



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
Sacramento Area Office
2800 Cottage Way
Sacramento, California 95825

JUN 25 1974

Memorandum

To: Superintendent, Hoopa Agency

From: Area Director

Subject: Short v. the United States

The decision of the U. S. Supreme Court to deny the petition for a writ of certiorari in the case of Jessie Short et al., v. the United States makes it necessary for this office to institute interim measures for dealing with Hoopa Valley Reservation tribal trust funds and tribal trust income until it hears further from the Trial Judge to whom the Court of Claims remanded the case for further proceedings. Accordingly, this office is proceeding on the following assumptions:

- (1) Hoopa Valley Reservation: A single reservation, as extended by Executive Order on October 16, 1891 by President Benjamin Harrison to include the Square, the Addition, and the Klamath River Reservation.
- (2) Tribal Land: All Indian trust land within the Hoopa Valley Reservation not allotted to Indians.
- (3) Tribal Trust Funds: Tribal money held by the United States Government in the following accounts:

Account 7236. - Proceeds of Labor, Hoopa Valley Indians, California

Account 7736 - Interest and Interest on Accruals, Proceeds of Labor, Hoopa Valley Indians, California

Account 7056 - Proceeds of Klamath River Reservation, California

Account 7556 - Interest and Interest on Accruals, Proceeds of Klamath River Reservation, California

- Account 7153 - Proceeds of Labor, Yurok Indians of Lower Klamath River, California
- Account 7653 - Interest and Interest on Accruals, Proceeds of Labor, Yurok Indians of Lower Klamath River, California
- Account 7154 - Proceeds of Labor, Yurok Indians of Upper Klamath River, California
- Account 7654 - Interest and Interest on Accruals, Proceeds of Labor, Yurok Indians of Upper Klamath River, California

- (4) Tribal Trust Income: Money paid to the United States Government for the sale of Hoopa Valley Reservation tribal resources or use of tribal land from all sources such as: leases, rights-of-way, permits, easements, rentals, fees, licenses, and sale of timber and deposited to one of the accounts in (3) above.
- (5) Hoopa Valley Tribe: Those persons on the Hoopa Valley Tribal Roll and eligible to be on the roll on June 30, 1974, and numbering 1405. (Note: This office does recognize that the number may increase or decrease as Hoopa Valley Tribe tribal membership applications are processed by the Hoopa Valley Tribe).
- (6) Plaintiffs: Those persons who are plaintiffs in the case and numbering 3323. (Note: The plaintiff number is considered, at this time, this office's best guide as to those persons who may be found entitled to recover as an Indian of the reservation by the Court of Claims. We recognize that the number may be more by intervention in the case by others who are not plaintiffs, or less, as eligibility standards are set by the court and applied to the plaintiff list. A count was made of the persons who stated their identity as Yuroks on their applications for the California Judgment fund and the number was within two of the above; 3321. Here again, there are persons on the roll who are not listed as plaintiffs, but the possibility remains that they may wish to establish their entitlement by intervention in the case and may be successful in so doing. This office recognizes, as stated above, that the number of plaintiffs entitled to recover as an Indian of the Reservation may be more or less than the number of plaintiffs listed in the complaint; however, it is this office's view that the number of plaintiffs listed in the complaint is the best number available for use at this time).

The purpose of establishing the number for the Hoopa Valley Tribe and the number for plaintiffs is for the division of Hoopa Valley Reservation Tribal Trust Funds and Tribal Trust Income. This division is made on a percentage basis as follows:

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|---|---|-------------|
| Hoopa Valley Tribal Members | - | 1405 |
| Plaintiffs | - | <u>3323</u> |
| TOTAL | - | 4728 |
| Percent of Hoopa Valley Tribal Members to Total | - | 30% |
| Percent of Plaintiffs to Total | - | 70% |

Commencing with the date of this memorandum, Hoopa Valley Reservation Tribal Trust Funds and Tribal Trust Income shall be handled by this office in the following manner:

30% of the total of Hoopa Valley Reservation Tribal Trust Funds is available for the Hoopa Valley Tribe, as well as 30% of subsequent Hoopa Valley Reservation Tribal Trust Income for its use in accordance with approved Hoopa Valley Tribe tribal budgets. 70% of the total of Hoopa Valley Reservation Tribal Trust Funds and 70% of subsequent Hoopa Valley Reservation Tribal Trust Income is set aside in a separately held tribal account for the Indians of the Hoopa Valley Reservation pending determination by the court of eligibility of plaintiffs to recover as an Indian of the Hoopa Valley Reservation.

Unaffected by the issuance of this memorandum, are the continued political and economic activities of the Hoopa Valley Business Council, the Hoopa Valley General Council, and the Hoopa Valley Tribe.

William E. Ferials
Area Director