

**Testimony of Kenneth McDarment on behalf of the Tule River Tribe of California  
In Support of H.R. 4685, the Tule River Indian Reservation Land Trust, Health, and  
Economic Development Act.**

The Tule River Tribe of California considers land within our aboriginal territory very important. In H.R. 4685, we are talking about 34 acres. Although this may not seem like a lot of land, every acre of land is important to our Tribe. We have lived in California for thousands of years and the land and our language have been an intricate part of our culture. It is important for us to be able to control this particular parcel of land because it is situated at the main entrance to our Reservation.

**Introduction**

Good afternoon to Chairman John Barrasso, ranking member Jon Tester, and fellow members of the Committee. My name is Kenneth McDarment, and I serve as the Vice-Chairman of the Tule River Tribe. I am a graduate of Porterville High School, in Porterville California, Class of 1992. After graduation, I worked in the oil fields and then attended trade school. Currently I am serving my second term on the Tule River Tribal Council. and I am married with four children. In these capacities, I humbly serve my community as a tribal leader, father and husband. I come before you today to respectfully request the support of the United States government in securing land for the Tule River Reservation.

I send greetings and best wishes from all the members of the Tribal Council. We are very grateful for the expeditious scheduling of this hearing on H.R. 4685, the Tule River Indian Reservation Land Trust, Health, and Economic Development Act.

**Tule River Indian Tribal Land History**

The Tule River Reservation is the homeland of the Tule River Tribe. We are descendants of the Yokuts Indians, a large group of linguistically-related people who occupied the vast San Joaquin Valley, and most of the adjoining foothills that surround the Valley, in California for thousands of years prior to contact with Euroamerican settlers. Historically there were over fifty (50) independent clans of Yokuts, each with its own territory and dialect of the Yokuts language. These clans were friendly to one another and there was much visiting between each. We were peaceful hunters and gatherers.

Mexico ceded California to the United states in 1848 and also around that time, gold was discovered near Sacramento. As a result of this a huge influx of settlers began to move into our aboriginal territory. California became a State in 1950 and as new people began to make claims to what had always been our land, there were many hostilities between the new settlers and the tribes. During this time, the official Indian policy of the United States was removal of east of the Mississippi, into the unsettled western lands. But with the California Indians, there was no more western lands to move to.

Because of the continuing tensions between the new settlers and Native tribes, three federal Indian commissioners visited California and negotiated a series of eighteen (18) treaties with the California Indians. The Tule River Tribe's ancestors were signatories to a treaty of peace and

friendship, formed and concluded at Camp Burton, on Paint Creek, in the State of California, on the third day of June, 1851.

By this treaty, we relinquished all the claims to the territories that we had and in return were promised two (2) reservations that were to be forever held for our sole use and occupancy. At the time, what was unknown to our ancestors was that in June of 1852, the United States Senate, meeting in secret session, rejected the treaties and ordered them filed under an injunction of secrecy. The treaties were later discovered by a clerk 1905. In 1871, Congress ended the treaty-making era with Indians. The 18 treaties signed with the Indians of California were never ratified because of an overwhelming expression of anti-Indian sentiment by the California delegation. Because of this, the reservations promised to our people were never created. Instead, in March 1853 Congress established a Superintendent of Indian Affairs in California, to relocate Indians to reservations, and also provided for the establishment of five (5) reservations in California. The site of the first reservation was at the southern end of the San Joaquin Valley, near the Tejon Pass area. Our ancestors were rounded up and forced to move to the Tejon Reservation.

Because of crop failures and the loss of the land to an Indian agent, the Tejon Reservation was eventually closed. The Tule River Indian Reservation was established in 1856. Initially known as the Tule River Indian Farm, it was set up and administered as part of the Tejon Reservation. During this time, the stated goal of federal Indian policy in California was to establish reservations throughout the state as permanent homelands for tribes. The reservations were also intended to provide tribes with access to traditional hunting territories and timber in the mountains, land suitable for agriculture, and plenty of water year-round for irrigation.

The Tule River Farm was located near a Koyote Yokuts village site, on approximately 2,240 acres of prime San Joaquin Valley farmland in Tulare County. The land was transected on the southwest corner by the mainstream of the Tule River. It included part of what is today the eastern portion of the City of Porterville. The location of this original Reservation was purposefully selected by the federal government to provide our Tribe with the arable land and water resources necessary to establish a self-sufficient homeland for its people. Upon being promised this land as our homeland – ostensibly forever – we built homes and began to actively cultivate crops.

Despite our relative prosperity in those years, two of the federal Indian agents assigned to reservations in the area nonetheless saw fit to capitalize upon the distance and ignorance of the Indian officials in Washington, D.C. Thomas Madden, a federal Indian agent assigned to the neighboring Tejon Indian Reservation, applied for and was issued a land patent under fraudulent circumstances to 1,280 acres of the Tule River Reservation land from the State of California.

Four years later under a similar arrangement a land patent for 1,160 acres of Tule River Reservation land was issued to Mr. John Benson, another Indian Agent. These two state land grants encompassed all of our Reservation lands. The federal government was fully aware that these lands were expressly reserved to us, but it made no effort to challenge the Madden and Benson land grants. Because the lands had been set aside for the Tribe, the State of California, had no legal basis upon which to issue the patents. The land transfers were also a violation of the

federal Trade and Intercourse Act, which expressly prohibited Indian agents from having "any interest or concern in any trade with the Indians." Rather than setting aside the issuance of these patents, the federal government actually paid rent to Messrs. Madden and Benson for at least a dozen years to enable my ancestors to continue farming what was in actuality our land.

Gradually, over the years, hostility increased between the Indian farmers and the settlers in the area. In response to the tension, and rather than enforcing our rights to what should have been our Reservation land, in January 1873, President Grant issued an Executive Order creating a new reservation for the Tule River Tribe. It was comprised of mostly mountainous lands located about fifteen miles to the east of our original Reservation. The Tule River Indians and the Indian agent protested the removal; as the new lands would be difficult to cultivate. The Indian agent, J.B Vosburgh, stated "The new reservation is not suited to the wants of the Indians for whose benefit it has been set apart, if the intention be, as heretofore, to teach them to become self supporting by means of agriculture, the soil of the reservation being insufficient both in quantity and quality for their need." He further requested that the government inquire into the legality of Madden and Benson land patents and, if necessary, requested the federal government to purchase the property from them for the benefit and use of the Indians. However, no such action was taken, and our people were forcibly removed from their homes and cultivated fields.

The removal was very hard on our people. The new Reservation, though it contained 48,000 acres, was determined by the federal agents, based on the knowledge and technology of the time, to have scarcely 100 acres of arable land. Even that land was deemed by the agents to be of poor quality, and thought to be able to support only six families - far below the needs of our people. An Indian agent reported, "Year by year our number has decreased by death and removal, until now there are only 143 Indians, embraced in 30 different families, residing on the reservation." Our situation was so dire that, in response, President Grant, in October 1873 – just 9 months after the initial Executive Order – signed another Executive Order almost doubling the Reservation's size to 91,837 acres. Again, very little of these additional lands was deemed by the federal agents to be suitable for agriculture, and the few acres which were proven arable were coveted or settled by settlers, and history repeated itself. In August 1878, President Hays issued an Executive Order reducing the reservation back to the January 1873 size. For approximately 140 years we have lived on the Tule River Indian Reservation.

### **The Modern-Day Tule River Indian Reservation**

Today, our current Reservation includes about 58,000 acres. The reservation is located in south-central California, approximately 75 miles south of Fresno and 45 miles north of Bakersfield in Tulare County. The Reservation is situated on the western slope of the Sierra Nevada Mountains, east of Porterville, and lies almost entirely within the South Fork Tule River drainage basin. The topography is generally steep, with elevations ranging from about 900 to 7500 feet above sea level. Most of the inhabited land is along the lower reach of the South Fork Tule River on the western side of the Reservation.

The injustices and inequities of the past are still present and are still affecting our people. We have been plagued with unemployment and mortality rates substantially higher, and a standard of living substantially lower, than is experienced by the surrounding non-Indian communities.

While the on-Reservation socio-economic conditions have improved over time, to this day, the Reservation residents generally continue to suffer from a relatively low standard of living.

**Conclusion**

In closing, I would ask that my testimony and supporting materials be made a part of the record of this hearing by unanimous consent.

I would be happy to respond to any questions which the members of the Committee might have.