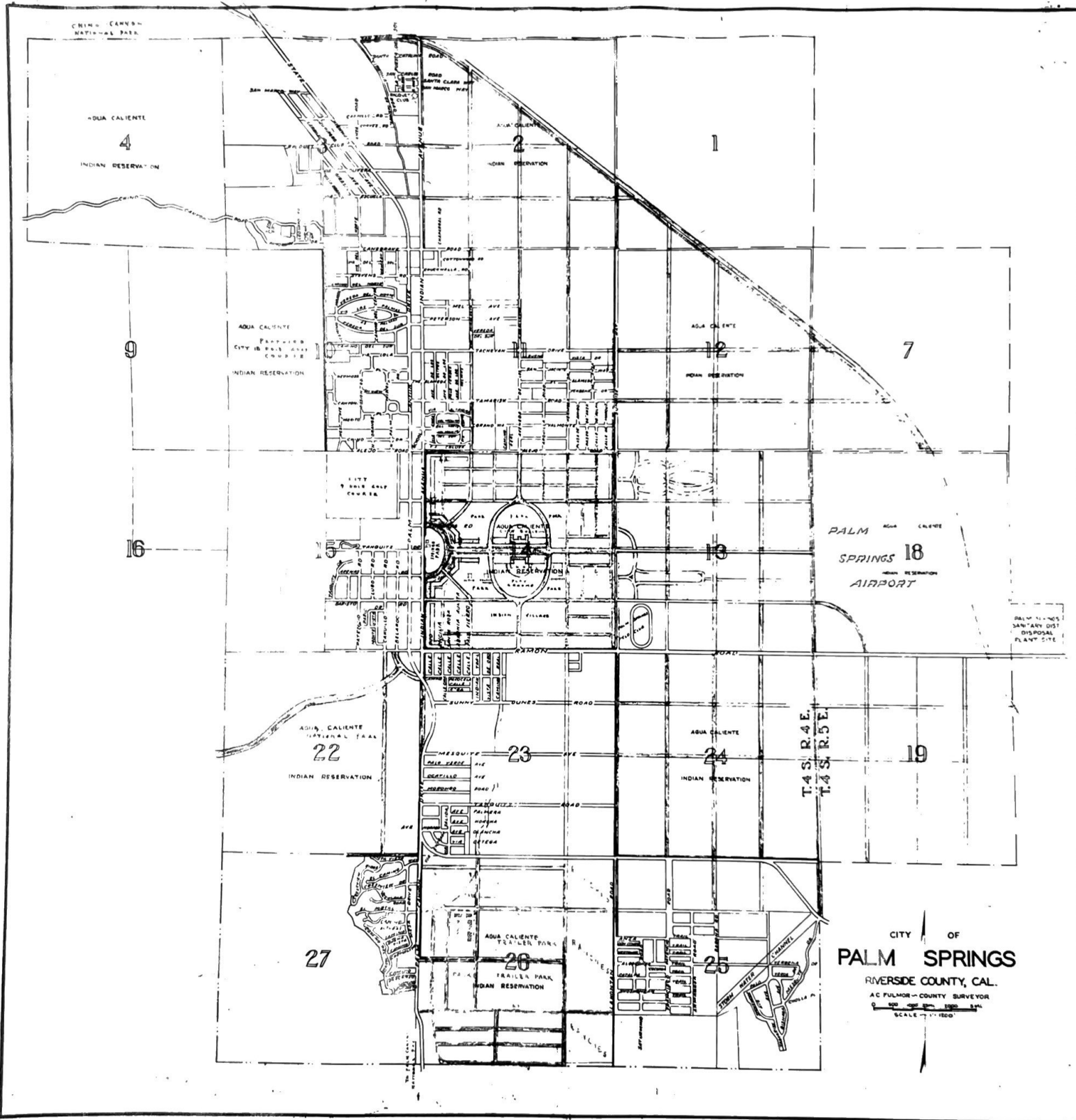
(a) Over their acts and conduct on the reservation to the same extent as if they were on private lands, so far as no rights of Indians or Federal agencies are concerned.

(b) Their property, both real and personal, is subject to the taxing power of the State and City and their conduct of any business or operations is subject to the license and permit regulations of the State and City.

(c) In event the acts and conduct of a non-Indian are part of some transaction with the Indians or a Federal agency, and the enforcement of

a state law or city ordinance would conflict with the plans of the Indians or federal agency for development and use of reservation lands, then the state or city regulations could not be enforced. As concerns lease of lands by individual Indians to non-Indians, there is no doubt but that these are invalid and the non-Indians occupying these lands may be subjected to state and city regulations without thus creating any conflict.

However, as concerns lands covered by valid and approved revocable permits, such as are in use on these reservation lands, there is considerable opposition from the Department of the Interior to enforcement of state and municipal regulations as against non-Indians. This is predicated on the ground that to allow the exercise of such jurisdiction would be to impair the federal jurisdiction over the Indians and their use of the lands.



Legal Description of Places and Sections mentioned
in Report

Sections - 2, 4, West $\frac{1}{2}$ of 10, 12, 14, 22, 24 and 26

(Within City Limits of Palm Springs)
Described as Section , T4S, R4E,
San Bernardino Base and Meridian, County
of Riverside, State of California.

Section 18

(Within City Limits of Palm Springs)
Described as Section 18, T4S, R5E,
San Bernardino Base and Meridian, County
of Riverside, State of California.

ra
Tahquitz Canyon

Section 22, T4S, R4E, San Bernardino Base and Meridian

Murphy Canyon

Section 10, T5S, R4E, San Bernardino Base and Meridian

Andreas Canyon

SE $\frac{1}{4}$ of Section 3, T5S, R4E, San Bernardino Base and
Meridian

Chino Canyon

Section 6, T4S, R4E, San Bernardino Base and Meridian

Palm Canyon

Section 14, T5S, R4E, San Bernardino Base and Meridian

RESOLUTION NO. 2279
of the City Council of the City of
Palm Springs creating a Special
Committee on Indian Affairs

WHEREAS, plans presently are underway for the Department of Interior to wind up the affairs of the Indian Department in the State of California, and for this State thereupon to take over the administration of remaining Indian affairs, and there presently is pending before Congress proposed legislation affecting the Mission Indians of California and their lands, all of which is of great importance to the City of Palm Springs; and

WHEREAS, by reason of the foregoing, it is essential that this community take an active part in developing a satisfactory program for the handling of said Indian lands, the administration of the Indians and their properties in this area, and in formulating and furthering such satisfactory program;

NOW THEREFORE BE IT RESOLVED, that there shall be and is hereby created a Special Committee on Indian Affairs which shall be comprised of nine (9) members of the Indian Lands and Sanitation Committee of this City Council, from time to time appointed by the Mayor, plus the City Manager and the City Attorney, as ex-officio members. The remaining four (4) members shall be representatives respectively from the Chamber of Commerce, The Home Owners League, the Palm Springs High School District and the City Planning Commission, same to be appointed by the City Council and to serve for one year;

BE IT FURTHER RESOLVED, that the said Special Committee on Indian Affairs shall have power and authority for and on behalf of the City of Palm Springs, to make the necessary investigations and research so as to prepare and draft the necessary data and reports and to determine the requests and recommendations to be made to the State of California and the United States

of America in regard to the said matters; to negotiate with appropriate State and Federal governmental officials, and generally to do whatever may be necessary to further the interests of this community and to carry out the determinations and policy of the Committee concerning the handling and disposal of Indian lands in this area and the administration of the affairs of the individual Indians;

BE IT FURTHER RESOLVED, that the Committee shall have use of the City Offices, facilities and employees for its said work and that such other necessary facilities, services and materials shall be provided and paid for by the City as may first be approved by the City Council;

BE IT FURTHER RESOLVED, that as initial members of said Committee, the following persons from the organizations named are appointed to serve for a period of one year from this date:

Chamber of Commerce - Herbert Samson
Home Owners League - Ben F. Shearer
Palm Springs High School District - Charles J. Burket
City Planning Commission - Harry J. Williams.

I hereby certify that the foregoing is a true copy of Resolution No. 2279, duly adopted by the City Council of the City of Palm Springs in a meeting thereof held on the 3rd day of March, 1948

Louise M. Carn
City Clerk

Dated at Palm Springs, California
this 8th day of March, 1948

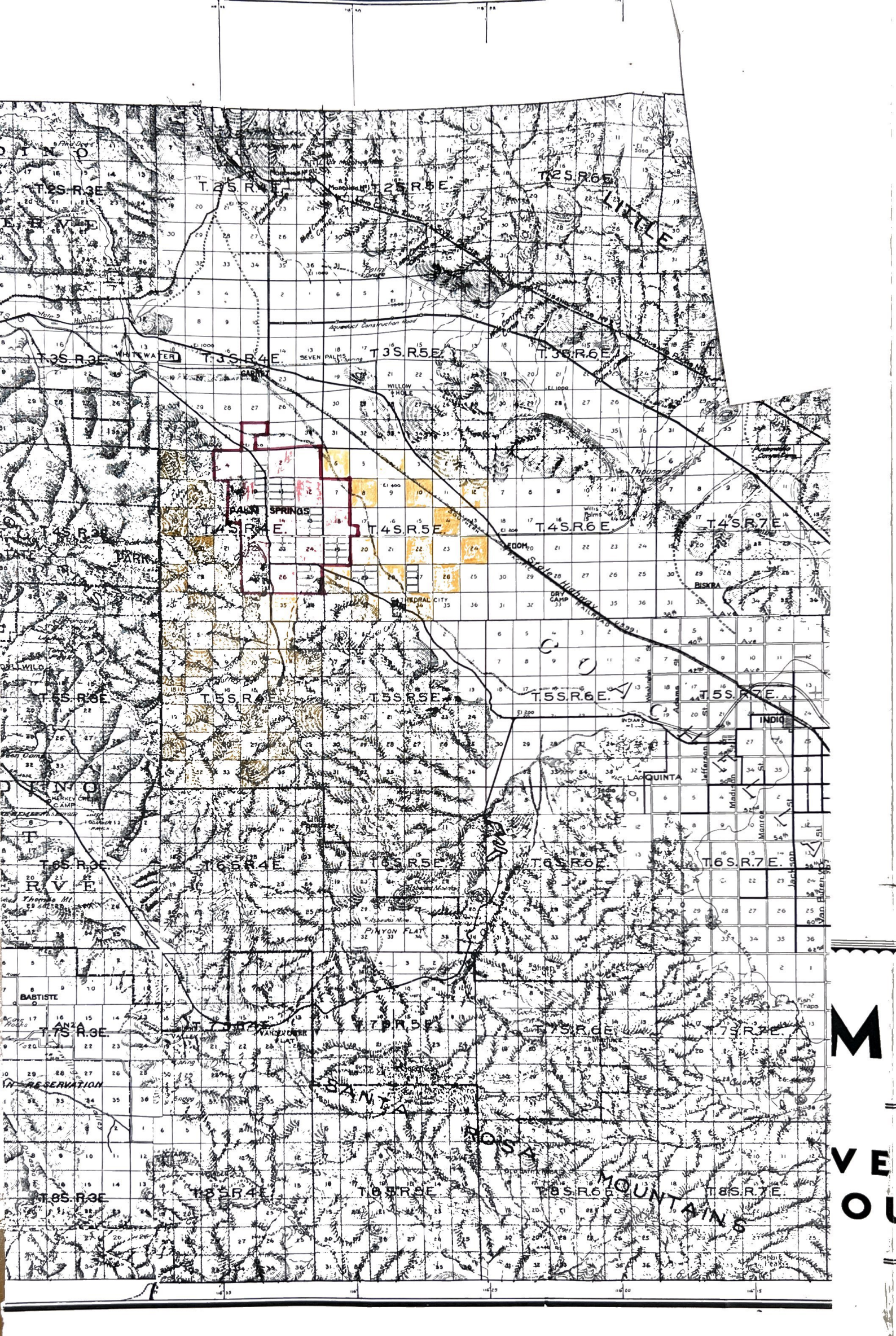
City of Palm Springs, Calif.

LANDS IN USE IN CITY FOR PUBLIC AND
SEMI-PUBLIC PURPOSES

		<u>Acres</u>	<u>Section</u>	<u>Total Acres</u>
SCHOOLS	Frances Stevens	3.75	15	
	Cahuilla	0.7	23	
	Torney	18.44	11	
	Hellie Coffman	10.00	15	
	High School	30.00	13	
	Parochial	10.00	13	80.7
PUBLIC UTILITIES	Gas	1.00	11	
	Elect Sub Sta	2.50	23	
	" " "	.33	15	
	" " "	.75	3	
	Water Reservoirs	11.00	Est. 3/4	
	Water Well Sites	1.20	" 11/23/19/25	
	Sewer Dist " under negoti- ation W.A.A.	40.00 40.00	17 19	96.78
AIRPORT	Lease (Indian)	640.00	18	
	" under negoti- ation	160.00	12 (SE 1/2)	
	Purchase under neg- otiation W.A.A.	80.00	7 (E 1/2 SW 1/4)	
	" " " "	100.00	13 (For E 1/2)	980.00
PARKS	O'Donnell	40.00	15	
	Field Club	30.00	13	
	Las Palmas	1.00	10	71.00
CEMETARY		.93	15	.93
HOUSING	Herbert Lineau Village	10.00	13 (100 Units)	
	War Housing	4.00	14 (25 Units)	14.00
LIBRARY	Hglwood Murray	.19	15	.19
FIRE and POLICE	Fire Hall Police Station-Jail	.30	18	.3
YOUTH CENTER		.13	15	.13
HOSPITAL	Community - W.A.A. under negotiation	7.80	11	
	Health Center	.20	14	8.00

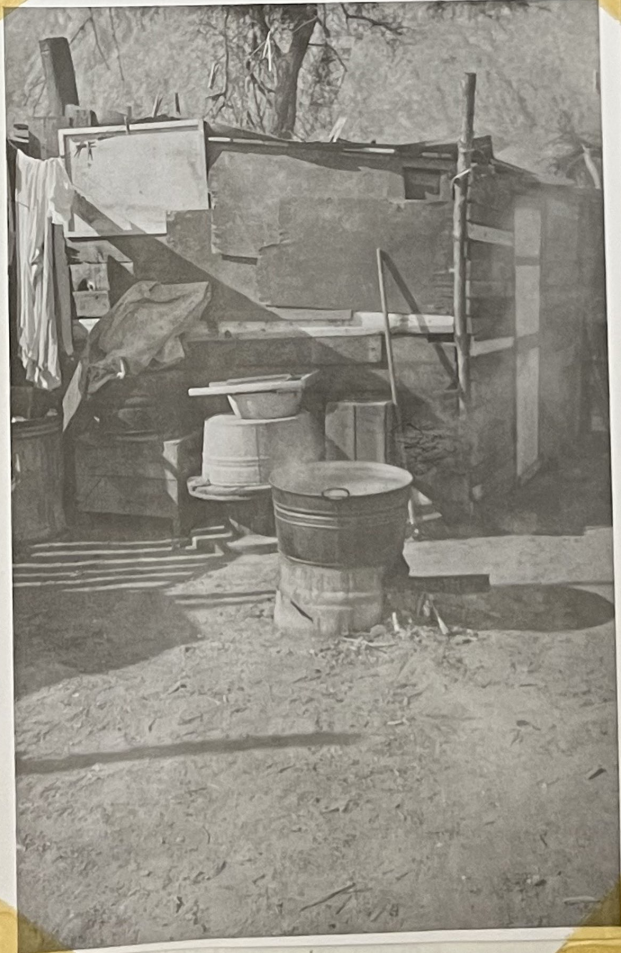
Total Acres - - 1251.33

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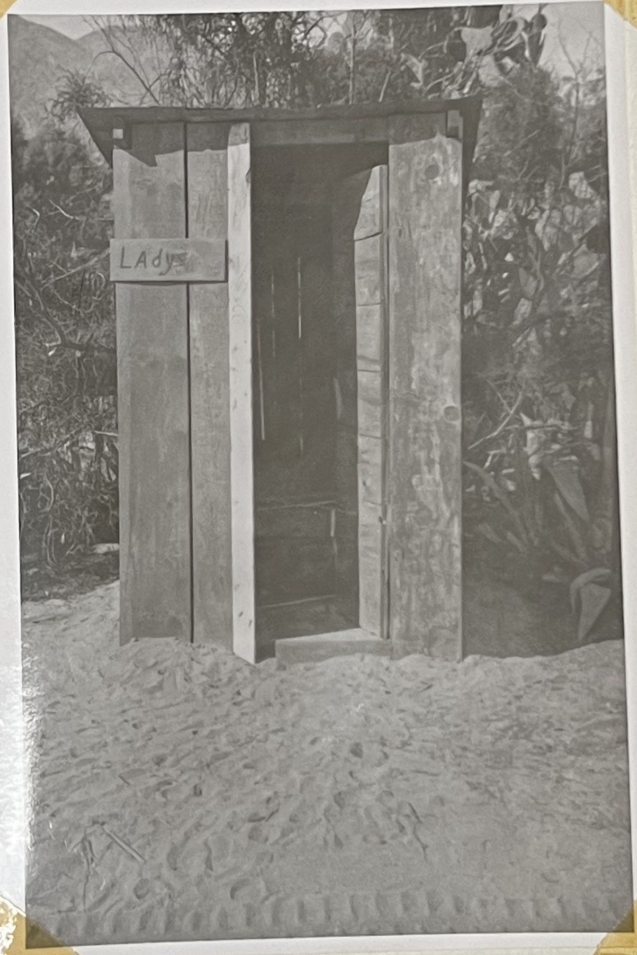


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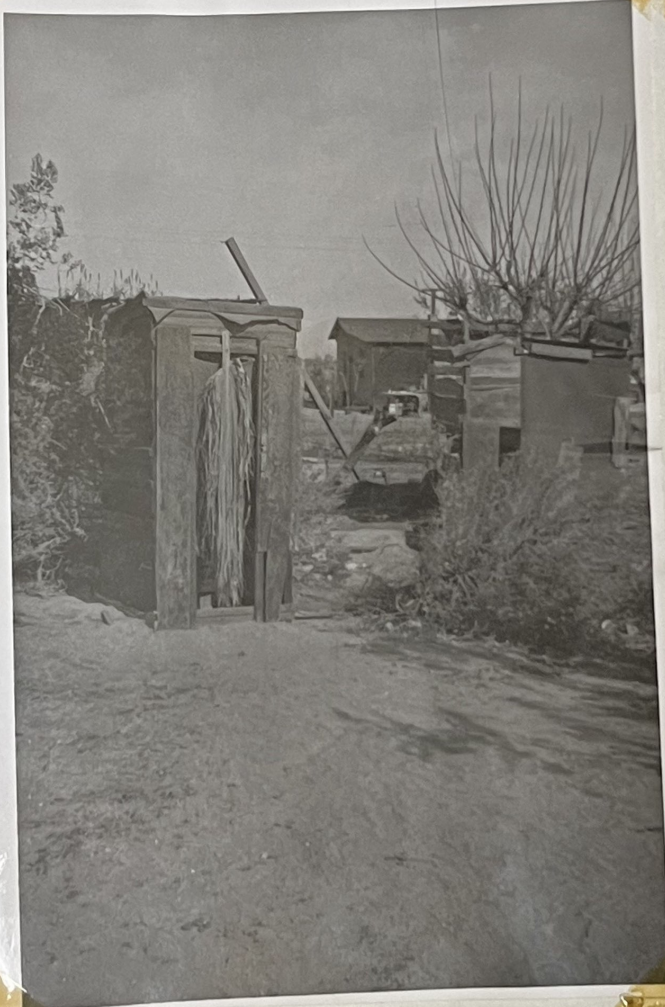
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COTTON COMMISSION
BUREAU OF AGRICULTURE
WASHINGTON, D.C.



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Special Comm. on Indian Affairs

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