



# **The California Rancheria Termination Act of 1958: The Continuous Assertion of Tribal Governments for Self-Determination**

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## **Abstract**

Throughout the history of the United States, the relationship with its original inhabitants has been marked by inequity, persisting from its inception in 1776. This qualitative case study delves into the enduring repercussions of the Rancheria Termination Act of 1958 on California's American Indian communities. Guided by a transformative axiological assumption rooted in respect, beneficence, and justice, this research seeks to shed light on this act's profound and lasting impacts. The California Rancheria Termination Act of 1958 (Rancheria Act) represents a joint effort by the United States government and the State of California to circumvent federal treaty responsibilities and transfer portions of tribal lands to the state. The findings of this study reveal that the Rancheria Act (1958) set tribal governments back by over 650 years. With an average of 17 years of non-existence before restoration, the 41 tribal governments affected by inequitable and racist policies continue to wage a resilient battle to reclaim their identity. In defiance of the federal government's actions, tribal governments persist in their struggle to safeguard their culture, language, spiritual practices, societal contributions, and indigenous identity. These were once threatened by the classification of terminated rancheria inhabitants as non-Indian Indians. The study has uncovered a compelling need for further research into the holistic impact of the Rancheria Act. Such research can provide the foundation for developing initiatives that empower American Indians and tribal governments to exercise their right to self-determination. These initiatives can also foster community reconciliation, addressing historical injustices impacting present issues.

**Keywords:** American Indian; inequities; policy; resiliency; social justice

## **1. Introduction**

The United States government's efforts to victimize American Indians and weaken tribal rights to self-determination are ongoing. American Indians' contemporary struggles can be traced to countless policies aimed to eradicate their existence; still, the strong spirit of American Indians is still here. Against all odds, American Indians continue to demonstrate their tenacity and resolute commitment to their inherent rights to protect their home, culture, and identity.

The U.S. Congress passed twelve termination bills between 1953 and 1962 (Philp, 1999). This study focuses on the impact to 41 rancherias terminated in California as the result of the California Rancheria Termination Act of 1958 (Rancheria Act). Understanding the magnitude of the damage caused by one legislation is crucial to better foster reconciliation, equity, and inclusion. The problem consists of the persistent efforts of the United States government to undermine American Indians and tribal governments' right to self-determination. These contemporary challenges are rooted in historical policies intended to eliminate their existence. The purpose of this qualitative case study is to explore the impact the Rancheria Act (1958) continues to have on American Indians in California in order to advocate for a greater understanding of racial inequities from policymakers. The study seeks to explore how the Rancheria Termination Act of 1958 continues to impact American Indians in California.

The exploratory qualitative case study analyzed and synthesized data from diverse open sources to provide a comprehensive portrayal of the impact of the Rancheria Act (1958). The minority team of researchers implemented manual and computer-assisted qualitative data analysis. It aimed to focus on the tenacity and resiliency demonstrated by the impacted rancherias to preserve their legal status, culture, and lands.

## **2. Literature Review**

There is compelling literature about the Termination Era in the United States. Still, most of the literature associated with the Termination Act is limited to historical events and legal perspectives. Multiple scholars acknowledge the tumultuous historical relationship between the United States and American Indians continues to exhibit catastrophic consequences (Barker, 2005; Corntassel & Witmer, 2008; Daly, 2009; Duthu, 2009; Fletcher, 2016; Philp, 1999; Wood, 2008). In California, the relationship emerged following the horrors of colonization and the California Mission Period; the Mission Period was the time between 1769 and 1848 when the Indian right of occupancy was under Spanish power (Wood, 2008). In 1848, following the Mexican-American War, the imposition of American control brought change, and conditions continued to worsen for American Indians in California (Advisory Council on California Indian Policy [ACCIP], 1997; Wood, 2008). The Dawes Act of 1887 authorized President Grover Cleveland to fragment tribal lands into individual allotments for sale to non-Natives in another attempt to not only diminish Indian Country but dismember American Indian culture and tradition and weaken tribal governments (Corntassel & Witmer, 2008).

For years, American Indians in California experienced massacres, kidnapping, enslavement, and illegitimate land appropriation (Wood, 2008). The pre-contact American Indian population of California is estimated to have been 310,000; between 1851 and the early 1900s, the population of American Indians in California decreased from an estimated 150,000 to approximately 20,000 (ACCIP, 1997). There was a false glimpse of hope in 1934 with the passing of the Indian Reorganization Act (IRA, 1934), and by the late 1940s, members of Congress were actively calling and advocating for the termination of federal-tribal relationship (Fletcher, 2016, p. 99). By 1951, the California Legislature unsuccessfully requested termination for the tribes or rancherias in California (Wood, 2008). In 1953, the House passed

Concurrent Resolution No. 108, formally establishing the era commonly referred to as Termination (HCR 108, 1953). The House Concurrent Resolution 108 served as an acknowledgment of Congress' intent to disenfranchise American Indians and abolish the federal government's trust obligation (Duthu, 2009).

After continuous failed attempts in 1958, the United States Congress finally answered California's request, and the Rancheria Act was successfully passed, resulting in the termination of 41 rancherias in California (Rancheria Act, 1958). Of the 41 rancherias listed for termination, 38 consented to termination based on misrepresentation and coercion from the Bureau of Indian Affairs (BIA), unaware of the consequences members of the 38 terminated rancherias lost all federal benefits (ACCIP, 1997).

Daly (2009) maintains one of the overlooked impacts of Termination is the damage and mistrust it causes between tribes, as well as the internal conflict within tribes and their members. The impact of the policy is still palpable as it severed families and communities, as Termination continues to be a contemporary issue in Indian Country (Daly, 2009). Equally important, Puisto (2009) concluded with his study on the Blackfeet Reservation in Montana highlighted the tribal perception of the possibility of Termination is still palpable. It was slightly different from what it was in the 1950s and 60s, and miles away, but still creating division and fear fueled by the mistrust from years of extensive deceitful relations between American Indians and non-Natives (Puisto, 2009).

Wood (2008) and Slagle (1989) argued the unique history of California and legislation like the Rancheria Act (1958) continue to present challenges to tribal sovereignty and self-determination. Still, Puisto (2009) demonstrates the damage of the Rancheria Act and termination policies are not bound to California. Referring to the atrocities committed toward American Indians, Field (1999) recognizes the failure of multiple actors aiding the federal government to systematically erase American Indians by the implementation of federal policies of non-recognition.

Goldberg (2002) asserts termination signified loss of citizenship and the birth of non-Indian Indians from incorrect federally mandated lists or "rolls," lists intended to dismantle tribal lands. Equally important, Walch (1983) emphasized the continued denial of Indian status, ousting the self-determination ideals of American Indian culture and values with the hurtful reality of becoming a non-Indian Indian. Furthermore, the federal government continues to diminish tribal sovereignty by exerting power over tribal citizenship requirements by utilizing the BIA as a tool to oversee tribal constitutions and membership (Goldberg, 2002).

The Advisory Council on California Indian Policy (ACCIP) maintains termination policies forced American Indians to relocate to urban areas, significantly impacting their sense of belonging to a culture and a community (ACCIP, 1997). Additionally, Hansen (2020) concluded terminated rancherias faced enormous disruption, resulting in multigenerational trauma, violation of their land rights, destruction of their records, citizenship disputes, and disenrollment. It is also imperative to recognize these policies are detrimental when terminated rancherias advocated for federal recognition, especially regarding the need to establish cultural and political continuity (Slagle, 1989).

Despite the generational trauma and immeasurable hardships, academics and professionals alike agree on the tenacious and resilient spirit of American Indians (Duthu, 2009; Field, 1999; Puisto, 2009). They continue to exhibit immense determination for advocacy and organization to reestablish their fundamental rights to remain true to who they are while protecting their heritage, culture, values, and land (Duthu, 2009).

### **3. Methodology**

The qualitative study is exploratory; Creswell and Creswell (2023) maintain one of the central reasons for conducting a qualitative exploratory study is the limited research on the topic. The limited literature revealed the most appropriate approach is exploratory. Additionally, the team of researchers accorded a transformative axiological assumption guides the study. A transformative axiological assumption was chosen based on the unique beliefs and experiences each researcher on the team brings to the study. The team comprised of minorities: two females, one Native American (Lakota), one Hispanic, and one Native American (Choctaw) male wholeheartedly believe ethical considerations in research must include respect for cultural norms, advancing human rights, and an unwavering commitment to promoting social justice (Mertens, 2009). The team of researchers understands due to their personal experiences, professional roles, and previous perceptions of historical injustices against American Indians can influence objectivity. Still, all the team members acknowledge the goal of the study is to as accurately as possible explore and convey the impact of the Rancheria Act (1958) and are devoted to identifying their experiences to advance a more just and equitable future of policy development and implementation.

The study implements public documents, open data analysis, and a theoretical study of the uninterrupted impact of the Rancheria Termination Act (1958). Most documents used comprise legislation, case law, and primary sources from historical archives, providing a comprehensive foundation for the research. The design is emergent, and the researchers anticipate the study will continue to evolve. Inspired by Creswell and Creswell (2023), the researchers implemented reflexivity to better understand their role in the study.

The diverse data was collected and organized to develop a comprehensive understanding of the impact of the Rancheria Act (1958). In order to improve data collection strategies, the team ensured all data was reviewed by at least two of the three researchers, and reflection notes were taken to provide a detailed account of the data collection process. After the data was evaluated and consensus from the team on the benefit of utilization was obtained, the data was inductively organized for analysis utilizing the qualitative data analysis program MAXQDA. The approach to coding the data identified descriptive codes and created categories. After review and analysis of the categories, high-level categories were developed, reviewed, and synthesized to further produce themes. The data coded identified the following themes: (1) impact of legislation repeal; (2) loss of federal recognition; (3) economic hardship; (4) cultural erosion; (5) social division and mistrust; and (6) marginalization of tribal sovereignty. A chart was created to visualize the 41 terminated rancherias and emerging themes. Once the themes were identified, the team implemented member checking; member-checking aids with the accuracy of qualitative analysis (Creswell & Creswell, 2023). Additionally, the team implemented a systematic documented approach to the data analysis, working individually and as a team.

At this research stage, the team did not anticipate ethical issues; still, biases were addressed, and strategies to maintain research integrity were implemented. Additional ethical considerations will be established as the study progresses to the next stage of compiling oral history. The future implementation of oral history will be appropriate to preserve the voice and empower those most impacted by termination, to ensure the preservation of cultural and historical heritage, and to foster cultural respect and collaboration.

### **4. Findings**

The study found the Rancheria Act is an important example of how, after legislation is repealed, it can continue to carry irreparable damage to those disproportionately impacted by it. The Rancheria Act (1958) terminated 41 rancherias under controversial and misleading

practices. Of the 41 rancherias evaluated for this exploratory study, 34 sought restorations of their status, still only seventeen<sup>1</sup> regained federal recognition as the result of *Tillie Hardwick, et al. v. United States of America, et al.* (1983). This restored federal recognition did not address the issue of boundaries or land ownership. However, the stipulated judgment between the parties did allow the rancherias and individual Plaintiffs in the lawsuit two years to convey any fee lands received as part of a distribution plan back to the United States to be held in trust for the benefit of the rancherias (*Tillie Hardwick, et al. v. United States of America, et al.*, 1983).

The United Auburn Indian Community (UAIC) of the Auburn Rancheria of California, terminated in 1967, saw its lands diminished from 40 acres to a 2.8 acres parcel containing a church and a park (The United Auburn Indian Community of the Auburn Rancheria of California [UAIC], 1994). In 1994, Congress passed the Auburn Indian Restoration Act, restoring federal recognition and allowing the tribe to establish a new reservation (Auburn Indian Restoration Act, 1994). Due to the determination of mostly Miwok Indians, the UAIC currently owns approximately 22 acres of the original 40 acres before termination (UAIC, 1994).

Big Sandy Rancheria of Western Mono Indians of California was restored in 1983 by a stipulated judgment resolving litigation between the Rancheria and the United States. (*San Joaquin or Big Sandy Band of Indians, et al. v. James Watt, et al.*, 1983)

The Meechoopda Indian Tribe of Chico Rancheria was terminated in 1967. It was restored by stipulated judgment resolving litigation with the United States in 1992 (Notice of Reinstatement to Former Status for the Meechoopda Indian Tribe of the Chico Rancheria, CA, 1992). In 2014, the Tribe restored their lands under the restored lands exception of the Indian Reorganization Act (1934).

The Guidiville Rancheria was terminated in 1965, the Lytton Rancheria of California in 1961, and the Scotts Valley Band of Pomo Indians of California in 1965. They all regained federal recognition in 1992 as a result of a successful lawsuit filed in 1986 (Notice of Reinstatement to Former Status for the Guidiville Band of Pomo Indians, the Scotts Valley Band of Pomo Indians, and Lytton Indian Community of CA, 1992). While regaining federal recognition in 1992, Lytton Rancheria did not regain partial land restoration until 2000 (Omnibus Indian Advancement Act, 2000). These rancherias have faced public opposition to rebuilding a tribal land base. They have all made efforts to secure trust lands via the fee-to-trust process and Congressional action.

The Federated Indians of Graton Rancheria was terminated in 1966 and, after 34 years, restored under the Graton Rancheria Restoration Act (2000). The Hopland Band of Pomo Indians was terminated in 1961 and restored in 1978 (*Roger Smith, as Administrator of the Estate of Ellerick Smith, et al. v. United States of America, et al.*, 1978).

The Paskenta Band of Nomlaki Indians of California was terminated in 1961 and, after 33 years, restored in 1994 by federal statute (The Paskenta Band Restoration Act, 1994). The Robinson Rancheria was terminated in 1965 and restored in 1977 by litigation; 153.22 acres of land were restored to former trust status (*Duncan v. Andrus*, 1977).

Wiyot Tribe (Table Bluff) was terminated in 1961 and restored in 1981 (*Table Bluff Band of Indians, et al. v. Cecil Andrus, et al.*, 1981). Table Mountain Rancheria was terminated

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<sup>1</sup> The following rancherias regained federal recognition as result of *Tillie Hardwick, et al. v. United States of America, et al.* The Big Valley Tribe of Pomo Indians, Blue Lake Rancheria, Buena Vista Rancheria, Chicken Ranch Rancheria of Me-Wuk Indians of California, Cloverdale Rancheria of Pomo Indians of California, Elk Valley Rancheria, Greenville Rancheria, Mooretown Rancheria of Maidu Indians of California, North Fork Rancheria of Mono Indians of California, Picayune Rancheria of Chukchansi Indians of California, Pinoleville Pomo Nation, Potter Valley Tribe, Quartz Valley Indian Reservation of California, Reeding Rancheria, Redwood Valley Little River Band of Pomo Indians, Bear River Band of the Rohnerville Rancheria, and Tolowa Dee-ni' Nation.

in 1959 and restored in 1983 (*Table Mountain Rancheria Association, et al. v. James Watt, Secretary of the Interior*, 1983). Habematolel Pomo Upper Lake was terminated in 1959, regained federal recognition in 1979 (*Upper Lake Pomo Association, et. al v. Cecil Andrus, et al.*, 1979); and tribal land trust was restored in 2008 (Land Acquisitions; Habematolel Pomo of Upper Lake, 2008).

The Wilton Rancheria was terminated in 1964, and after 45 years, it became once more federally recognized in 2009 by stipulated judgment and an order entered by the court (Restoration of Wilton Rancheria, 2009).

A handful of rancherias identified in the Rancheria Act were never terminated. The Cold Springs Rancheria of Mono Indians of California, Middletown Rancheria of Pomo Indians of California, and Montgomery Creek Rancheria avoided formal disestablishment (ACCIP, 1997).

The Mishewal Wappo Tribe of Alexander Valley was terminated in 1959, and the tribe lost its appeal for federal recognition in 2017 (*Mishewal Wappo Tribe of Alexander Valley v. Ryan Zinke*, 2017). Cache Creek Rancheria, Mark West Rancheria, Ruffey Rancheria, and the Maidu Band of Strawberry Valley Rancheria were terminated in 1961, and Indian Ranch and Nevada City were both terminated in 1964; these rancherias have not been restored (U.S. Government Accountability Office [GAO], 2012).

The attempt to measure what these rancherias, communities, and individuals lost as a result of the Rancheria Act (1958) is unfathomed; still, in time, over 650 years were lost collectively. Additionally to the loss of time and territory was the equally far-reaching loss of Citizenship – The concept of tribal citizenship respects the identity of tribal members as sovereign citizens of their respective nations. The Marshall Trilogy (*Cherokee Nation v. Georgia*, 1831; *Johnson v. M'Intosh*, 1823; *Worcester v. Georgia*, 1832) has long recognized tribal governments as sovereigns. The termination of many of California's Rancherias during the 1950s and 1960s had profound effects on individuals as citizens of these tribes by affecting their ability to be recognized as such. The damage for American Indians losing their recognition is not measurable and infrequently comprehensible by individuals unfamiliar with the culture; American Indians' identity and spirituality are innate to their tribes, land, and Indian status (Cohen, 1942/2014).

Loss of federal recognition and loss of federal services aimed to support and protect American Indians signified the citizens of terminated tribes were not entitled to certain legal protections for American Indians extended by Congress pursuant to Trust Responsibility (Cohen, 1942/2014). Some examples of these protections are provided by laws such as the Indian Child Welfare Act (ICWA), which protects the interest of Indian children while promoting the security of Indian tribes and families guided by the unique values of Indian culture (ICWA, 1978). Similarly, the Indian Arts and Crafts Act (IACA) provides protections to American Indian artisans by establishing guidelines that prohibit misrepresentation of Indian arts and crafts in the United States (AIAC, 1990). Equally detrimental was the inability for citizens of terminated tribes to access Indian-specific business or housing loans. Additionally, because there is no tribe, there is no tribal court, and the terminated tribal citizen would not have access to a tribal forum for disputes. Tribal courts have the authority to implement customary law when applicable, and it is fundamental to preserve cultural practice and exercise tribal sovereignty (Joh, 2000/2001). Moreover, the terminated tribal citizen would not be eligible for Indian-specific educational opportunities and scholarships, Indian-only housing programs, health care provided by the Indian Health Service (IHS), or be entitled to preference as a minority business.

The economic suffering endured by American Indian communities due to the loss of federal recognition and displacement under the Rancheria Act (1958) is of significant historical and social importance. The economic hardship is reminiscent of earlier policies,

such as the Indian Removal Act of 1830 and the Dawes Act of 1887, which forced Indigenous populations to endure severe economic challenges. As a result of the Rancheria Act (1958), the consequences were particularly devastating for individual Indians residing in the affected rancherias. Many found themselves compelled to relocate for employment opportunities, with little hope of returning to their ancestral lands. This dislocation from their homelands resulted in the loss of their historical and cultural connections, as they became essentially lost to history.

Moreover, some individuals were forced to sell or relinquish their lands due to tax burdens, further exacerbating their economic distress. The federal government had made promises and agreements through the Rancheria Act, but these promises often went unfulfilled. The failure to honor these commitments, coupled with the immediate loss of their status as recognized Indians, created a dire situation.

This perfect storm of broken promises and the abrupt loss of identity as Indians created conditions that systematically dismantled California's Indian tribes. These conditions compelled individuals and communities to relocate merely for their survival. The economic hardship experienced by these American Indians under the Rancheria Act (1958) mirrors the struggles endured during earlier eras of government policies, reinforcing the enduring impact of such legislation on Indigenous populations and their economic well-being.

The systematic dismantling of tribal land bases, as experienced by the Rancherias affected by the Rancheria Act (1958), had profound and devastating effects on the cultural identity and traditions of these communities. This erosion of culture directly resulted from the loss of land as a fundamental component of their way of life.

First and foremost, losing a land base meant that these communities had no physical space to maintain and nurture their cultural traditions. Land is often deeply intertwined with Indigenous cultures, serving as the foundation for spiritual practices, ceremonies, and the preservation of sacred spaces. The disappearance of these sacred sites and places due to the loss of land posed a significant challenge to the practice of Native religions, making it more difficult to uphold their spiritual beliefs and rituals.

Traditional foodways, an integral part of Indigenous cultures, were also disrupted. The reliance on the land for hunting, gathering, and agriculture was severely affected when access to ancestral lands was denied. This displacement altered dietary practices and severed the connection between the people and the land they had depended on for sustenance for generations. The dismantling of tribal land bases profoundly impacted communal ways of life. Indigenous communities often had well-established cooperative structures and practices closely tied to their land. The loss of land disrupted these traditional communal structures, leading to the fragmentation of communities and the dissolution of communal bonds.

Furthermore, the erosion of traditional languages became a tragic consequence of these policies. As the last remaining fluent speakers of these languages passed away, the languages themselves faced extinction. In an illustrative example, Simpkin (2014) provided evidence regarding the official death of the Wappo language in 1990 with Dóloris "Laura" Fish Somersal, which serves as a poignant reminder of the irreplaceable loss of cultural heritage.

Remarkably, the very government that was mandated to act as the guardian of these Indigenous cultures, as exemplified by the American Indian policy, failed to protect these sacred places, languages, and cultural practices (ACCIP, 1997). This irony underscores the tragic reality that government actions, such as the Rancheria Act (1958), directly contributed to the jeopardy and erosion of the cultures they were meant to preserve. The destruction of cultural identity and tradition resulting from the dismantling of tribal land bases remains a painful and enduring legacy of these policies.

The entire system imagined and created by the Rancheria Act fostered a system of division and mistrust, pitting individual tribal members and their families against other tribal

members in a competition for the best-allocated lands and resources (Daly, 2009; Puisto, 2009). The social and psychological consequences of this internal strife were profound. It tore at the communal bonds traditionally holding these tribal communities together. The sense of unity and shared identity that had once characterized these groups eroded as individuals and families focused on securing their own interests. This led to a breakdown in the social fabric of these communities.

As a consequence of this division and internal competition, many tribal members found themselves marginalized within their own communities. The once-cohesive culture and shared heritage began to fragment as the focus shifted from collective well-being to individual survival. This marginalization extended not only to economic and social aspects but also to preserving cultural practices and traditions.

The erosion of tribal unity and cohesion directly undermined tribal sovereignty. A critical aspect of tribal sovereignty is the ability to decide as a self-determining entity collectively. The Rancheria Act disrupted this sovereignty by pitting tribal members against each other, weakening the ability of the tribes to advocate for their collective rights and interests. In a similar manner, the right to self-determination, a fundamental principle for American Indians and tribal governments, was also compromised. The Rancheria Act (1958) policies and their divisive impact impeded the ability of tribal communities to determine their future, make decisions in their best interest, and preserve their cultural heritage.

## **5. Conclusion/Implications/Recommendations**

The evaluation of the impact of the Rancheria Act (1958) was conducted focusing on a single policy; however, as the result of many intricate policies and the conjoined impact it had on American Indians, it is perplexing to recognize the impact of an individual action. The most salient points identified are the loss of land and citizenship status. Still equally important and not as well discussed are the secondary impacts resulting from losing one's land and identity. The study found a need to continue exploring and learning about the holistic impact of the Rancheria Act (1958) and the additional termination initiatives to empower American Indians and tribal governments to fully exercise their right to self-determination and foster community reconciliation. The damage caused by the Rancheria Termination Act (1958) set tribal governments over 650 years back, eliminating the culture, language, spiritual practices, contributions to society, and Indigenous identity by classifying the terminated rancherias Indians-non-Indians.

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