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Kern County Indians,
1952-71

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ORAL HISTORY OF THE SOUTHERN SAN JOAQUIN VALLEY PROJECT

CALIFORNIA STATE COMMISSION, BAKERSFIELD

INTERVIEW FORM

1. Name of Interviewee: Henry C. Mack
2. Date of Interview: November 3, 1971
3. Place of Interview: ?
4. Address of Interviewee: ?

5. Date and Place of Birth: ?
6. Place of Longest Residence: ?
7. Length of Tape: 40 minutes
8. Transcription: XX Yes _____ No _____
9. Has the Interviewee signed a release? Yes _____ No _____
10. Name of Interviewer: ?

11. Historical Importance: Relates the history of the Paiute Indian land controversy in Kern County. Indian land was sold by the Federal Govt. when many Federal Indian projects were dropped in 1952. This land was sold without notifying the Indians, who were finally able to buy it back.

12. Subjects: Kern County Indians 1952-1971

Sale of Indian land by Federal Govt.

Problems faced by Indians in acquiring it back

13. Names mentioned in tape: Paiute Indians, Joe B. Williams, Duncan Miller, Mary A. Rankin, Henry C. Mack, Mr. Weatherwax, Ruth Magill, Congressman Odell

14. Period: --1900; 1900-1920; 1920-1930;
1930-1940; 1940-1960; X 1950-71.

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CALIFORNIA STATE COLLEGE, BAKERSFIELD
PIONEER PROJECT

KERN COUNTY INDIANS, 1952-71

Henry C. Mack

Interviewed

by

?

on

November 3, 1971

Transcriber: Jana Jae Greif

ORAL HISTORY OF THE SOUTHERN SAN JOAQUIN VALLEY PROJECT
CALIFORNIA STATE COLLEGE, BAKERSFIELD
PIONEER PROJECT

INTERVIEWEE: Henry C. Mack, Attorney for the Friends of
American Indians

INTERVIEWER: ?

SUBJECT: Kern County Indians, 1952-71

DATE: November 3, 1971

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(Interviewers #1 and #2 are female; interviewer #3 is male. They will be designated simply "1", "2", or "3". Mr. Mack, of course, will be designated by the initial "M".)

1: One of the questions we have is who are the trustees of the land now? We understand that there have been some changes.

M: Not of record, as far as I know. Would you like me to run over this thing a little bit?

1: Yes!

M: This thing came up around 1952 when the Bureau of Indian Affairs of the United States abandoned a lot of the Indian work, turned it over to the states. California is one of the states where that occurred. (phone rings) Around 1952, the Federal Government, the Bureau of Indian Affairs, dropped a lot of the projects that they had, and

they, in effect, abandoned, as far as I can figure it out they just abandoned the Indians in California to whoever is going to take care of them. What happened was, pursuant to that, they put the property where these Indians live--and, incidentally, what tribe are they I have forgotten; do you know?

2: We have understood they are Yokuts.

1: Although we do have one of their documents--do you know which one it was--that says they were the Paiute tribe, and this was our first encounter with the conflict.

M: I don't believe I have ever heard, actually. Yes, I have, too. It says here that Mrs. Walter Rankin reported there had been reports some Paiute Indians had signed statements waiving their rights to buy back the land. Joe Williams in a notarized statement, has denied this claim. In the fall, some thirty families had been interviewed by the Bureau of Indian Affairs.

All right, then, apparently they are Paiutes. Pursuant to the abandonment that the Federal Bureau had put into effect in 1952, they put the property up for sale--this acreage--and it was bought by a man named Miller, Duncan Miller. There was no patent to it at that time, but he bought all the rights that the government had in it and he eventually got a patent to it.

Now as soon as the people found out that Duncan Miller had purchased the property, and incidentally the Indians

were never notified of the fact that it was going to be up for sale, they started a drive to get the money to buy Duncan Miller out. His interest was worth just what he paid for it. He made no profit. We did raise the money—I say "we", people up there in the area did—and paid Miller off, and the amount of money that was paid was \$2,692.50. An agreement was made between Miller and the Committee for Paiute Indians, by myself as chairman, on December 11, 1952, in which he agreed to sell the property back to the trustees for the Indians--in effect, back to the Indians.

To make a long story short, the money was raised, the property was deeded by Duncan Miller to Mary A. Rankin, Joe B. Williams, and Henry C. Mack as trustees. That deed was dated December 11, 1952; goes from Duncan A. Miller, a single man, to Mary A. Rankin, Joe B. Williams, and Henry C. Mack as trustees; covers the SE $\frac{1}{4}$ NE $\frac{1}{4}$, the E $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24, Township 29S, Range 33E, and Lot 3 in Fractional Section 24, Township 29S, Range 33 $\frac{1}{4}$ E, comprising 144.44 acres.

Now, that land was paid for eventually. Miller, I might say, was very cooperative in the thing. He took half of it down as I recall, and we paid him the rest as we squeezed it out by the Committee going around beating the bushes for the money. We got the cooperation of the Bureau of Indian Affairs, as far as they were interested, which wasn't very much. We also got a patent, finally, to Mr. Miller, which confirmed title to the land and is dated

March 3, 1953. That confirmed the title to the Indians.

We've had to pay some taxes on it for a while. We did pay--in fact I have never been repaid for some of those taxes. The Indians, as far as I know, had built a couple of adobe houses on the property. Have you seen the property?

3: No, we haven't.

M: Well, it's pretty rugged country up there. They built adobe houses on it and I think they've lived there from time to time. As I understand it now from Mrs. Rankin, who is much closer to those people than I am, the houses have fallen into disrepair and they are probably uninhabitable. The people have all moved off.

Incidentally, after paying a few years' taxes, the county recognized the fact that it was a charitable organization and they have not billed us for taxes since. So it has been tax free. We have been leasing it to various people to run cattle on. They have got cattle guards on the gates and so forth and so on.

That's about the history of the thing as far as I know.

3: Who granted the patent?

M: The United States.

3: It wasn't the State of California?

M: Oh, no, it was Federal land.

3: I see.

2: I was going to ask if you had any problems with Duncan Miller wanting to relinquish this land.

M: No, he was very cooperative. He was in a position to make a little profit I guess, if he had wanted to, but he sold it to us for just what he had in it.

2: We have in our notes that he bought the land for \$2,440.00 and then sold it to us for \$2,692.50.

M: I'm not sure of that, but my recollection is that he sold it for exactly what he paid for it.

It apparently doesn't state the consideration. (reads silently) No, it doesn't. I have reviewed the files a little bit. I haven't gone into it too deeply, but I ran across a letter here which says that he agreed to sell it for what he paid for it. So I guess that's correct.

3: He might have had certain expenses involved.

M: That's a possibility, too. As a matter of fact, he was very lenient in collecting all of his money. He gave us the deed to the property before he got all of his money. All he had was an agreement, which I would say was cooperative.

I've never met the man in my life. It was all done by correspondence.

1: What type of dealings did you have with the agent for the Bureau of Indian Affairs?

M: It was all done by letter. Their only interest in it was getting a patent. You see, they really abandoned the Indians, when they sold that property to a private individual, that was pursuant to their policy of not having any more problems with those particular Indians.

They were cooperative in that they issued the patent, and that was about the only dealing we had with them. That was the only thing we had to do with them because they had part of the title of the property and indicated that they would sell it. The patent, of course, is just like a deed from the government. That is what it amounts to.

2: As far as the money you have stated that you are still owed, in some of the correspondence Mrs. Rankin has let us use, she recently wrote you a letter and said she felt you had a credit balance due to the easement you granted a Mr. Bell for \$600.00 and that should have covered the delinquent taxes.

M: Well, it didn't. Our bookkeeping is pretty clear. We paid some of these taxes after the property was deeded. You don't pay taxes on a property until you get it. You pay it--my information has been and my experience has been--as long as you own it, you are going to continue to pay taxes on it. We are entitled to the \$300.00 we invested--whatever it amounts to--\$313.67 I think it is. We were raising money--when Miller deeded that property to us he still had around \$1,000.00 or \$1,200.00 coming, and all the money that came in was paid to him until he was paid off.

I did send her a letter--I looked at it this morning--and said that everything was clear at that time. These are subsequent taxes and we paid taxes on it two or three or four years, I have forgotten just which, until such time as

the county decided they wouldn't charge any more taxes.

2: When Duncan Miller agreed to let you re-purchase the land from him, we read that he demanded \$1,000.00 in a very, very short time, whether it was the next day or within a week. How did you raise the money?

M: I didn't raise it, the Committee did. They had several meetings. Mr. Weatherwax was chairman of that.

2: So it was paid from funds that were already raised?

M: I don't recall that. It wasn't paid till the funds were raised, let's put it that way.

2: I didn't know whether you had gone into debt personally or....

M: I don't know whether I did or not. Frankly, I don't think so. I know I did carry--I have one letter which shows that there was around \$800.00 or \$900.00 due this office which we had advanced later. And I think that was probably paid by this easement she's talking about. We carried that for considerable time after the Miller agreement was entered into. They had an awful time raising the last few bucks.

3: It took a matter of years I think.

M: It did. This file is still open. 1952 is when it started, so it is a long time.

2: The \$313.00 are actually taxes that are still due.

M: I think it is all taxes. I don't have the statement right here, but I did send her one.

2: Yes, we have a copy of that.

M: That's the way the monies were paid. As I say, we carried \$800.00 or \$900.00 for some time.

2: I think Ruth asked you about the trustee at the very beginning, and you said that there is no written

M: There is no change as far as my records show here.

2: So Mr. Weatherwax is not legally a trustee.

M: No.

1: In your trusteeship, is there any activity involved with Joe Williams? Are you in contact with him?

M: No, I have never met him in my life. All the contact with the Indians--he is one of the Indians I think--has been either Mr. Weatherwax, who was chairman of the fund-raising committee, or Mrs. Rankin. I haven't talked to any of them.

2: You did handle a case for them, she said she believed it was right after you were out of law school.

M: Who? The Indians?

2: Yes.

M: I don't have the slightest recollection of it. I have been out of law school for 44 years and that has been quite a while back.

2: She must have been mistaken then. She thought it was one of your first cases perhaps.

3: I believe it had to do with Magill, wasn't it, being killed for a witch.

M: There's some indication in one of these notices of a meeting, that Magill was killed for a witch, but I don't recall it. Right now today, he might have been more honored and respected than he was then. This witch business is getting to be quite a thing again.

3: Is there any way that you know of to get in touch with Mr. Duncan at this time?

M: I haven't the slightest idea. I haven't heard from him. So I don't have any idea where he is. I think I do have his address. Incidentally, we have taken in a little money. Mrs. Rankin has leased the property for maybe two or three times for grazing. We have a little of that money in our hand. Most of which will go to pay us our taxes back.

Some discussion of the fact that Mr. Weatherwax was appointed trustee but I don't think there was any written appointment. I notice here also that on November 8, 1957 we were still trying to get our money back. We had paid Duncan Miller. Here's a note dated November 8, 1957 that Mr. Weatherwax called up today and said he was selling some property and he would pay us off the entire \$800.00, more or less, that he owes before the first of the year. So we were carrying a considerable sum of money on our books at that time. In fact I wrote on September 27, 1957 to Rankin and Weatherwax, "According to our books, we still have an indebtedness of \$826.74, which has remained unpaid now for

several years in connection with the advances made by us on behalf of purchasing land for the Indians." That's when Weatherwax phoned back, in response to that letter. He eventually got it paid off, but it was a long time. In fact, I'll tell you I was sick and tired of hearing about the Indians in about 1957.

3: It looks to us from records that we have seen that Mrs. Rankin has, that she has been making most of the payments. Do you have any idea if she was paying quite a bit of this out of her own pocket?

M: I don't know. She and Weatherwax are the ones who gathered the money. The last \$800.00 or \$900.00 I got from Weatherwax, so I don't think she paid it, I think he did.

If you want to take a real old address down, you can get it on your tape. Mr. Duncan Miller, Box 785, Station H, Los Angeles 44, California. That was from 1954 when I sent him the last of his money. I have a return receipt here for it, so I guess he got it. If he didn't get it. I shouldn't have heard from him.

3: Do you recall Congressman Odell?

M: He was a partner of mine.

3: Was he actually in this Indian controversy?

M: I don't think so.

3: Did he help them in any way?

M: I don't believe that his name appears anywhere.

Correspondence that I have had with the Bureau of Indian Affairs was addressed to Bureau of Indian Affairs, Sacramento Office, P. O. Box 749, Sacramento, Ca..

3: I was wondering if any of you were to get ill or die, how the trust deed would be affected if one person were to pass on or something like this?

M: The Superior Court of the county would have to appoint a new trustee. There is a provision in the law for appointing trustees in documents which do not contain any alternative trustees. In a will, for example, we usually provide that if A, B, and C are the trustees and if any of them die then D is the first alternate and maybe E is the second alternate. Can't do that in the deed because we just have to give it to certain people. So the only thing to do would be to file proceedings in the Superior Court and get another trustee for it.

3: If things were to get bad for the Indians or you people and you did decide to sell, or some shysters got on the trust or something like that, or some type of trustees on the deed, they would all three have to sign the deed in order to sell it, wouldn't they?

M: That's right. That's why I always use three trustees because if you have one or two crooks you might have also one honest man. I don't mean to indicate that's true here, but we generally always use three trustees. The Superior

Court isn't going to appoint anyone who they would worry about stealing this property. All three trustees would have to conspire together.

As a matter of fact, I think the whole thing is more or less of a dead horse because the Indians don't use it. If they wanted to, whoever sold it would have to disburse the money to the beneficiaries of the particular tribe of Paiute Indians. That might be a problem, too. So it will probably stay there forever, at least for the time in the foreseeable future. It is there for their use, but I don't know what they ever did with it. They just apparently abandoned it. Is that the information you got from Mrs. Rankin?

1: Mrs. Rankin did mention that she thought there were some of the Indians coming back to the land to build summer homes or something like this. I guess maybe they had prospered some and had more money and could afford to do this type of thing. She was under the impression that there were some coming back.

M: It's too bad they don't use it because I have never been there--but I understand it is pretty good property.