

**Name:** Tahj Gomes  
**Title:** Chairman  
**Organization:** Ruffey Rancheria  
**Hearing Date:** 9/26/17  
**Hearing Title:** Legislative Hearing on:

- H.R. 3535 (Rep. Doug LaMalfa), To restore Federal recognition to the Ruffey Rancheria of California, and for other purposes. “Ruffey Rancheria Restoration Act of 2017”;
- H.R. 3650 (Rep. Robert Pittenger), To provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes. “Lumbee Recognition Act”; and
- H.R. 3744 (Rep. Rob Bishop), To provide that an Indian group may receive Federal acknowledgement as an Indian tribe only by an Act of Congress. “Tribal Recognition Act of 2017.”

### **Testimony of Tahj Gomes**

Chairman LaMalfa, Ranking Member Torres, and Distinguished Members of the Subcommittee:

Thank you for the opportunity to testify before you today about H.R. 3535, the Ruffey Rancheria Restoration Act. My name is Tahj Gomes and I am Chairman of the Ruffey Rancheria in Northern California. As a legislatively terminated tribe, the Ruffey Rancheria seeks restoration as a Federally recognized tribe in order to establish a government-to-government relationship that can further the health, economic well-being, and culture of our Indian community.

The Ruffey Rancheria’s membership consists of the descendants of the historic Indian villages of central Siskiyou County, California, who have long intermarried, traded, and shared in an interconnected cultural and political life. Our leaders have been elders such as Sunrise, Moffett Creek Jake, Tyee Jim, and Old Man Ruffey—the namesake of our rancheria. Our community has a long history of interaction with the Federal and California State governments. Our ancestors participated in the negotiations for California’s unratified “Treaty R” in 1851. The California State legislature petitioned Congress to provide the group with a reservation in 1874 (Exhibit A).

In 1907, a special Indian agent purchased 441 acres of land for the rancheria pursuant to the Act of June 21, 1906 (Exhibit B). The Bureau of Indian Affairs (BIA) also acquired individual land allotments for other members of our tribe. Some of this land remains in trust to this day. Our members hold other nearby land parcels in this area in private fee and still reside in the immediate area. I, myself, grew up and lived in a single wide trailer house on an allotment before going on to college and law school.

Following the purchase of a land base for the Ruffey Rancheria, the BIA continued to demonstrate an ongoing concern for the group. In 1919, the BIA initiated a lawsuit, arguing that some of the Ruffey Rancheria’s members (Old Man Ruffey’s cousins) retained individual aboriginal title to lands they had lived upon since time immemorial. A decision by the U.S. Supreme Court in *Cramer v. U.S.* (1923) affirmed the existence of such an ownership right.

Nevertheless, the documentary record shows substantial confusion by the BIA about the legal arrangements of the 1907 land purchase and the allotments. At times, the BIA—by its own admission—mistakenly treated the original land purchase as an individual land allotment, and, as a result, no effort was made by the BIA to encourage the Ruffey Rancheria to enact an Indian Reorganization Act constitution, although its members still resided as a multifamily tribal community on the 1907 land purchase and the nearby allotments.

The Ruffey Rancheria was terminated under the California Indian Rancheria Act of 1958. A great many irregularities occurred in the process. Not all qualifying members of the Ruffey Rancheria were notified of their tribal interests or rights. In fact, a BIA field inspector elected not to make such notification. An order by the BIA Area Supervisor to have the field office complete the many unprobated estates associated with the Ruffey Rancheria in order to determine its potential heirs was not completed, either. To this day, I am still attending probate hearings for some of my great-aunts and uncles.

The termination of the Ruffey Rancheria proceeded in 1959 with the involvement of only the three surviving grandchildren of Old Man Ruffey. The final termination of Federal supervision for the rancheria was published in the Federal Register in 1961 (Exhibit C). In 1972, the BIA listed the Ruffey Rancheria as among Indian groups no longer entitled to Bureau of Indian Affairs services because of specific statutes.

The Ruffey Rancheria was among the enumerated rancherias listed in 1983 *Tillie Hardwick et al. v U.S. et al.* class action, which resulted in the restoration of many of California's Indian rancherias to Federal status. Due to a legal technicality, however, the Ruffey Rancheria's members did not qualify for the *Tillie Hardwick* class action because they had sold the original land assignments in order to provide a basic income for themselves and their families.

Since Termination, the Ruffey Rancheria's members have continued to advocate for their collective interests as an Indian community. In 1974, its terminated members helped to establish an unincorporated, non-profit entity to support economic and cultural activities for Native people in Siskiyou County. That status is inadequate to adequately represent and address present day tribal needs and governance, and the full restoration of a government-to-government relationship is absolutely necessary to support our tribal community. Crucially, the restoration of the tribe enjoys local backing, including the unanimous support of the Siskiyou County Board of Supervisors (Exhibit D).

Only Congress can restore a tribe that has been legislatively terminated to Federal status. The Federal recognition process restricts petitions by tribal entities that have been legislatively terminated. It is patent that the only available remedy is congressional action. I am here today to respectfully request your support in that effort. For us, restoration is not a political issue. It is not a partisan issue. It is a question of justice for our tribal community.

While in Washington, I have visited the Smithsonian's National Museum of the American Indian, which has an exhibit listing terminated California tribes. The name of our tribe is there, on display, on that list. It is my hope that each of you, and the Congress as a whole, will act to remove the Ruffey Rancheria from that list.

Tahj Gomes  
Chairman, Ruffey Rancheria