

A DISCUSSION MANUAL FOR

APR 23 1974

JUL 18 1977

THE

DISPOSSESSED

A 16 MM DOCUMENTARY FILM

ON THE PIT RIVER INDIANS STRUGGLE

TO REGAIN THEIR LANDS

\$2.50

THE DISPOSSESSED

complete script of film

Picture: Bold Face
Sound: Light Face

Handcuffed Indians, Police Crossing Screen, Pit Indian Sign and Officer Pulling Indian
Buffy Sainte Marie: Chant

Grace Thorpe sitting on ground surrounded by cops
Grace Thorpe: "Why aren't you in here asking PG&E to leave. They're the ones that are trespassing on the land, not the Indians."

Raymond Lego, close up
Raymond Lego: "We have certain rights that have never been extinguished here by due process of law. The land is ours. The land was originally ours, and is still ours. Nothing has ever happened to change that."

PG&E Power Line, PG&E Private Road
Buzzing powerline

Cop with back to camera facing Lego
Cop: "Mr. Lego, you're under arrest charged with Section 602L of the Penal Code which is occupying real property without permission of the owner."
Lego: "I submit to your authority under protest."

Lego holding card with name and number for mug shot
St. Marie, singing and chanting: "Standing up to the sheriff and his guns . . . my heart is there with you . . ."

St. Marie at campfire
St. Marie chanting.

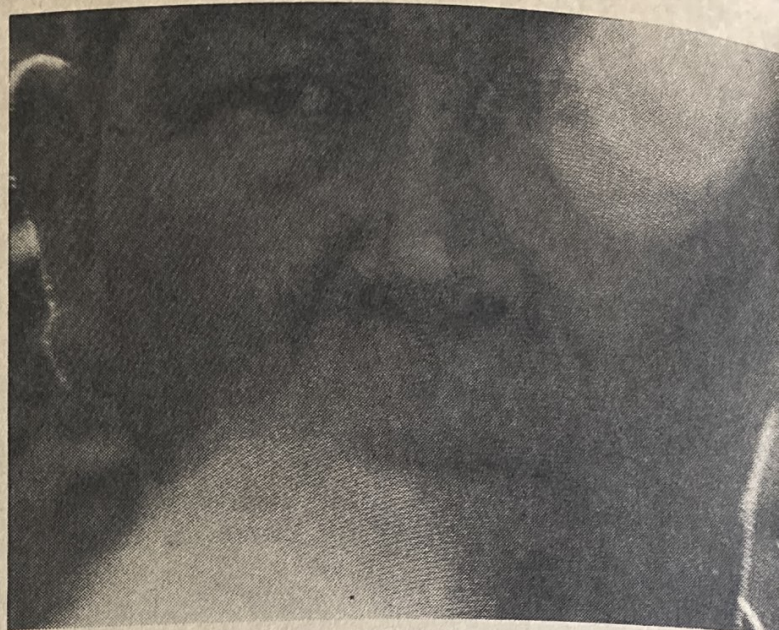
Rain on water, rain on plants
Rain falling.

Dew on leaf
Birds chirping.

Meadow, close up
Birds chirping.

Stream in meadow
Birds chirping fades to stream noise.

Small waterfall pan to large waterfall
Stream noise swells to waterfall roar



Raymond Lego: "I submit to your authority under protest."

Rainbow on Water
Waterfall roar fades to silence

Padlock on PG&E dam
Roar of water coming out of dam

PG&E warning sign on sudden rises in river
Water roar

Water spouting out of dam
Water roar

PG&E Pit River Powerhouse
Water roar

Whirlpool at base of PG&E dam
Water roar

Pan from Indian bed outside, around house to man washing and drinking from stream
Water roar

Pan from water dipper to PGE powerline
Water roar dissolves to buzzing powerline with Charlie Edwardson's voice starting over the buzz
"They are real. They are so real it . . ."

Charlie Edwardson, chart showing corporate relationships.

Edwardson: ". . . hurts. In our education has been very painful. We have been taught that there is democracy, you know. We have been taught of these things ever since I was a student. And as a student I kept — I was amazed of how fancy our Constitution is. And along with this amazement, I look around and see it was not the case. This is not the America that I was taught to be. And I kept wondering . . ."

Baby outside Indian house
Edwardson: ". . . why. Why it is this way? Why must people face this type of a situation?"

PGE powerline insulator
Power line buzz

Lego medium shot, cuts of PG&E facilities including dried up Pit River

Lego: "Pacific Gas and Electric Company went and they persuaded the government that they wanted the franchise and the concession by the government to build power sites along and up and down the Pit River. As I understand it, the PG&E at this time is one of the richest corporations in the state, possibly the whole nation. They have large holdings here, and they are making money; but the thing is, on our side — ah — or none of our people were ever approached to get our consent or agreement that any of our tribal assets should be taken by this corporation. And all up and down the river we had, originally, our salmon runs. Our people lived on the natural food provided by the rivers as well as the forests. And eventually because of the chain of powerhouses, the diversion of the river, and the drying up of the rivers in large parts, finally destroyed our fishing — our natural food of fish, and our people began to deteriorate."

Mickey Gimmell, Pit tribal chairman, close up, cuts of Kleenix, LA Times masthead, Pit Indian area map, San Francisco Examiner masthead

Mickey Gimmell: "I'm talking about the federal forests whereby we haven't been paid a dime for timber rights either. And, today, they're making millions of dollars off of us. And today, our people are, again, unemployed most of the year 'round, again, among the poorest people in the country; whereby large logging companies make millions of dollars. We want people to know that we aren't going to be pushed around any longer." St. Marie chant comes in.

Five close ups of Indians

St. Marie chants

House number on PG&E camp building, Indians entering property and building campfire

St. Marie chants

Lego at campfire, medium shot, cut to old photo of Indian

Lego: "Well, as a councilman of the Pit River tribe, one of the areas, I feel kind of honored to welcome all of you people here. We have occupied our land. We have taken a position in this specific place which is part of our land. We have carried the challenge to the corporation."

Richard Oakes, Indian organizer, medium shot

Richard Oakes: "Basically, the newness that you feel here on the land itself is a newness that's sort of — it's been hidden from you — it's a fence that's been around you for so long. This land is yours. The buildings here are yours. There's one that's lit up. For the women that want to cook, go over there and cook. The rest of you people that are on security, get on security. And patrol it like it's yours. Right now I think the only thing we can do until the morning is to go out and find yourself a place where you can sleep."

Man and woman in doorway

Talbert Wilson chants

Man gives V sign in doorway

Wilson chants

Sun through trees, smoking campfire ashes

Birds chirp

Pan from cop car to sign "PIT RIVER INDIANS WELCOME INDIANS OF ALL TRIBES"

Birds chirp. Wilson chant comes in toward end of shot.

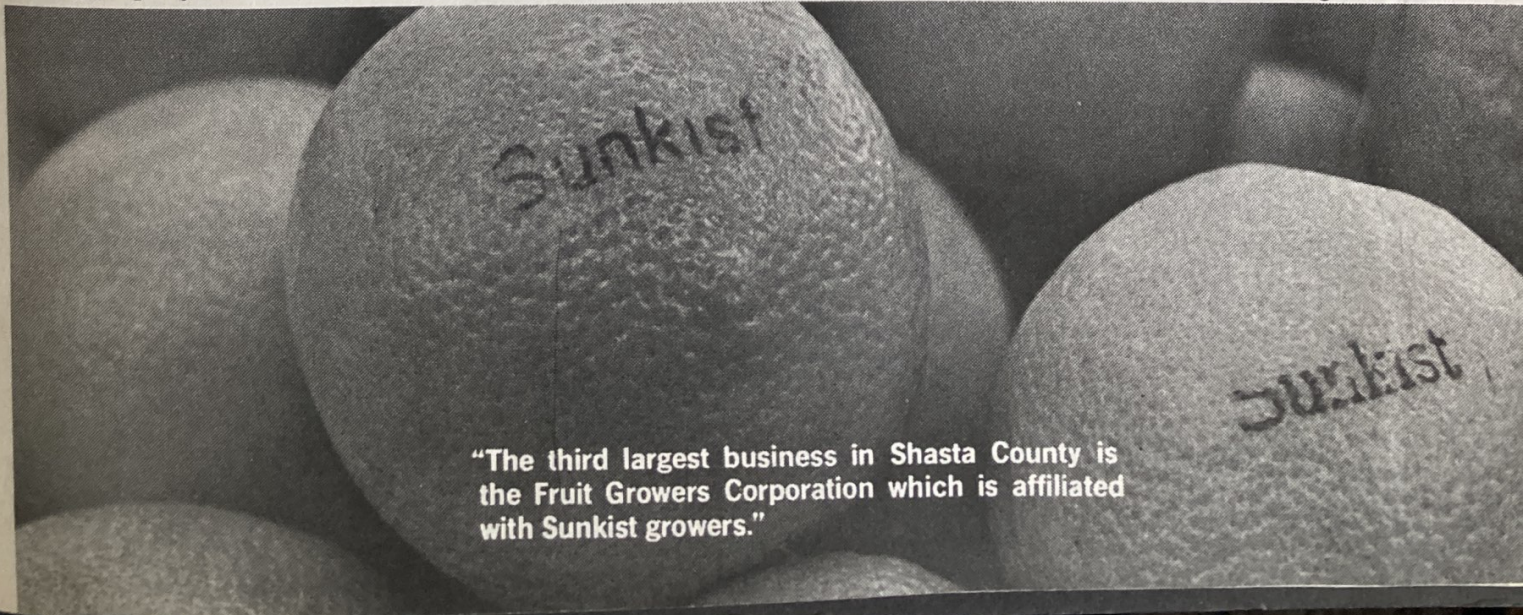
Group in front of PG&E house

Wilson chants

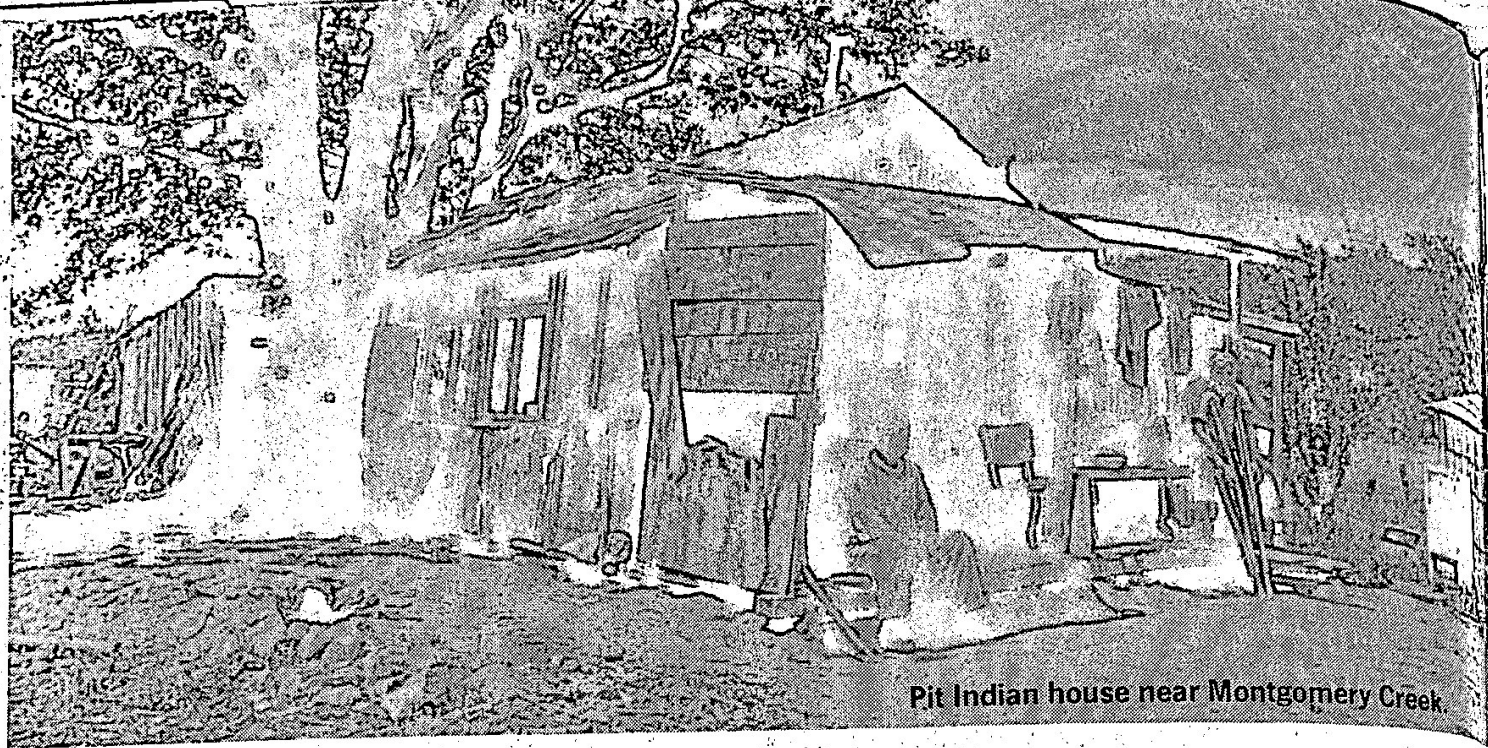
Two cops surrounded by group of Indians

One cop: "Mr. Oakes. Gentlemen. I've been instructed to advise you that you people are in violation of the trespass laws of the Penal Code of the State of California in that you are entering and

E
93
D593
D57
1970



"The third largest business in Shasta County is the Fruit Growers Corporation which is affiliated with Sunkist growers."



Pit Indian house near Montgomery Creek

occupying dwellings and real property belonging to the Pacific Gas and Electric Corporation. You will be given adequate time to peacefully vacate the premises. If you fail to vacate, arrests for the law violations will occur. We would like to have you out as soon as possible and preferably this evening. Thank you very much." Lego: (off camera) "Well, you come back tomorrow, and you'll find us here."

Sun through trees

Bird chirps

Crowd of cops and cars

Cop: (off camera) "Get your squads together men."
 Shasta Sheriff John Balma: "But I believe we have 60 to 65 officers here."
 Reporter: "Could I ask why so many?"
 Balma: "Whenever we go on a detail of this kind we go with sufficient force to handle any situation that we may be confronted with."

Police marching across screen, arrested Indian

Reporter: (off camera) "Why do you deliberately want to be arrested?"
 Arrested Indian: (off camera) "Well, the more cases we get into court, the more likely they ain't going to throw our case out of court so fast."
 Reporter: "In other words, you're trying to make a test case out of this?"
 Indian: "Yes. We ain't going to be on trial. It's going to be the United States government, not us."
 Reporter: "I guess in some senses the entire United States belongs to the Indians."
 Indian: "Right."
 Reporter: "Do you plan to take the whole country back?"
 Indian: "Nope. Just some of it. We know what we're up to. We know what we're going to face, and we're going to do it. We're going to stand by our decision."
 Reporter: "Do you want to be prosecuted?"

Indian: "Yes."
 Reporter: "How will you plead?"
 Indian: "Not guilty."

Pan from Shasta County patch on cop's arm to his face

Indian (off camera): "You've always been trespassing all over the world, now you're trespassing right here in your own backyard."

Indian woman close up, pan to child in front of house

Indian woman, Morningstar: "You'll pay for it. It's not the last of it."
 Cop (off camera): "Let's move 'em out men. Let's go. We haven't got all day."
 Morningstar: "Yeah, arrest the children. That's all you're good for . . . Oh, you've got it coming. You've got children and you're going to pay for it, too. You're going to know what it's like. You should be ashamed, ashamed that you're living on our land."

Pan to cop in front of cabin

Cop: "All right, let's start with the next cabins, men. Anybody in this cabin? Start arresting these people here."
 Balma: "Start getting these people."
 Cop: "Hey, fellas, start arresting these people. Escort 'em over. Load 'em up."

Cop brings Oakes out of cabin, cut to chart showing interlocking directorships of large corporations, Pit welcome sign, cop pulling Indian, arrest line, Thorpe Gimmell: "There can be little argument that large corporations and the rich control and run most of our government's policies and that they dictate the American way of life. This big business, big business-get rich syndrome has corrupted America's value system to the point that no one, today, any longer can trust his own brother or his neighbor. Violence, money, position of power are the white man's way."

The American Indian can no longer allow his values and culture to be destroyed and corrupted by a society that does not relate to one's fellow man except to see what they can get from him."

Thorpe on ground surrounded by cops

Thorpe: "Why aren't you in here asking PG&E to leave? They're the ones that are trespassing on the land, not the Indians."

Lego close up, cut to various arrest scenes and back to Lego facing cop

Lego: "Our ancestors started right around about 1920. Hopefully they had filed a petition for redress of grievances against the United States government for the taking of our land, dispossession of our people and the general abuse that was suffered by our people in the process of removing Indians. The result of that work was brought to a head in 1963. And this was all done beyond our control and not to our knowledge. And later on they came and told us we'd have to vote on whether we accepted this formula of compromise settlement, one package, consolidated agreement for — well, it was stipulated that it would be 47 cents an acre. And, so, today, we feel that the claims case was mishandled it was compromised and brought to a conclusion without our authority or consent. We hadn't agreed to anything. And, at this time, we re-assert and reclaim our land."

Lego facing cop

Cop: "Mr. Lego, you're under arrest charged with Section 602L of the Penal Code which is occupying real property without permission of the owner."

Lego: "I submit to your authority under protest."

Lego mug shot

Crowd noise

Cop shakes down Indian

Cop: "Spread your legs out there please. You have any weapons on you at all?"

Indian: "Might have a small pocket knife."

Cop: "You want to take it out?"

St. Marie chant fades in.

Handcuffed Indians in bus, bus pulls away, cop closes wagon door on handcuffed Indians, wagon pulls away into trees

St. Marie chants and sings: "By the trestle in the cove, standing up to the sheriff and his guns . . . my heart is there with you."

Cops carry away Pit Indian welcome sign

Silence

Man behind jail bars

Background noise

Aubry Grossman, attorney for Pit Indians

Reporter: "Mr. Grossman, isn't it a little late to make



Buffy Sainte Marie

a claim on these lands for these people you represent?"

Grossman: "Well if it's late, it's the responsibility of the United States government. Took them 117 years to declare, finally, that the land had been illegally taken in 1853, so most of the delay has been due to the United States government."

Reporter: "What are you going to advise them to do now?"

Grossman: "I'm going into the meeting with them . . ." St. Marie chant fades in.

Grossman in jail meeting with arrested Indians, cut to "EVICT PG&E" picket sign and man's chest painted, "LET MY PEOPLE GO," cuts and pan of Pit Indian area map, cut to Grossman in tribal meeting

St. Marie chants. Grossman: "All of that land within these confines was Indian title in 1853. It was your land, taken away illegally. So, let 'em come in and say, 'OK, we took the land illegally, we're going to give 'em 47 cents an acre to take care of it.' They got to say to you — by bringing you into court — they got to say to you that though you've got a decision by the highest body that exists in this country to decide these things — that Congress intended to decide it — nevertheless, some private corporation, PG&E, can get you arrested, not only — how many? — 34 of you, the same way they could get 3400 of you arrested. And they could not only get you arrested once, they could get you arrested 100 times if you went back. You see the big questions that are raised; that radicals are supposed to be the only ones that raise: who runs the country? (power line buzz comes in under voice) And what does law and order mean?"

Handcuffed Indians, close up on hands

Power line buzz

Jack Fallon, PG&E attorney, close up

Power line buzz fades out. Jack Fallon: "PG&E paid money for record title to this parcel. Our title dates back in each instance to the United States govern-

ment. In other words, this company has paid money for record title directly from the United States government for this land."

Cuts of PG&E Pit River facilities, Pit Indian area map, chart showing interlocking ties between PG&E and other large corporations

Narrator: "The largest business in Shasta County is the Pacific Gas and Electric Company. PG&E owns in Shasta County, 52,525 acres with an assessed valuation of \$320,000,000. PG&E has interlocking ownerships and directorships with a number of the largest corporations in America including (powerline buzz and water roar under cuts from big business chart) and Stanford Research Institute."

Farm worker adjusting irrigation in huge field

Narrator: "One of the biggest shareholders in PG&E is a man named Russell Giffen who farms in the San Joaquin Valley 130,000 acres of land. Russell Giffen over the past several years has been the second largest recipient of public welfare in the State of California. For instance, in 1969, Giffen received over \$3,000,000 for growing cotton and for not growing cotton."

Lego close up, cut to William Bennett, former member of the California Public Utilities Commission

William Bennett: "The plight of the Indians is symptomatic and typical of the manner in which a monopoly such as Pacific Gas & Electric Company treats people whether they be ratepayers or in some cases even small shareholders. (Intercut of handcuffed Indians.) The attitude of PG&E which is exemplified, I think, by the testimony of the president of PG&E, Mr. Shermer Sibley, given under oath. When I said to him, 'Is the \$67,000,000 rate increase you're seeking inflationary or non-inflationary?' — he said, 'It is deflationary,' and I said, 'Well, how is that?' and he said, 'Because it gives people less money for discre-

tionary spending.' (Intercut man looking out of PG&E building) Now he's deciding that one way to meet inflation is to raise your utility bill, giving you less money to spend for things you decide as an individual you might need, whether they're foolish or not foolish. It is interesting to note that Mr. Sibley's salary was raised \$20,000 last year so he's now making \$150,000 per year. He considers his salary increase to be deflationary as well. (Intercut San Francisco Bay fill) Just for the sake of the establishment itself — if you believe in saving it — the establishment has to be saved from its own excesses. What's going on at Pit River should illustrate to people how difficult the task is toward achieving economic justice in the United States of America in the year 1970. When I talk about the PG&E, it's — I could do the same thing about U.S. Steel or General Motors or whatever. They're all basically the same: the same type of narrow corporate thinking — an almost calloused indifference to the spiritual nature of man as a beautiful creature and animal, the great preoccupation with profit for the sake of profit to the neglect of human values. (Intercut man on street, high angle) But the important thing to know is you and I, in a sense, don't have the power to correct those except through organization, union and numbers. Individually we can't do it, and that's what has to be done. And this is why people whether they are black or brown or red or white; students, intellectuals, oppressed third layer corporate utility executives, have something in common. (Intercut handcuffed Indians) They're being had. (Power line buzz under voice) And unless they realize it they will continue to be had or exploited."

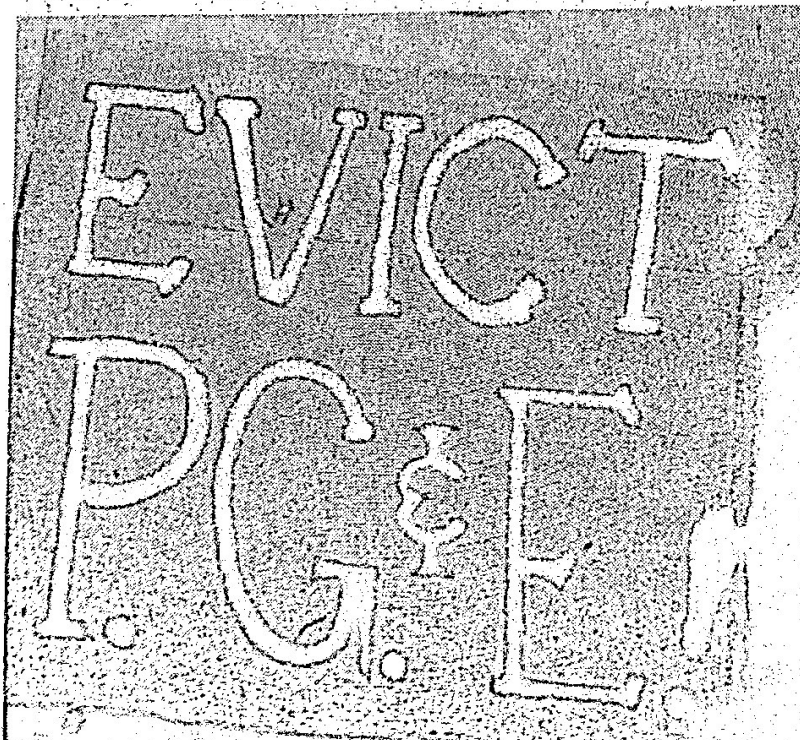
PG&E Powerline pan to old Indian house, cut to Pit Indian area map, man on porch, close ups of porch and road out

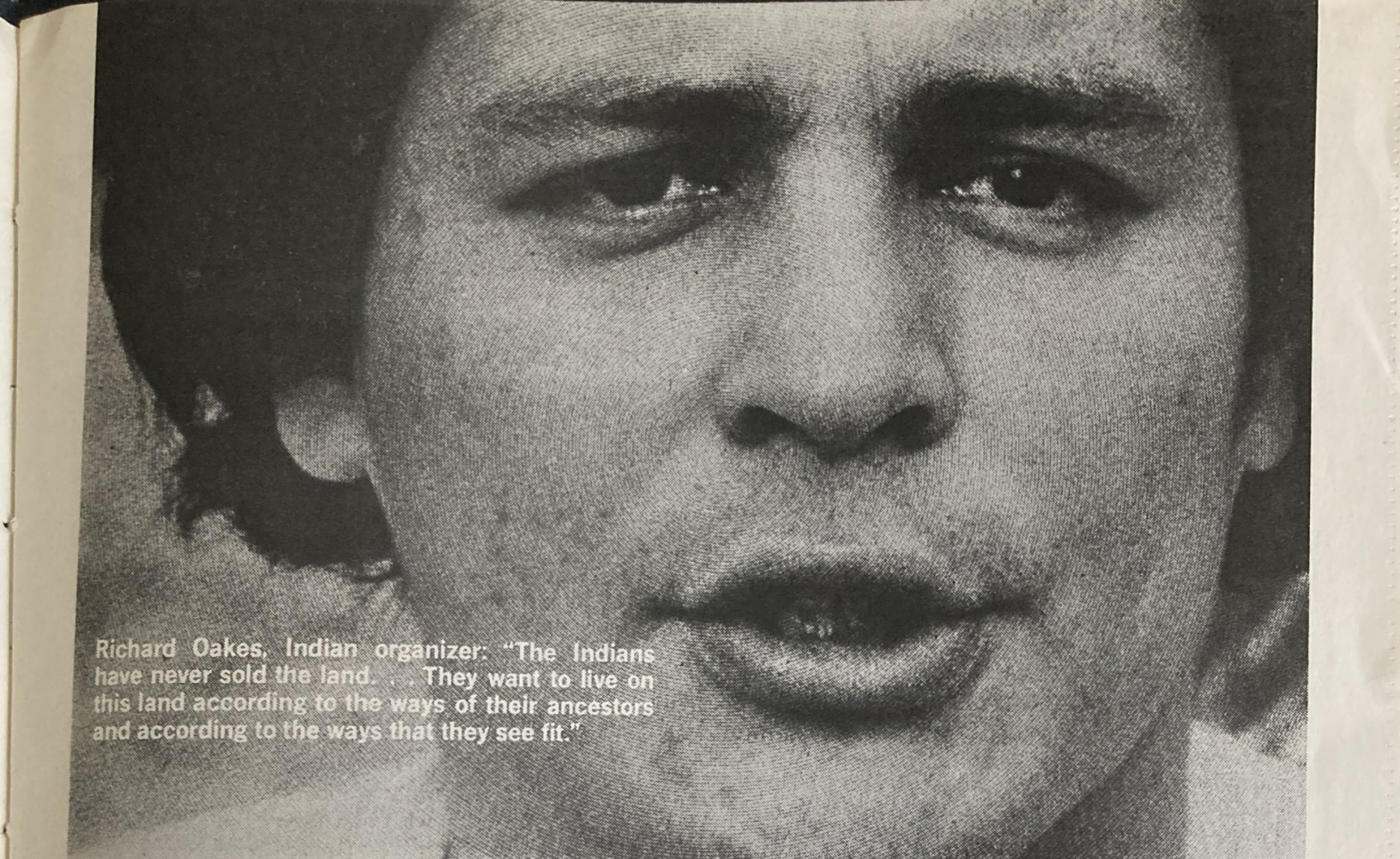
Narrator: "PG&E is also interlocked with the second largest private business in Shasta County which is the Pacific Telephone. Pacific Telephone on only six acres of land holds an assessed valuation of \$27,000,000. Pacific Telephone is also interlocked with Levi Strauss, Stanford Research Institute and the Bank of America. Also a number of other corporations including Broadway Hale, W.T. Grant, Wells Fargo, DiGiorgio Fruit Corporation, Tenneco, Bank of California, U.S. Plywood and the Southern Pacific Railroad."

Three oranges, Pit Indian area map, Lego washing up
Narrator: "The third largest business in Shasta County is the Fruit Growers Corporation which is affiliated with the Sunkist growers. Fruit Growers owns in Shasta County 82,217 acres with an assessed valuation of \$23,000,000."

SP train, Pit Indian area map, Indian boy taking water into house

Narrator: "The fourth largest business in Shasta





Richard Oakes, Indian organizer: "The Indians have never sold the land. . . They want to live on this land according to the ways of their ancestors and according to the ways that they see fit."

County is the Southern Pacific Railroad which owns 165,617 acres with an assessed valuation of \$15,000,000 for Shasta County alone. Southern Pacific is the single largest holder of private land in the State of California. Southern Pacific is also affiliated with other big businesses in Shasta County including Pacific Telephone. Southern Pacific has interlocking ownerships with Stanford Research Institute, Del Monte, Union Oil, Fibre-board Corporation, IBM, Equitable Life Insurance, Texaco Oil, Tenneco, Southern California Edison, Bank of California, Marineland of California, Caterpillar Tractor, New York Life Insurance, Con Edison of New York and the Ford Foundation."

Sign on California Water Project canal, tractor in huge field

Narrator: "One of the big owners in Southern Pacific is a man named J. G. Boswell. J. G. Boswell in the San Joaquin Valley owns approximately 125,000 acres of land. Over the past several years J. G. Boswell has been the single largest recipient of public welfare in the entire state. Boswell received, for example, in 1969 nearly \$5,000,000 for growing cotton and for not growing cotton."

Lego, close up, pile of logs, San Francisco Examiner masthead, Pit Indian area map

Narrator: "Another large land owner in Shasta County is Hearst Publications. (sound of chain saw

and tree falling) Hearst Publications owns in Shasta County 38,823 acres with an assessed valuation of nearly \$7,000,000."

Times-Mirror Lumber Mill, Los Angeles Times masthead, logging truck, Pit Indian area map, Times-Mirror Lumber yard

(Sound of chain saw and falling tree) Narrator: "Publishers Forest Products owns in Shasta County 25,515 acres with an assessed valuation of nearly \$2,000,000."

Kimberly-Clark Mill, Pit Indian area map, Kleenix labels

Narrator: "Another big business in Shasta County is Kimberly-Clark. Kimberly-Clark owns in Shasta County, 82,806 acres with an assessed valuation of \$8,500,000. Kimberly-Clark has interlocking ownerships with a number of national corporations including Pan American, the First National Bank of New York and Miller High Life Beer. Kimberly-Clark is one of the largest manufacturers and distributors of paper products in America." (Sound of chain saw and falling tree.)

Pit Indian area map, polluted stream sign, man felling tree, pile of logs

Narrator: "Now about half of Shasta County is owned by the federal government but most of the economic benefits from this public land are enjoyed

mainly by the big businesses in the area and not by the public. These companies like Kimberly-Clark, LA Times, Sunkist and U. S. Plywood contract with the federal government to buy the timber. They cut the trees for paper and lumber products which they sell at a profit. They make money off the public land without accepting any of the direct responsibility of land ownership such as paying property taxes."

Chart showing interlocking corporations, Kleenix label, Safeway sign, grape pickers, Viet Cong dead, Examiner masthead, Pit Indian area map, LA Times masthead, doorbells, mayor's door, war dead, man behind barbed wire

Narrator: "The rulers of Shasta County are an intricate part of the vast yet tightly controlled military and industrial complex which runs the country and much of the world. The key interest of this complex is control: control of products, control of markets, control of people and control of countries. Key elements in their systems of control are information gathering and propaganda. This vital function is performed in part by the Stanford Research Institute. The Stanford Research Institute writes reports on urban problems and long range planning for various governmental agencies. It also does warfare research for the federal government."

Boycott Safeway Picket, Pit Indian area map, grape picker, farm labor housing

Narrator: "One example of the complex's attempts at domestic social control is Safeway Stores. Safeway is the second largest chain in America. It is interlocked with the PG&E, the LA Times, the Southern Pacific Railroad and the Stanford Research Institute. Safeway has been one of the chief roadblocks to efforts of farmworkers to organize and improve their economic conditions. While other chain stores agreed to purchase only union grapes, Safeway continued to buy non-union grapes."

Handcuffed Indians, close up

St. Marie chanting

Lego, medium shot, dry Pit River bed below PGE dam

Lego: "And in our legends and in the teaching of our forefathers we know that Mother Nature was the best — it carried out the will of the Great Spirit. It was not our place to dictate or change. It was not our place to impress upon — to inject or to impress or to put forth our ideas to control nature. So, today, that is one reason why we're so concerned about the present plight of Mother Nature itself — ecology, pollution, pollution of the rivers, bad air and everything else — because we somehow wished that the people, today, that is in power could only learn like we had to learn; because they have impressed their own thinking — they have begun to remake the nature itself, to the extent right now we are all worried about the

environment and everything else. This is why we have such a strong feeling about this as Indian people. An Indian is not an Indian unless he has a land base, because our people has always been close to nature, close to the land. Our whole lives was provided and sustained by that which came from the land. And looking at it from that point of view, we Indian people are not too many at this point, and we feel that we are fast disappearing from this land of ours, and it's about time that we tried to take a stand. And we feel this is an opportune time. We have many people that are concerned of the very things which we are concerned — ecology and many other things, environmental conditions and many things like that. And we are also concerned; but the fact of the matter is we have been rendered powerless. We have lost our voice in matters of this kind. And we want to rebuild this. We would like to preserve our land. We would like to build our people again on the strength of land."

Pit Indian area map

Chain saw sound and falling tree.

Stump zooming out to cut over area

St. Marie chanting. Oakes: "The Indian Claims Commission found that the U. S. government took possession of the land illegally. After conceding to the illegality of the act the Indian Claims Commission offered to pay to each tribe 47 cents per acre, but this money was refused by the Pit River tribe of Indians with the contention that as the legal holders of title to the land that all the land within the boundaries in the findings of the California — of Indian Claims Commission was to be immediately returned to the tribe. The contention, then, that the Pit River Indians and other Indians for being their guests are trespassers, as stated indirectly by the U. S. Government and directly by PG&E is ludicrous. The trespassers are, indeed, the U. S. government — there was no treaty signed — PG&E and other large corporations as well as the State of California."

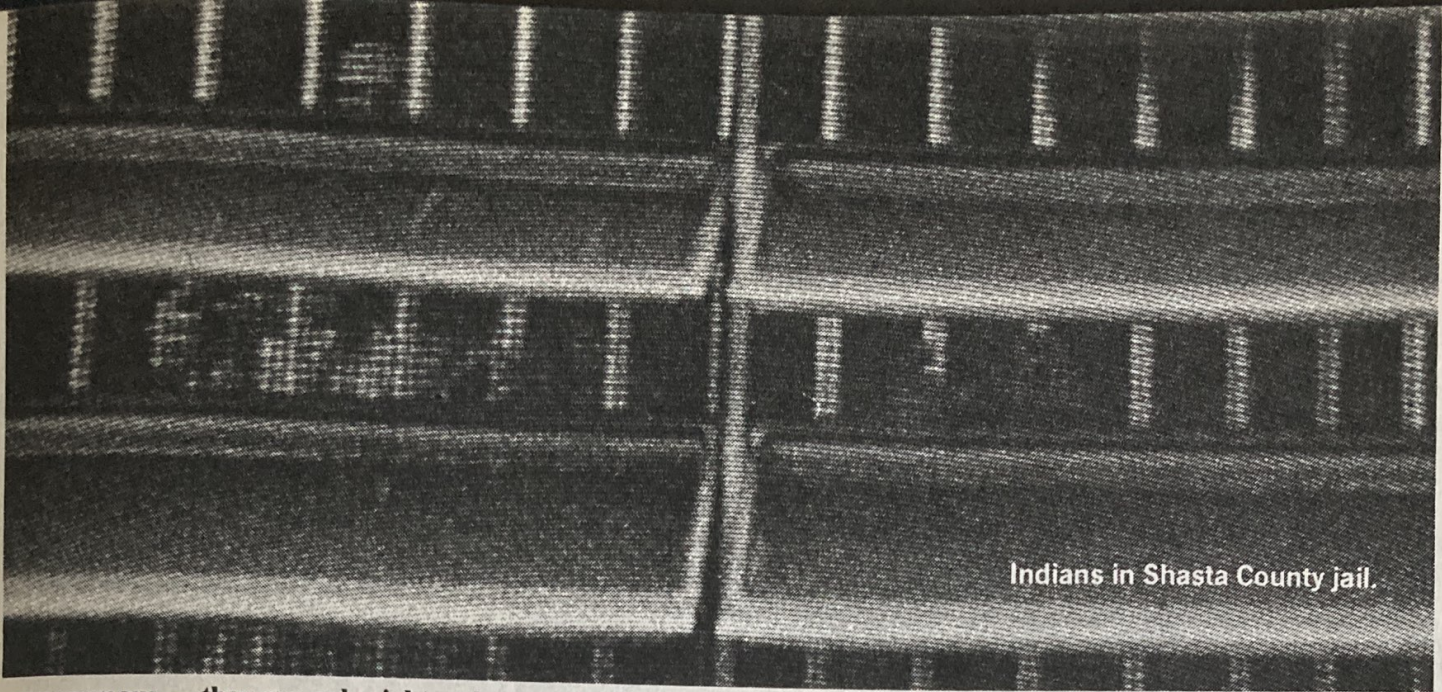
Chart of interlocking corporations

Oakes: "It has to be remembered big business and government are almost synonymous terms. Big business and its pressures exert policies emanating out of government affect not only Indians, but poor whites, blacks and other minorities."

"EVICT PG&E" sign, "RETURN INDIAN LAND TO INDIANS" sign

Oakes: "The Indian Claims Commission conceded that the land was taken illegally in 1853 and by that admission alone it would seem that clearly the Indians are not the transgressors of law and order, but the upholders was what law and order stands for." St. Marie chant fading in.

Blackboard: "Big business and government are



Indians in Shasta County jail.

synonymous — they are only right as long as they can get away with it!"

St. Marie chant

Oakes close up

Oakes: "The Indians have never sold the land. They still maintain that they own it. They do not want to sell it. They want the land back and they want to live on this land according to the ways of their ancestors and according to the ways that they see fit."

Gimmell close up, Pit Indian area map

Gimmell: "We believe that money cannot buy the Mother Earth. She has sheltered, clothed, nourished and protected us. We have endured. We are Indian. We are the rightful and legal owners of the land. Therefore, we reclaim all of the resourceful land that has traditionally been ours with that exception of land now owned by private individuals. On this land we will set up our own economic and social structure retaining all of the values which are commensurate with Indian life. We will encourage and help other Indian tribes and groups to establish structures across the country in order to establish inter-tribal economic and cultural ties, basing the economy on the barter system. Therefore, let it be known by all concerned that the Pit River tribe makes the following demands: number one, that the U. S. government and the large corporations including PG&E, PT&T, the Southern Pacific Railroad, Kimberly-Clark, Hearst Publications and the Los Angeles Times-Mirror Corporation among others return all of our land to us immediately. No amount of money can buy the Mother Earth. Therefore, the California land claims case has no meaning. The earth is our mother and we cannot sell her."

Zoom out from handcuffed Indians, zoom out from mountain peak, credits

St. Marie singing and chanting: "By the trestle in the cove, standing up to the sheriff and his guns. . . my heart is there with you . . ."

□ □ □

Finding out

If you are into any sort of community involvement in your area, you should be aware of the controlling forces or you will have no conception of what might be required to make change.

Most of the information you need is public; it can be found in libraries and various public offices. For instance, you can find out who the biggest land-owners are by checking records in the county assessor's office. These records are public. The employees there are obligated to help you find what you want. From these records, you can determine, the size, location and value of land. Also past owners and sale prices.

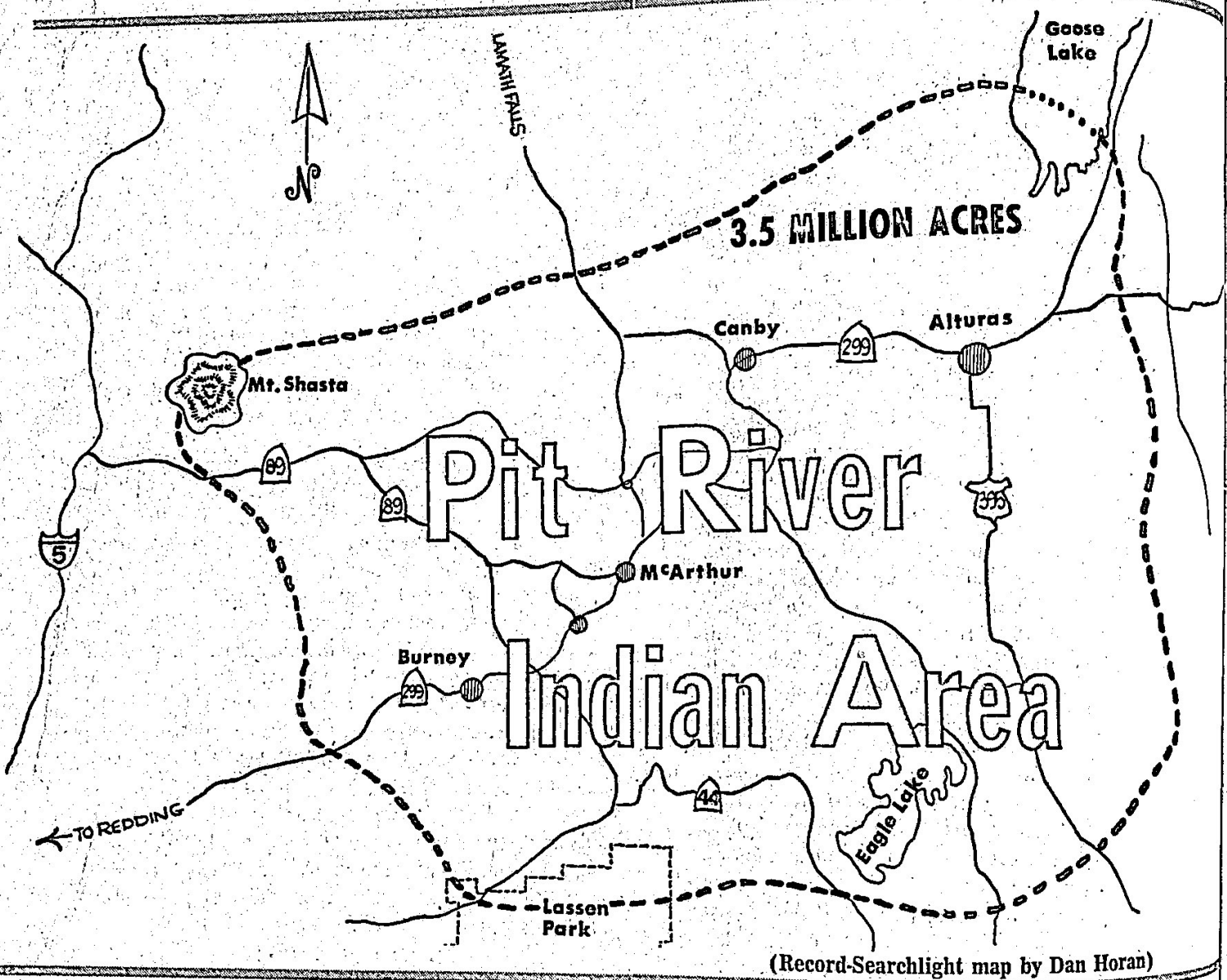
Public and college libraries — in their business sections — have directories of public corporations and corporation executives (Standard & Poor's, for example). From these records you can determine interlocking business relationships. Libraries also may have a file of corporation annual reports — or you can contact companies directly for these documents.

The local newspaper files, although they are not public, may be helpful. By being cool, courteous and persistent you will probably be able to find out almost anything you want to know about the real powers in your community, how they are inter-related and how they operate.

For a detailed outline of how to do community research, write for: "Where It's At," Department of Social Justice, National Council of Churches, 475 Riverside Drive, New York, N.Y. 10027.

"Research Methodology Guide," NACLA, Box 226, Berkeley, Calif. 94701.

NORTHERN CALIFORNIA



(Record-Searchlight map by Dan Horan)

The dotted line on the above map outlines the nearly 3.5 million acres taken illegally from the Pit River Indians in Northern California. The basis for this Indian claim is spelled out on the following pages by a legal memorandum filed in Burney Judicial Court by Pit River attorneys June 22, 1970, following mass arrests of Indians for allegedly trespassing on PG&E property. Also included on

page 17 is the Shasta County district attorney's answer to the Indian claims. After the court denied the Indian motions to dismiss the trespass charges and refused to initiate charges against PG&E, the Indians filed in U.S. District Court a \$10,000,000 civil rights suit against the State of California, PG&E and Shasta County. □ □ □

Pit Indian legal claim

The following memorandum was filed June 22, 1970, in Burney Judicial District Court by Aubry Grossman, attorney for the Pit River Indians.

INTRODUCTORY REMARKS

A few introductory words in explanation of the title page of our Memorandum. As you can see, we reject the title of **People** of the State of California versus the **Indians**, as defendants. The People of the state of California are not against the Indians, and the Indians are not defendants.

The Pit River Indians have decided that they are not, and never again will be, defendants, because they will never again be on the defensive — on the taking of Indian land.

The process of systematically taking Indian land away from Indians — to quote the Alcatraz Declaration (May 31, 1970:

"HOW DID WE LOSE OUR LAND?

wars — massacres — other violence — fraud —
occupation — expropriation — forced sale—
division of tribal lands — deprivation of
water — flooding."

is going to be **stopped here and now** and a **reverse process begun**, say the Pit River Indians.

The Indians know, and the Government knows, that every single year for well over 200 years, large amounts of Indian land were taken away, or made worthless (by deprivation of water). **The process still goes on** (Pyramid Lake, termination of Colville reservation, etc.) An appropriate metaphor is that the land question for the Indians is similar to an automobile going up a steep hill. Until now the force of gravity has been greater than the power of the automobile's engine. However, now, for the first time, Indian power is at least equal to the force of gravity and undoubtedly the Indian power engine will start, albeit gradually, to ascend the hill by stopping the diminution of Indian land and obtaining the return of some Indian land.

The other reason for our changing the title is to state in the title (what the Courts have held) that the United States, and now PG&E, are withholding this illegally taken land from the true owners. To call this trespass by Indians is to believe the thief who cries "stop thief."

STATE OF CALIFORNIA, COUNTY OF SHASTA
JUSTICE COURT FOR BURNEY JUDICIAL
DISTRICT

(An incorrect and improper title selected by prosecuting
authorities:)

PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiffs,)

vs.

MICKEY GEMMILL, RAYMOND LEGO,
CHARLES BUCKSKIN, RICHARD OAKES et al.,)
Defendants.

Memorandum in

Support of

MOTION TO DISMISS CHARGES,
MOTION TO ACQUIT, DEMURRER,
MOTION TO ESTABLISH THE
UNCONSTITUTIONALITY OF
THIS PROSECUTION, MOTION TO
PROSECUTE PACIFIC GAS AND
ELECTRIC COMPANY.

Alternative correct and proper titles would be:)

THE PIT RIVER INDIANS OF CALIFORNIA,
Plaintiffs

vs. PACIFIC GAS AND ELECTRIC C
Defendants.

THE PIT RIVER INDIANS OF CALIFORNIA,
Petitioner,

vs. THE UNITED STATE OF AMERICA,
Defendant.

This is a political case. The proof is the use of governmental force to keep the Indians from regaining their land which was stolen from them. This case points up rather spectacularly and dramatically who it is that uses constitutional and legal methods, and on the other hand who it is that uses force and violence instead following proper legal procedures.

On the one hand the Indians used the procedure created by Congress, by filing a petition with the Indian Claims Commission. On the other hand, the government used the force and violence of a) forcible arrest, b) carrying off to jail, c) holding in jail, d) manacled. This force and violence was visited upon the Indians because they had having waited one hundred and seventeen years, and having obtained a decision by the "highest court in the land," finally, in desperation, used "self-help" when the Government manifested no intention of enforcing the decision by the return of their land.

The arrest of these Indians, coupled with the refusal to arrest Pacific Gas & Electric Company, demonstrated conclusively, an unconstitutional functioning of the legal and judicial system in Shasta County (unless they shall be corrected, as we hope they will be, by this Judge in deciding this Motion). We refer to the control by PG&E of the legal machinery and public officials; and the lack of control or influence, and the lack of rights, possessed by the Indians. We refer next to the "fish of one and fowl of another" activities of the public officials.

All PG&E had to do was to wave its finger and the sheriff arrested 50 or so Indians on the charge of trespassing; despite the fact that there could be no trespass committed unless two elements were present: 1) the ownership or right of possession in PG&E, and 2) the lack of the most minute ownership or possessory rights in the Indians. PG&E made no showing to the Sheriff or District Attorney of their right to ownership or possession and the Indians had title established by the Indian Claims

BIG BUSINESS and GOVERNMENT are
SYNONYMOUS

THEY ARE ONLY RIGHT as long
as THEY CAN GET AWAY
WITH IT!

WELCOME

Commission, strengthened (if there were any need for strengthening) by 25 U.S. Code 4, which provides:

"In all trials about the right of property in which an Indian may be a party on one side, and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership."

The Indian Claims Commission adjudged that the Indians had "previous possession or ownership."

The Sheriff and the District Attorney were put on notice of these facts a little less than a day before the arrests of the Indians by receipt of the telegram which is attached as Exhibit A (page 15). They ignored this notice and did nothing to contact the sender of the telegram or to verify the facts stated.

The optimum defense that the Sheriff and the District Attorney can muster to our charges against them is the claim that the occupation of the 52,000, or so, acres for many years constituted some kind of practical evidence of PG&E's ownership of large amounts of land.

Even if there were not the notice given them by Exhibit A, this cannot possibly provide any justification of the arrest of the Indians for two reasons: the fact that PG&E had a right to ownership and/or possession would not be evidence that the Indians did not have a right to ownership or possession; the question is not whether PG&E had the right to ownership or possession of a great deal of land but whether they had it in the precise area where the trespass occurred.

On the day our Motion was presented, in open court, we offered a sworn statement of Indian ownership and the right to possession, relying on the decision of the Indian Claims Commission and 25 U.S. Code 194 — and requested the initiation of a prosecution for trespass against PG&E. In response, District Attorney Robert Baker asserted that he would not permit a prosecution against PG&E, because he was not personally convinced that the Indians had title, whilst admitting that PG&E had furnished him no evidence whatsoever of its title; and he admitted that he had never read the Indian Claims

Commission decision of which we had given him notice. In response, Judge Billy Covert tentatively refused to accept the offered sworn statement and issue a warrant. Later he definitively refused to issue the warrant, stating that he was advised by the County Counsel not to do so.

We want it specifically understood that our demand for dismissal and acquittal of the "defendants" and for prosecution of PG&E is based upon the Fourteenth Amendment to the Constitution, being a denial of the equal protection of the laws. In support of this constitutional claim we ask leave of the Court to produce evidence in support of the statements made in this Memorandum. We request permission (our constitutional right in support of this claim) to place on the witness stand and question, Sheriff John Balma, District Attorney Robert Baker and Judge Billy Covert as to their relations with PG&E, its representatives, lawyers or otherwise; and as to their knowledge, before the arrests of facts showing the right to ownership and possession of the land in question by PG&E and by the Indians. We assume that the examination of these witnesses will have to be calendared as to time and place, and we so request.

We now proceed to the merits of our claim which is that, as a matter of law, the Indians were possessed of such rights of ownership and/or possession as would legalize their entry on the property and void any right to prosecute them for trespassing.

At the outset, we note a curious omission from Section 602 of the Penal Code. Reading it literally, a person could be guilty of occupying **his own land**, if someone else had any ownership or possessory right to it. This is obviously not what the Legislature intended, so we will read into this statute the following words:

"A person cannot be found guilty of trespass under this statute if he has any measure of ownership or possessory rights to the land in question."

It flows from what we have said that to justify dismissal or acquittal we need not establish the **absence of PG&E's right** to ownership or possession, but need establish only that the **Indians have a right** to ownership or possession.

The Indians' right derives from thousands of years of "Indian title" to the land shown in the map which is Appendix A to the Motion (page 10). It further derives from 25 U. S. C. 70 et. sequ., which established the Indian Claims Commission. It further derives from the decision of the Indian Claims Commission in "The Pit River Indians of California vs. the U. S. of America" Docket No. 347 before the Indian Claims Commission.

"Following hearings in 1956 on the question of title and liability, we made findings of fact and entered an interlocutory order on July 29, 1959 holding that the Pit River Indians, as an over-all identifiable group, had established original Indian title to eleven tracts aggregating approximately 3,386,000 acres of land in

parts of Lassen, Shasta, and Modoc Counties, California, which had been used and occupied by eleven autonomous groups or bands and that the original Indian title to that land had been taken by the United States without compensation as of March 3, 1853, by the Act of March 1853 (10 Stat. 244). We directed the parties to present evidence of the acreage of the tracts concerned and the value as of the date of the taking (7 Ind. Cl. Com. 815). This docket number has been inactive since said above date until the present proceedings were initiated." (13 Indian Claim Commission Reports 369,381)

For Congress' purpose in establishing the Commission, and the authority it intended to vest in the Commission, we quote from the Commission's 1968 Annual Report, as follows:

"FUNCTION AND DESCRIPTION"

"The Indian Claims Commission is an independent agency established by Act of Congress on August 13, 1946 (Public Law 79-726. It is a judicial arm of the Congress created for one special purpose: the hearing and determining of Indian claims against the United States which came into existence prior to the approval of the Claims Commission Act of 1946."

As the Report demonstrates, Congress was creating a judicial body to establish the facts, and determine the law, on the subject of deprivation of Indian property by the U. S. Government. With the exception of Court of Claims jurisdiction (based upon statutes passed by Congress for disposing of specific Indian claims, which are of no further significance), the Commission is the only body having jurisdiction, and it has exclusive jurisdiction, on the illegal taking of Indian land by the United States.

The Pit River Indians of California have in their favor a final Decision, Order and Judgment that in 1853 they were the exclusive owners of this land and that this title was taken away from them illegally without compensation in 1853, by the passage of a federal statute.

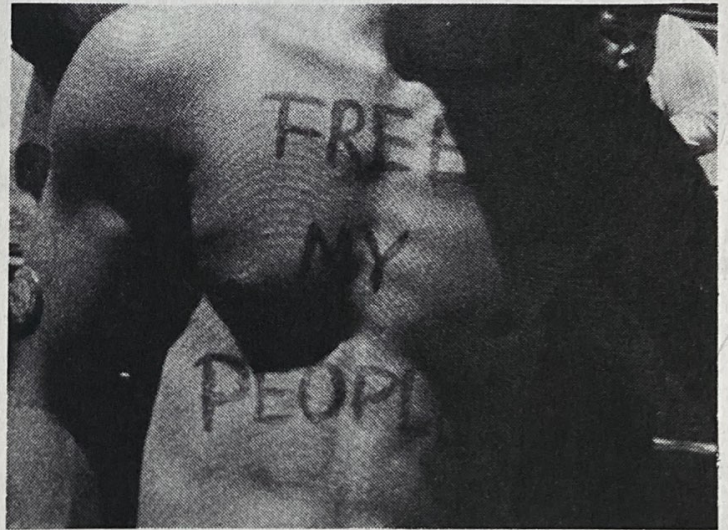
The United States Supreme Court has held, unequivocally, that when the United States has taken land from an Indian tribe without agreement or compensation, it thereby violates the Fifth Amendment to the United States Constitution. *Shoshone vs. United States* (1936) 299 US 476, 81L Ed. 360. Also see *Miami v. U.S.* (1960) 28F (2d) 202.

No other court has jurisdiction to do anything on this illegal taking of the Pit River Indians' land in 1853 except to enforce or implement the Commission's decision. Therefore this Justice Court **must** dismiss these actions and acquit these "defendants." To deny this is to declare that a Justice Court Judge or jury has the power to reverse a

decision of the Indian Claims Commission. Even more, it declares that a Justice Court judge or jury can reverse the United States Supreme Court because a Commission decision, since it could have been appealed to the United States Supreme Court and was not, has the **finality** of a Supreme Court decision. The situation is identical to one in which Congress has declared certain land to be owned by the United States. In such a case, obviously, a federal employee could not be charged with trespass for entering on the government land. Similarly, if one were charged with trespassing on another's land he would have an absolute legal defense if there was a judgment in his favor in a quiet title suit.

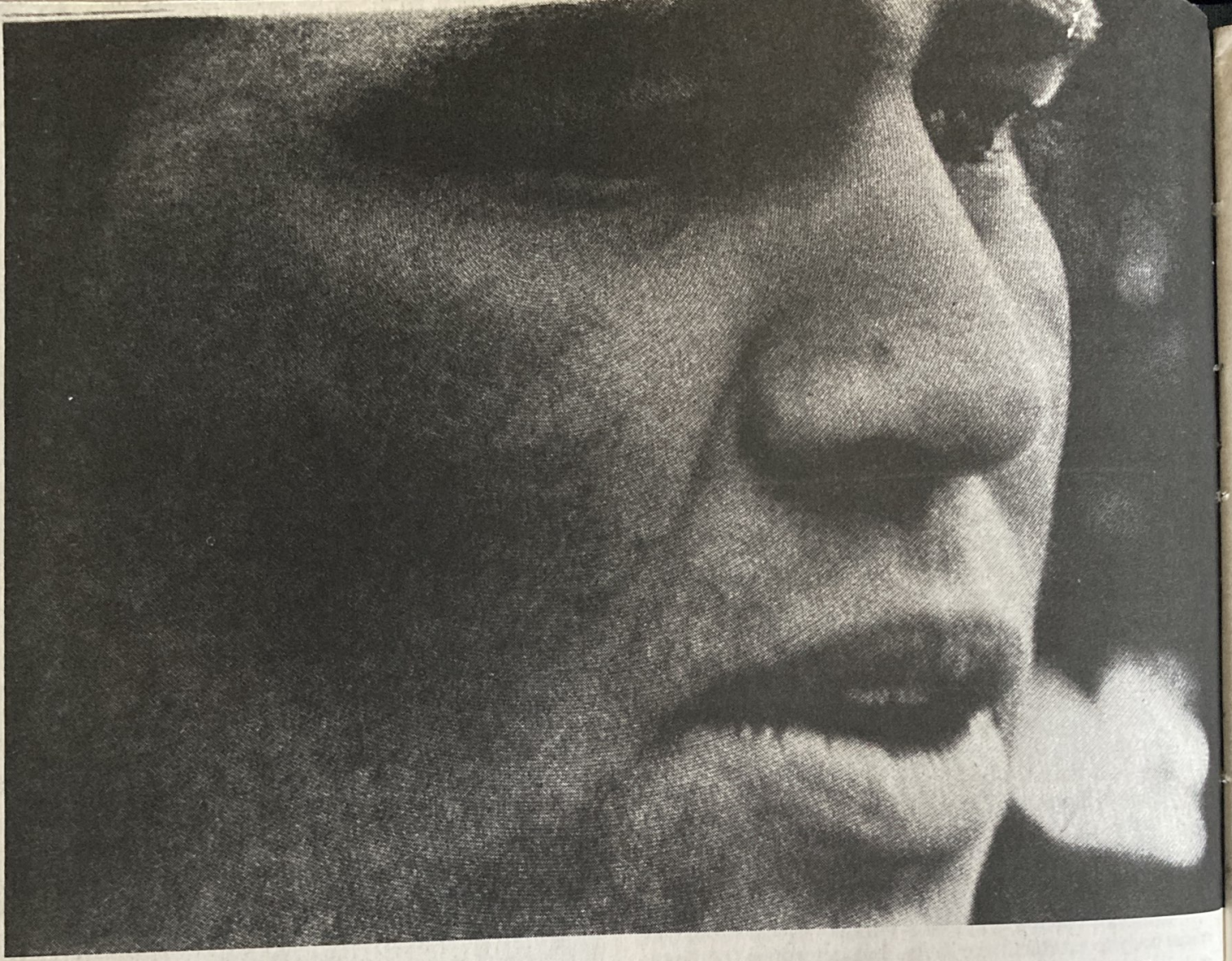
Having stated that the appropriate and exclusive tribunal has rendered a final decision that this land was illegally taken from the Indians we have said enough to justify the granting of our motion. However, because of public statements by the District Attorney and PG&E we can anticipate what position they will take. We will address some remarks to their position. They claim that the Pit River Indians of California have somehow given up their right to the return of their land because there was a consent or stipulation or agreement to the money aspect of the Commission's judgment.

Let us analyze the position of PG&E and the District Attorney in its naked form, admitting **for the sake of argument**, that the Pit River Indians had agreed to the money



aspect of the judgment. Remember, we have a solemn judgment that the land was illegally taken away and we have an unchallenged and unchallengeable principle that land illegally taken must be returned. How adequate was the consideration for which the Pit River Indians gave up their right to their land (if they did)?

It is assumed that the Commission had valued the land at 47 cents an acre. However, that valuation was based upon the average for all California Indians. Since the Pit River Indians had owned more than twice as much land per Indian (if tribal land were divided up) they are (it would seem) being offered 20 cents an acre. But this is also not a correct statement. It vastly overstates the offer. Actually, the Pit River Indians — for land and improve-



Mickey Gimmell, Pit Indian tribal chairman: "We aren't going to be pushed around any longer."

ments and profits from the land which are conservatively valued now at \$5,000,000,000 — are being offered the munificent sum of 1/12 of one cent an acre. How do we calculate this? Very simple. The Supreme Court has held that when there has been such an illegal taking as this there is a constitutional right to interest; therefore, in our case, to the 1853 value must be added compound interest. If this is compounded at a 5% interest rate from 1853 to 1964 (date of judgment) it will be multiplied 250 times. Expressed another way the \$29,100,000 judgment (for all California Indians including the Pit River Indians) should be increased to \$7,275,000,000. Though this sounds large, it is actually less than 1% of the value of the greater part of the State of California.

The Indian Claims Commission based its consent judgment upon (1) a stipulation signed by the Government and all the attorneys for the Indians **except the attorney for the Pit River tribe**; and (2) a purported agreement by vote of the various Indian groupings. The Pit River Indians never agreed to the stipulation, rejected the settlement at an official tribal meeting which was held for this purpose; and consistently advised the Commission that they would not accept the settlement, the stipulation,

or the consent judgment or the payment of the checks, or any payments under the judgment. By official tribal action the Pit River Indians of California have decided that they will not accept their shares of the checks.

In any event, Congress has determined, in the Indian Claims Act, that nothing short of the actual payment of the claim will discharge the United States of its liability:

"The payment of any claim, after its determination in accordance with this chapter, shall be a full discharge of the United States of all claims and demands touching any of the matters involved in the controversy." 25 U.S. Code 70 (u).

Incidentally, it has been uniformly accepted by every agency of the Government and by all courts that where Indian land is concerned, the only way it can be transferred or sold or given up is by **official tribal action**. No action of the members of the tribe, or assent, if expressed individually, have ever been accepted by the Government as legal or binding.

In conclusion, we point out that the Pit River Indians of California have "exhausted their legal remedies," have obtained a decision of the "highest court of the land" that the United States Government took their land in 1853 in violation of their right not to be deprived of their property without due process of law (Fifth Amendment).

If this Court is willing to defy such legal and constitutional authorities, it must be at least recognized that a settlement paying 1/12th of a cent per acre for this valuable land is confiscatory.

Respectfully submitted

GROSSMAN, ACKERMAN &
PETERS

CASANDRA DUNN, Fresno
Ca.

FRED GABOURI,
Sherman Oaks, Ca.

GARY BASS, Seattle, Wash.

JOE MUSKRAT, Fresno, Ca.

GEORGE DUKE, Berkeley, Ca.

RICHARD B. COLLINS, Jr.,
Berkeley, Ca.

ROBERT S. DONOVAN,
Berkeley, Ca.

PANO STEPHENS, San
Francisco, Ca.

PATRICK COYLE, San
Francisco, Ca.

GEOFFREY A. BRAUN,
San Francisco, Ca.

MONROE E. PRICE,
Westwood, Ca.

STEPHEN F. KUNKEL
Redding, Ca.

DANIEL M. ROSENFELT,
Los Angeles, Ca.

DAVID H. GETCHES,
Escondido, Ca.

ROBERT S. PELCYGUR,
Escondido, Ca.

By:

Aubrey Grossman

DATED:

June 22, 1970

EXHIBIT A
June 5, 1970

TELEGRAM:

TO:

Sheriff, District Attorney,
and all Superior Court Judges
Shasta County, California

This office represents the Pit River Indians who have just occupied some portions of their land which is claimed without legal justification by Pacific Gas and Electric Company. In the event that you contemplate any type of legal action, civil or criminal against the Pit River Indians, or any of them, be advised of the following. Number one: The Government of the United States, acting through the Indian Claims Commission, has determined that the Pit River Indians had title to this land in 1853 and in that year it was illegally taken from them, Docket No. 347. Number two:

Since 1853 the Pit River Indians have never conveyed, sold or given up title to this land. Number three: the Federal Government has the exclusive right to legislate and administer in the field of Indian affairs in general, and the ownership of land illegally taken from Indians in particular. Therefore any action against the Pit River Indians taken by any representative of the State of California or any of its subdivisions would violate the exclusive authority of the Federal Government. Number Four: if you should act in any way against the Pit River Indians you would be in violation of the Federal Civil Rights Act in that you would be depriving them of their rights under federal law. As you know, the Civil Rights Act established the illegality of state action, and also establishes individual responsibility of any state officer or official who participates in such a violation.

GROSSMAN, ACKERMAN & PETERS

By: Aubrey Grossman
1095 Market Street
San Francisco, Ca.



Shasta answers Indian claim

The following memorandum was filed in Burney Judicial District Court June 22, 1970, by Shasta County District Attorney Robert W. Baker.

IN THE JUSTICE COURT OF BURNEY JUDICIAL DISTRICT,
COUNTY OF SHASTA, STATE OF CALIFORNIA.

The People of the State of California,
plaintiff,

vs. Richard Oakes, et al.,
Defendants.

MEMORANDUM OF POINTS AND AUTHORITIES
IN OPPOSITION TO MOTION TO DISMISS

I. INTRODUCTION

Defendants have filed a so-called "Motion to Dismiss Charges, Motion to Acquit, Demurrer, Motion to Establish Unconstitutionality of this Prosecution, Motion to Prosecute Pacific Gas & Electric Company." The captioned title of the motion is representative of its ludicrousness. A motion to dismiss can only be granted upon motion of the District Attorney or by the court on its own motion. (Penal Code no. 1385). A motion to acquit is a motion only recently recognized by the Penal Code but can only be granted by the court at trial either after the District Attorney has rested his case or after the presentation of all the evidence (see Penal Code No. 1118.1) and then only under specific conditions not here relevant. A demurrer, of course, can only be granted for one of the reasons set forth in Penal Code No. 1004. It is also basic law that such defect must appear on the face of the complaint. Moreover a demurrer must "distinctly specify the grounds of objection to the accusatory pleading . . ." (Penal Code No. 1005). This, of course, defendants have failed to do.

The Motion to Establish Unconstitutionality of this Prosecution is of course not recognized in the Penal Code and the basis of this motion or why this prosecution is "unconstitutional" is nowhere set forth in defendants' motion. The last motion, the one to prosecute Pacific Gas & Electric Company is equally ridiculous. It would make just as much sense and based on the same legal grounds set forth in defendants' motion to prosecute every landowner, tenant invitee, licensee or other person occupying or owning property in the northeastern section of this County as well as large sections of Modoc, Lassen and Plumas Counties.

II. LAW OF THE CASE

The entire legal argument advanced by the defendants is based on a complete misinterpretation of a claim of the Pit River Indians filed with the Indian Claims Commission. (7 Ind. Cl. Comm. 815 (1959); 13 Ind. Cl. Comm. 369 (1964). Defendants assert that case held (1) the Pit River Indians held "Indian title and exclusive title" to the subject property and (2) that the land was illegally taken by the United States Government, by the adoption of a statute in 1853." This is a complete misstatement of this case. In fact the Indian Claims Commission held (7 Ind. Cl. Comm. at p. 862)

"It was not until the Battle of the Infernal Caverns on September 26-28, 1867, when petitioner Indians were decisively overcome and their power to resist white domination was broken. While this probably as accurately as any date marks the physical taking of petitioners' title, the expiration of the period for registration of land titles in California under the Private Land Claims Act, . . . and the passage on that date of an 'Act to Provide for the Survey of the Public Lands of California and the Granting of Preemption Rights to Settlers' legally terminated petitioners' right to assert land claims, effectively classed the land here involved as part of the public domain and thus constitutes the date of taking of Indian title to the land described in our Finding of Fact No. 25."

That Commission at no time indicated there was any illegality in the taking; in fact it said title passed into the public domain by virtue of U. S. Statute (9 Stat. 631). The Indian Claims Commission also approved a settlement between the United States and the Pit River Indians. This decision became final in 1964 (13 Ind. Cl. Comm. 369) and was never appealed to the Court of Claims or the United States Supreme Court which was the right of the Pit River Indians at that time (see 25 U.S.C.A. No. 705).

Moreover, it is clear that Indian title is not exclusive in the absence of a treaty with the United States or a grant from the United States. *U.S. vs. Santa Fe Ry. Co.*, 314 U. S. 339; 86 L.Ed. 260. In the absence of such a treaty or grant, Indians have only a right of occupancy which is not a property right and such right " . . . may be terminated and such lands fully disposed of by the sovereign itself

without any legally enforceable obligation to compensate the Indians . . . taking by the United States of unrecognized Indian title is not compensable under the Fifth Amendment." *Tee-Hit-Ton Indians v. U. S.*, 348 U. S. 272 at 279, 285; 99 L.Ed. 314; See also 41 Am.Jur. 2nd, Indians No. 23.

It is surprising counsel for the defendants overlooked a California Supreme Court decision that specifically held that a party claiming under a patent holds title free of an Indian possessory title when the Indian claimant failed to file a claim with the Lands Commission pursuant to the 1851 statute above cited. *Harvey v. Barker*, 126 Ca. 262 (1899). In a well written opinion which is conclusive on this court the United States Supreme Court affirmed this decision. *Barker v. Harvey*, 181 U.S. 481; 45 L.Ed. 963

(1900). See also *Botiller v. Dominguez*, 130 U. S. 238; 32 L.Ed. 926. The *Botiller* case incidentally specifically upheld the constitutionality of the 1851 statute.

The statement of defendants that the prosecution has no evidence that Pacific Gas & Electric Company owns the subject property is false.

CONCLUSION

Defendants' motions should be denied.

Dated: June 22, 1970.

Respectfully submitted,
/s/ ROBERT W. BAKER
ROBERT W. BAKER
District Attorney and Attorney
for Plaintiff.

Jack Fallon, PG&E attorney: ". . . this company has paid money for record title directly from the United States government for this land."



The Power chart foldout

The companies along the top of the chart are the largest in Shasta County. The lines between the various company names indicate how the firms are interlocked through common directors and or overlapping ownerships as of early 1970.

Some of the specifics on the large businesses in Shasta county are compiled on the pages following the chart.

The chart is based on research done by community groups in the Pit River area.

The Pit River Indian claim of nearly 3.5 million acres covers property in Lassen and Modoc as well as Shasta County.

Community groups settled on using Shasta County as a representative sample of how the Indian land is being exploited by large national corporations. Similar conditions prevail in the other counties.



-PACIFIC-GAS- AND-ELECTRIC -COMPANY-

PG&E is the largest business in Shasta County. It owns 52,525 acres with an assessed valuation of over \$320,000,000. This great wealth is concentrated in the series of dams and powerhouses along the Pit River. PG&E is the largest privately-owned power company

John F. Bonner,
Deltona Corporation
Macro Island Dev. Corporation

K. C. Christensen,
Gas Lines, Inc.
Natural Gas Corp. of Calif.
Standard Pacific Gas Lines
Pacific Gas Transmission Co.
Alberta Natural Gas
Alberta & Southern Gas Co., Ltd.

Ransom M. Cook,
Wells Fargo Bank
Wells Fargo International Corp.
Cutter Labs
Industrial Indemnity
Litton Industries
Wells Fargo & Co.

James F. Crafts,
Firemen's Fund Insurance
California State Chamber of Commerce
Children's Hospital, SF
National Industrial Conference Board
National Newark & Essex Bank
United California Bank
American Express Co.
Amex Holding Corp.
Stanford Calif. Bank

Charles de Bretteville,
Bank of California
Shell Oil
Safeway Stores
Western Union

Robert H. Gerdes,
Gas Lines, Inc.
Standard Pacific Gas Lines
Natural Gas Corp. of Calif.
Pacific Gas Transmission Co.
Alberta Natural Gas Corp.
Pacific Gas Communications Co.
Fund America

Russell Giffen,
Giffen, Inc., farmer of 130,000 acres in San Joaquin Valley and second biggest recipient of public welfare in state. In 1969 over \$3 million for growing crops and not growing crops.

Walter A. Haas,
Levi Strauss
Pacific Intermountain Express
Iris Securities
Levi Strauss Realty
Mills College

in the world. It has close ties with the giants in banking and oil. PG&E directors and the other companies and organizations in which they hold directorships are:

James M. Hait,
Food Machinery Corp.
Interpace Corp.
Wells Fargo Bank
Varian Associates
Georgia Pacific

Red O. Hunt,
Crown Zellerbach
Pacific National bank
Crocker-Citizens Bank
General Reinsurance Co.
Singer
Union Oil
Canadian Imperial Bank
National Industrial Conference Board
Crocker National Corp.

Elliott McAllister,
Bank of Calif. International
Del Monte
Rhodes Stores
Cypress Lawn Cemetery

Porter Sesnon,
Fibreboard
State Auto Association
State Taxpayers Association
Cate School
Cypress Lawn Cemetery
Mills College
Porter Estate Co.
Watkins Johnson
Air California

Emmett G. Solomon,
Crocker-Citizens Bank
Provident Securities
Stanford Research Institute
Mills Hospital
Crocker Estate Co.
Fibreboard
Sierra Railroad
Crocker Land Co.
Clorox
Merced Water Co.
West Bay Community Association
Suburban Realty
Universal Land Co.
Mills College
U.C. School of Business Administration
Pacific Telephone
Metropolitan Life Insurance

Carl F. Wente,
Bank of America National Trust & Savings Assn.
Foremost-McKesson



PACIFIC TELEPHONE

Pacific Telephone is the second largest business in Shasta County. On only six acres of land it holds an assessed valuation of over \$27,000,000. PTT is owned by ATT, the largest phone company in the world, the largest corporation in the world. The corporation is into such things as manufacturing communications

equipment, transmitting network television programs, handling top secret government communications, space satellites, anti-Ballistic missiles. PTT directors and the other companies and organizations in which they hold directorships are:

Jerome W. Hull,
Crocker-Citizens Bank
PSA (airline)
New York Life Insurance
Occidental College
LA & Calif. Academy of Science

E. Hornsby Wasson,
Standard Oil of Calif.
Stanford Research Institute
Emporium Capwell
Bekins Van
American Potato
U.S. Chamber of Commerce
McCallie School
University of Chattanooga
Bell Telephone of Nevada
Prudential Insurance
Bank of America
Bankamerica Corp.

Robert M. Cunningham,
Security Pacific Bank
Bell Telephone of Nevada

Angus S. Alston,
ATT

Daniel P. Bryant,
Bekins Van
Bank of America
LA Chamber of Commerce
Pacific Lighting Corp.
Bankamerica Corp.
Occidental College

Peter Cook,
Wells Fargo Bank
Emporium Capwell
Western Pacific Railroad

Christian de Guigne III,
Stauffer Chemical
Bank of California
Stanford Research Institute

Charles E. Ducommun,
Ducommun, Inc.
Lockheed Aircraft
Security Pacific Bank
Investment Corp. of America
Stanford University
Claremont College

Walter A. Haas,
(see PGE page)

Robert DiGiorgio,
DiGiorgio Corp.
Bank of America
Bankamerica Corp.
Broadway Hale Stores
Union Oil
NY Fruit Auction Corp.
Philadelphia Fruit Exchange
Newhall Land & Farming

William French Smith,
chairman UC regents
Pacific Mutual Life Insurance

Emmett G. Solomon,
(see PGE page)

SOFT PINK

Kleenex

REGULAR SIZE

100 2-PLY FACIAL TISSUES • 9.33x8.58 IN. SPACE SAVE

Kimberly-Clark owns in Shasta County 82,806 acres with an assessed valuation of over \$8,500,000. It is one of the largest distributors of paper products in the world. It has plants in Japan, South Africa, Holland, Mexico, England, Puerto Rico, Australia, Singapore, Germany, Columbia, Italy, France, El

Salvador, Canada, Thailand, Philippines. Between 1968 and 1969 its sales in Japan increased by 50%; Mexico, 30%; Philippines, 30%; and England, 20%. Kimberly-Clark directors and the other companies and organizations in which they hold directorships are:

J. R. Kimberly,

First National Bank of Neenah, Wis.
First National Bank of New York

G. M. Minard,

Kimberly-Clark, Canada
Kimberly-Clark Pulp & Paper
Spruce Falls Power & Paper
Kimberly-Clark Lumber Canada
Slate Island Mining

D. C. Slichter,

Rex Chainbelt
Northwestern Mutual Insurance
Mauty Paint & Varnish
First Wisconsin Bankshares Corp.
Lawrence University
Wisconsin Electric Power
First Wisconsin National Bank
American Appraisal
Western Publishing
Pelton Steel Casting

A. G. Sharp,

First National Bank of Appleton, Wis.
Irving Pulp & Paper Ltd.

J. S. Rockefeller,

First National City Bank, N.Y.
National Pacific Railroad
Monsanto
National Cash Register
Pan Am World Airways
Indiana Spring Land
Cranston Print Work
American Museum of Natural History
First National City Trust Co.
Memorial Hospital for Cancer

Louis Quarles,

Miller Brewing Co.
Milwaukee, Chicago, St. Paul & Pacific Railroad
Mariner Realty
Peter Cooper Corp.
Allen Bradley
Oyite Corp.
Marshall & Isley Bank Stock Corp.
Oilgear Co.

E. B. Fitzgerald,

Cutler Hammer
First Wisconsin Trust
First Wisconsin National Bank
First Wisconsin Bankshares Corp.

Kleatex

FEMININE NAPKINS

SP owns in Shasta County 165,000 acres with an assessed valuation of \$15,000,000. Throughout the West, SP holds nearly 4 million acres of other forest, grazing, agricultural and commercial land. As it eases out of the rail passenger business, its freight hauling goes up and this "railroad" is moving into related fields such as trucking and marine transport — and such unrelated ventures as non-rail real estate development, data processing and communications.

S. D. Bechtel,
Bechtel International Corp.
Industrial Indemnity
Lakeside Corp.
Canadian Bechtel Ltd.
Stanford Research Institute
Ford Foundation
Morgan Guaranty Trust

Don J. Russell,
St. Louis Southwestern Railroad
Stanford Research Institute
Tenneco
Chubb Corp.
Federal Insurance Corp.
University of San Francisco
Tulane University

Malcomb P. Aldrich,
American Museum of Natural History
Presbyterian Hospital
Metropolitan Museum of Art
Equitable Life Insurance
American Electric Power Co.

Henry Mudd,
Cyprus Mines
Marcona Corp.
Kicking Horse Forest Products, Canada
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Pima Mining
S. Calif. Edison
Pacific Mutual Insurance
Western Bancorporation
Union Oil
Hawaiian Cement
N. American Rockwell

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Food Machinery Corp.
Lehman Corp.
Caterpillar
IBM
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Los Angeles Times

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Times-Mirror Corporation (through Publishers Forest Products) owns in Shasta County 25,515 acres with an assessed valuation of \$2,000,000. Times-Mirror publishes the Los Angeles Times, second largest daily newspaper in the United States. It also owns four other dailies plus being merged with the Dallas Times and a Dallas TV station. Times-Mirror controls lumber and paper mills, 190,000 acres of timberlands, a cable TV company (California, New York and Florida), a 263,000-acre ranch, a huge commercial printing plant, a direct mail business, a film production outfit. Times-Mirror companies print phone books for 800 communities, election ballots,

charts and maps, medical and legal books, such popular titles (hard and softback) as Mailer's *Armies of the Night*, Dr. Spock's baby book, the Beatles' *Yellow Submarine* — and *Popular Science* and *Outdoor Life* magazines. Times-Mirror International, marketing arm of the publishing subsidiaries, last year expanded to Japan, Far East, Central and South America, India and Pakistan. This year, the Australian and European activities are being expanded. Times-Mirror directors and the other companies and organizations in which they hold directorships are:

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PG&E--Squatter on the Public Domain

By **PETER L. PETRAKIS**

San Francisco Bay Guardian

In early June of 1970, a group of Pit River Indians occupied a campground along the Pit River in Northern California that was controlled by Pacific Gas & Electric Company. The Indians were re-occupying a small part of ancestral lands which had been stolen from their tribe. They were trespassing, said PG&E.

The campground lies within a 3.5 million acre parcel of land spreading over parts of four counties that, according to the Federal Indian Claims Commission, was unlawfully occupied by white settlers who drove out the native Pit River Indians in the late 19th century.

After that, the Federal Government took over some of the land and, in 1923, granted PG&E a license to erect power plants along the Pit River.

The nominal license fee did not grant ownership to PG&E. But PG&E nevertheless has tried mightily to create the impression that it does own the sites. A typical part of its characteristic "public relations" approach to disputing the Indians' claim:

1. Having them arrested for "trespassing," in collusion with the sheriff, district attorney and justice of the peace of Shasta County.

2. Asking the publisher of Hearst's San Francisco Examiner to send a reporter to Redding to cover the story when it became clear the Indians were getting sympathetic treatment by other papers (the Hearst Corporation has large holdings in the area).

3. Discovering a "tame" Indian, Ike Leaf, then writing a statement for him condemning the Indian militants, flying him to Redding on a company-chartered plane and arranging a press conference for him in the sheriff's office (invitations to the press sent out by a PG&E public relations man, who also presided over the meeting).

THE OWNER?

Under white man's law, the existence of a license to occupy land is reasonable evidence. Why, then, didn't PG&E produce the government license to back up its assertions that it had a right to be on the Pit River? Why did it instead keep talking as if it actually owned the disputed property?

The probable answer: To bring up the matter of licenses in such a dramatic story, the subject of intense public interest, would have exposed a cover story that PG&E and the other private utility companies have been fostering for more than 50 years.

This is that they are bastions of individual initiative, "taxpayers" carrying their own weight in

society, competing under adverse circumstances with a government that intrudes unfairly in the domain of "private enterprise."

The plain fact is that the U.S. government set up the private power companies in the power business. PG&E, staunch defender of "private initiative:"

1. Has built its entire hydroelectric generating system on public lands and waterways under federal licenses which allow it to operate but own none of the power-generating sites.

2. Has captured the power generation of irrigation districts, water agencies and municipal, state and federal projects — representing a public investment of billions of dollars — and got power dirt cheap from the agencies and sold it back to the public at a large mark-up.

3. Has utilized a nuclear technology developed by the public at a cost of billions, uses nuclear fuel produced at expensive government plants by a publicly developed process that uses huge quantities of cheap public power, and has its nuclear power plants insured by the taxpayers because no private insurer will risk coverage.

RIVER GRAB

It started in the early part of the century, when technological advances were making it possible to generate power at locations remote from marketing areas. Private power companies were grabbing up power sites on the nation's rivers, despite efforts by President Theodore Roosevelt and others to develop the sites in the public interest.

By 1920, the private power lobby turned the tide in Congress. It passed the Federal Water Power Act, which vested ownership of water power sites in the people but also created the Federal Power Commission with authority to grant 50-year licenses to private and public utilities for power development on the nation's rivers. Only token charges were fixed for the use of the water, and public recapture of sites held by private power companies was made difficult.

Many licenses were issued to private power companies and public agencies over the next few years. So now, 50 years later, many licenses are due to expire. This means that 18 percent of PG&E's hydroelectric capacity is subject to recapture by the public by 1975, and all of it by 2013.

To anticipate the license expirations, the Federal Power Commission in 1964 set up procedures to recapture or relicense power sites that made an already difficult recapture procedure even more difficult.

The FPC issued the original licenses on its own authority. But now it will send its recommendations

to Congress for action, at least two years before a license expires. If Congress does not recommend recapture, a new license would be issued. The new procedure has been challenged, but not tested legally. So, for the present, a mere licensing arrangement has, through private power lobbying, been perverted into a virtual grant in perpetuity of public property to private corporations.

Over the past 70 years, several public agencies also have secured water and power rights on California rivers and, in 1913, Congress tried to keep private utilities from benefitting from this granting of public rights.

That came in the Raker Act, which prohibited the city of San Francisco from selling private utilities the power it developed on the Tuolumne River from the city's Hetch Hetchy project while operating under a Federal grant.

But when Congress passed the Federal Water Power Act in 1920, it buckled under severe pressures from utility lobbyists and deserted the public power principles of the Raker Act.

Under the Water Power Act, several irrigation districts and water agencies, as well as the State of California, are free to sell public power from public projects on public rivers to PG&E for resale to the public.

WATER ACT

PG&E is making a killing off this public power, precisely the sort of thing the Raker Act was designed to prevent. Thus, PG&E exploits the public, not only through its own plants, built on the public domain under its own FPC licenses, but also by capturing the power generated by public agencies at plants built on the public domain under their FPC licenses or federal grants.

Historically, any time a public agency has wanted to dam a California stream, PG&E has followed a consistent pattern: Get the power into the PG&E system, or fight the project.

For example, PG&E and other private utilities fought the formation of the East Bay Municipal Utilities District in 1923. But PG&E and EBMUD have since worked out a cozy relationship.

Since EBMUD completed Pardee dam in 1928, PG&E has been getting all EBMUD power. EBMUD has never made even a gesture toward getting into the power business, even though the Municipal Utility District Act of 1921, which permitted the creation of EBMUD, authorized the district to go into the power, water and even the telephone business.

TWO EXCEPTIONS

Over the years, PG&E has captured every power-generating irrigation district and water agency in northern California, with the exception of two — the Turlock Irrigation District and the Modesto Irrigation District.

In 1952, PG&E commissioned an official 367-page



William Bennett, former member of California Public Utilities Commission and currently serving on the State Board of Equalization: "... the important thing to know is you and I, in a sense, don't have the power to correct those (wrongs) except through organization, union and numbers. . . and that's what has to be done."

company history, titled "PG&E of California: The Centennial Story of Pacific Gas and Electric Company, 1852-1952," written by C. M. Coleman. In it is found this pithy summation of PG&E's attitude toward public developments on the public rivers:

"Although the Company fought hard to preserve itself from government competition, it always willingly gave cooperation to worthy public water projects."

To PG&E, a "worthy public water project" is one in which the public surrenders its most lucrative product, electrical energy, to PG&E.

This, then, is the historic PG&E pattern:

1. Let a public agency build the most expensive parts of a hydroelectric project — the dams and canals — which PG&E would otherwise have to build and pay taxes on, then contract with that agency to deliver the falling water to the nearest PG&E power plant.

2. Or, better yet, let the public build hydro power plants too, then get the power into the PG&E system at low, fixed annual rates, under long-term exclusive contracts.

3. Make it clear to irrigationists and municipalities that PG&E will block public projects if the power contracts are not signed with PG&E.

4. All the while, wage vigorous publicity campaigns to convince the public that public water and energy from public water are logically and ideologically separable — that the public impoundment of water on a public river, and its distribution through public systems, is "a worthy public water project," while the distribution of the inevitable byproduct of the release of that public water — public power — is

the expression of an alien and subversive philosophy.

5. Pose as an altruist and argue that PG&E's piddling payments for this public power are helping irrigationists and municipalities to pay for their water projects, which could not otherwise be built.

6. Condition the public to ignore the fact that, if PG&E had exercised its self-celebrated "individual initiative" and built these projects for its power purposes, water users would still be getting the benefits from stored water that they now enjoy.

Today, 10 public agencies in California generate power for PG&E. Seven of them are under exclusive long-term contracts to PG&E, delivering all their electricity at low fixed annual fees to the company. One of them, the State Department of Water Resources, is under contract to deliver 56 percent of the power generated at the \$500 million Oroville Dam to PG&E and the rest to Southern California Edison and San Diego Gas and Electric Co. until 1984. After that, all the power from Oroville Dam will go to PG&E.

BIG PROFIT

From all these public agencies, PG&E gets 10 percent of the electricity it sells to the public. PG&E gets this power so cheap, and marks it up so high, that public power accounts for 25 percent of the company's annual profits from electricity sales.

The Turlock and Modesto Irrigation Districts, the only two in California to do their own electrical retailing, charge 33 percent less for electricity than PG&E does in the irrigation districts the company has captured. And the Turlock and Modesto Irrigation Districts pay for their projects without any "help" from PG&E, of course.

In reality, water at the tap and water power at the wall plug are merely different manifestations of the potential energy of water stored at high elevations. Yet, because of PG&E-generated confusion, citizens who would become enraged to learn that all the water behind a public dam had been diverted to a private corporation for resale to the public are not at all shocked to learn a private company is selling them their own electricity.

PG&E confuses the public at every turn. When PG&E builds a dam on a public river, it is called a "power dam," even though downstream water users may benefit from the resulting year-round water supply. When irrigationists, or municipalities, or the state or the federal government build a dam, PG&E propaganda conditions people to think of it as a "water supply," though electricity, in vast amounts, may be produced from it — for PG&E.

'WATER' PROJECT

Today's multi-billion dollar California Water Project should be called a "power and water project," since an immense amount of electricity will result from the state's impounding of Feather River water behind Oroville dam.

But PG&E and the other private utilities aren't openly fighting this project, for the simple reason that they are getting all the electricity from the public water project's \$500 million Oroville facilities and selling it back to the public at exorbitant rates. That according to the classic PG&E line, makes it a "water plan."

The State Water Resources Department is more than a generator of power for private utilities. It also will buy power from them to help pump water through the California Aqueduct that will carry water from north to south in the California Water Project.

The Water Resources Department has contracted to sell the power output of Oroville Dam — 3 billion kilowatt hours a year — to the private utilities for a low fixed annual fee of around \$20 million.

MORE MONEY

The utilities, in turn, will sell this hydropower to the public during the peak daylight and early evening hours — and get an estimated \$42 million a year in revenue for doing it.

Then to supply the Water Project with the power for its pumps, the utilities will turn around and deliver 10 billion kilowatt hours of their thermal power to the state during the off-peak hours. That will cost the state \$26 million a year.

The utilities will sell the pumping power to the state at cost, but they nonetheless will profit greatly from it. For it will enable them to keep their power plants running steadily and not just during the peak hours of general public demand, and thus avoid the heavy costs involved in shutting down and starting up steam generating plants.

There's an ecological aspect to this, too. Since the amount of water to be let out of the water project's Oroville reservoir will increase as Southern California's population grows, more water will pass through the powerhouses to generate electricity. And since the private utilities have contracted for all of the power from Oroville Dam, the more overcrowded Southern California becomes, the more PG&E and the others will profit.

CAN'T LOSE

Even if political opposition or legal injunction were to stop the badly conceived and possibly illegal California Water Project, the private utilities will come out on top.

Oroville Dam already is built, the contracts for power have been signed, and the utilities are getting Oroville power.

Should the Project be blocked, or even delayed, the state would be relieved of part of its responsibility to husband water at Oroville, and would be able to make larger water releases for power generation to the private utilities.

If the Delta Peripheral Canal, last link between Oroville water and the California Aqueduct, is not

built, political pressures will develop to find alternative sources of water to send south.

There would be a strong possibility that water would come from sea-water desalinization plants, operated by the private utilities.

PG&E and other coastal utility companies are moving fast to get into that field and, with the Department of Water Resources, are now studying desalinization in connection with thermal power generation, under an order from Gov. Reagan.

PG&E also has offered the U.S. Interior Department the use of its steam plants at Moss Landing and Morro Bay for experiments in desalinization in connection with power production.

NUCLEAR PLANTS

Nuclear power plants are enormous heat producers, and studies by the Atomic Energy Commission show that this heat can be used to convert sea water.

When President Johnson announced this in 1964 and indicated that the government would enter that area, shock waves were set up in the private power industry. The industry's trade publication, *Electrical World*, saw an "insidious" threat. "The alternative," said *Electrical World*, "is for electric utilities to assume a responsible role in the supply of potable water."

In other words, the private power companies are planning to get into the water business. Thus, historic trends are demolishing PG&E's carefully contrived cover story that water projects are public business and power projects are private business. To maintain their monopoly, PG&E and other private power companies must now get into the water business, too.

A further advantage to private power companies is that seawater desalinization could be done during those off-peak hours when shutdowns are so expensive.

The implication for principled ecologist-conservationist foes of the Water Project is that they may be getting some covert, and unprincipled, support from the giant utility corporations of California.

Because of their strategic position in the economic life of the state and their enormous political power, the private utilities have been able to rig things so that, whatever the fate of the Water Project, the net result will be a public capital investment for their benefit.

Although Gov. Reagan has stopped the Upper Eel River Development, the study is continuing. This project on the north coast river has a direct relationship to the Oroville power contract with the private utilities, and is specifically mentioned in the contract.

Section B-8 of the contract provides that, after 1985, the Department of Water Resources can release, for power generation, an amount of water from Oroville Reservoir greater than that to be released from the Upper Eel River Development.

MORE WATER

The Upper Eel River Development would build a 700-foot high dam at Dos Rios, in the Coast Range in Mendocino County, about 20 miles north of Willits, and would create a vast reservoir that would drown 30-square-mile Round Valley with its Indian reservation and the town of Covelo, 30 miles upstream.

The plan for the Upper Eel River Development is to feed its water into the California Aqueduct at the Aqueduct's point of origin in the Sacramento-San Joaquin Delta and send it to Southern California.

This could relieve Oroville Reservoir of its role as "key conservation unit" of water for Southern California and allow the state to make greater releases of water through Oroville's powerhouses — not to meet water demands in the south, but to generate power for PG&E.

The development also could counteract conservationist opposition to the Delta Peripheral Canal. By using water from the Eel River to supply Southern California, the Sacramento River can be permitted to flow at higher volume, flushing out the Delta and preventing stagnation in San Francisco Bay. This will mean maximum releases of water through the powerhouses at Oroville, for maximum generation of power for PG&E.

'... OR ELSE'

Politically, this would be the alternative presented to the public: "Let us build the Upper Eel River Development, or the Delta and San Francisco Bay will be destroyed by diminished flow of the Sacramento River."

PG&E will have maneuvered the state of California



Grace Thorpe: "Why aren't you in here asking PG&E to leave. They're the ones that are trespassing on the land, not the Indians."

into building a hydropower facility for PG&E at Oroville whose generating potential nearly equals that of all the PG&E dams in California, plus a new source of public power for PG&E at Dos Rios, plus an off-peak market for PG&E's thermal power.

Alternatively, if the Eel River is not developed, there will be a brand new product to be sold by PG&E — desalinized sea-water for the California Aqueduct, generated at PG&E's nuclear power plants.

The key to the control PG&E and the other private utilities have over public water power projects in California, apart from their ability to buy politicians and dominate newspapers, is their monopoly on thermal electric generating plants.

Hydro power, which is all PG&E permits the public to generate is variable. It fluctuates daily and seasonally, as well as from year to year, depending on annual precipitation. Therefore, to make it salable for modern power demands, which are comparatively steady, it must be firmed by thermal power.

Since private companies have a monopoly on steam plants in California, it gives them enormous coercive powers over public agencies in disposing of public power. The companies tell the public in effect, "You will sell your power to us, and on our terms, or you won't sell it at all."

PG&E IN CONTROL

In 1941, when the Bureau of Reclamation first asked Congress for funds to construct a steam electric plant at Antioch to firm the power from Shasta dam, and build transmission lines down the Sacramento Valley, the result was a parade of PG&E executives, lobbyists and attorneys that has never stopped. Result: The Central Valleys Project still has no steam plants, the federal project still is at the mercy of PG&E.

The California Water Project was originally designed to include a stateowned nuclear power plant, which together with the hydro power, would have made the project independent of outside sources of power to operate its pumps. The plant has not yet been authorized, though any observer of the private utilities in action knows that is intended to mean forever. Result: The private utilities will get \$39 million from Water Project power, plus an additional \$26 million payment for power from the Project itself, plus more economical performance of their steam plants and therefore greater profits.

More recently, PG&E blocked legislation which would have given the Northern California Power Agency, an association of 11 small municipal power cities, authority to jointly finance and construct a thermal power plant to serve their growing power demands. The bill had been passed by the State Senate, 21 to 4. Originally scheduled for the Assembly Local Government Committee, where proponents thought their bill had a chance, PG&E lobbyists got

the bill switched at the last minute to the heavily pro-private utility Commerce and Public Utilities Committee by Assembly Speaker Robert T. Monagan (R-Tracy).

Observers on the scene saw evidence that the private power lobby had done an advance job on the committee members. The lobbyists were well represented in the audience. Assemblyman Kent Stacy of Kern County wryly asked the bill's author, Sen. Fred Marler of Shasta County, how he felt about changing the bill to add a provision to tax all publicly owned utilities, "as private utilities are." He was referring, of course, to the private utilities' pet project, the Bagley bill to tax public power cities, AB 908, recently withdrawn for the time being by its nominal author, William T. Bagley.

The committee, made up entirely of southern California conservatives, and headed by Robert Badham of Orange County, did not give the northern California cities a single vote.

Having fought successfully for decades to keep the United States government and the government of California from building steam plants in the state, the private utilities are not about to let 11 little cities do it.

The cities' desperate search for new power sources is based on the fact that the Central Valleys Project cannot supply additional power to its preferred customers (public power cities) after 1980. In 1967, PG&E forced the Bureau of Reclamation into an agreement that prevents the Bureau from accepting new preference customers or any new source of supply without the consent of PG&E and limits the amount of power CVP can supply to its existing preference customers to their estimated 1980 requirements.

The leverage PG&E used to get this lopsided agreement out of CVP was its monopoly on steam plants, on which the CVP is forced to rely for firming and making salable its Shasta hydro power. The multi-billion dollar federal CVP, and the preferred customers that are eligible to receive its power, are securely in PG&E's vest pocket, barring future lawsuits for anti-trust violations.

FCC STACKED

The Federal Power Commission has retained jurisdiction to modify the 1967 PG&E-CVP agreement, but little hope lies in that direction: The chairman of the FPC is pro-private utility, and a vice-president of the Arizona Public Service Company is about to be appointed head of the FPC Bureau of Power (he will also continue on the company payroll).

Meanwhile, PG&E continues to encircle the 11 cities. During recent hearings before Sen. Philip Hart's Anti-Trust and Monopoly Subcommittee, R. W. Cowden, NCPA secretary, disclosed that PG&E has 1) refused to wheel public power to NCPA cities, 2) grabbed up all potential sources of non-PG&E power that the cities could use, including public power from irrigation districts and water agencies,

surplus power from the Sacramento Municipal Utility District's Rancho Seco nuclear power plant under construction, also Union Oil's geothermal steam fields, 3) refused to join with the cities to construct power plants, 4) sponsored the Bagley bill, 5) opposed legislation permitting cities whose charters are silent on the matter to issue revenue bonds for public electric systems, 6) had the NCPA banned from membership in regional utility councils. To this list must now be added PG&E's maneuvers to block the HUD loan, and the lobbying effort to block the cities from building their own thermal power plants.

PG&E's obvious intention is to put the 11 public power cities out of business and consolidate its historic theft of the public domain.

Suggestion to NCPA: Move to recapture some PG&E licenses coming up for expiration in the next few years, under provisions of the Water Power Act of 1920.

ATOMIC POWER

And PG&E has even more ambitious plans for the future — a future of nuclear power.

PG&E already has one nuclear power plant at Humboldt Bay near Eureka, and another nearing completion at Diablo Canyon near San Luis Obispo. Several more are being planned. In late September, PG&E announced it will purchase a quarter billion dollars worth of uranium fuel in 1971.

The company will buy crude, un-enriched uranium fuel from mining companies and turn it over to the Atomic Energy Commission, which will purify it to increase the proportion of fissionable uranium-235, then turn it back to PG&E.

The enrichment process is carried out at three AEC plants, including those at Oak Ridge, Tenn., and Paducah, Ky., that are in the service area of the Tennessee Valley Authority.

According to the FPC, industrial TVA power costs about half as much as PG&E and other private power. So the cost to PG&E for having its uranium fuel prepared by the government will be greatly reduced by the government's use of cheap federal power from the TVA.

If the government had to buy power from a private utility to enrich uranium for PG&E, its power bills would practically double, and this would be reflected substantially in the cost of nuclear fuel for PG&E.

Thus PG&E will receive another indirect public subsidy in the form of cheaper nuclear fuel, processed with cheap public TVA power that PG&E and other private utilities condemn as "socialistic" when it is used directly by the public.

It will be just another typical chapter in the story of PG&E, a huge public parasite that dominates the political life of the state, compels the public to create vast public works in its behalf, usurps the public's lands, rivers and technology, buys off and intimidates the

press and even picks the men who "regulate" it on the state Utilities Commission and the Federal Power Commission.

PG&E doesn't see it that way, however. Its official biographer writes:

"PG&E's position at all times has remained essentially the same — that of a staunch defender against political invasion of a business successfully created and maintained by individual initiative and developed according to the needs of a growing state."

How PG&E gets \$67 million of public power

D. L. Bell, PG&E's vice president and treasurer, recently put on a poor-mouth act for the State Public Utilities Commission. PG&E, he maintained, must be granted \$67 million more a year in electrical revenues so that it can "maintain its credit and financial standing" with major investors.

The Guardian examined PG&E's rate application exhibit and discovered that, although Bell hadn't said so, PG&E already gets a public subsidy of \$67 million worth of public power.

The \$67 million — \$67.4 million to be precise — is that part of PG&E's annual revenue which comes from its sale of public power. This is power generated at public facilities such as dams, sold to PG&E cheaply and then transmitted and sold to the public by the giant utility.

It is by far the most profitable phase of PG&E's extremely profitable operations.

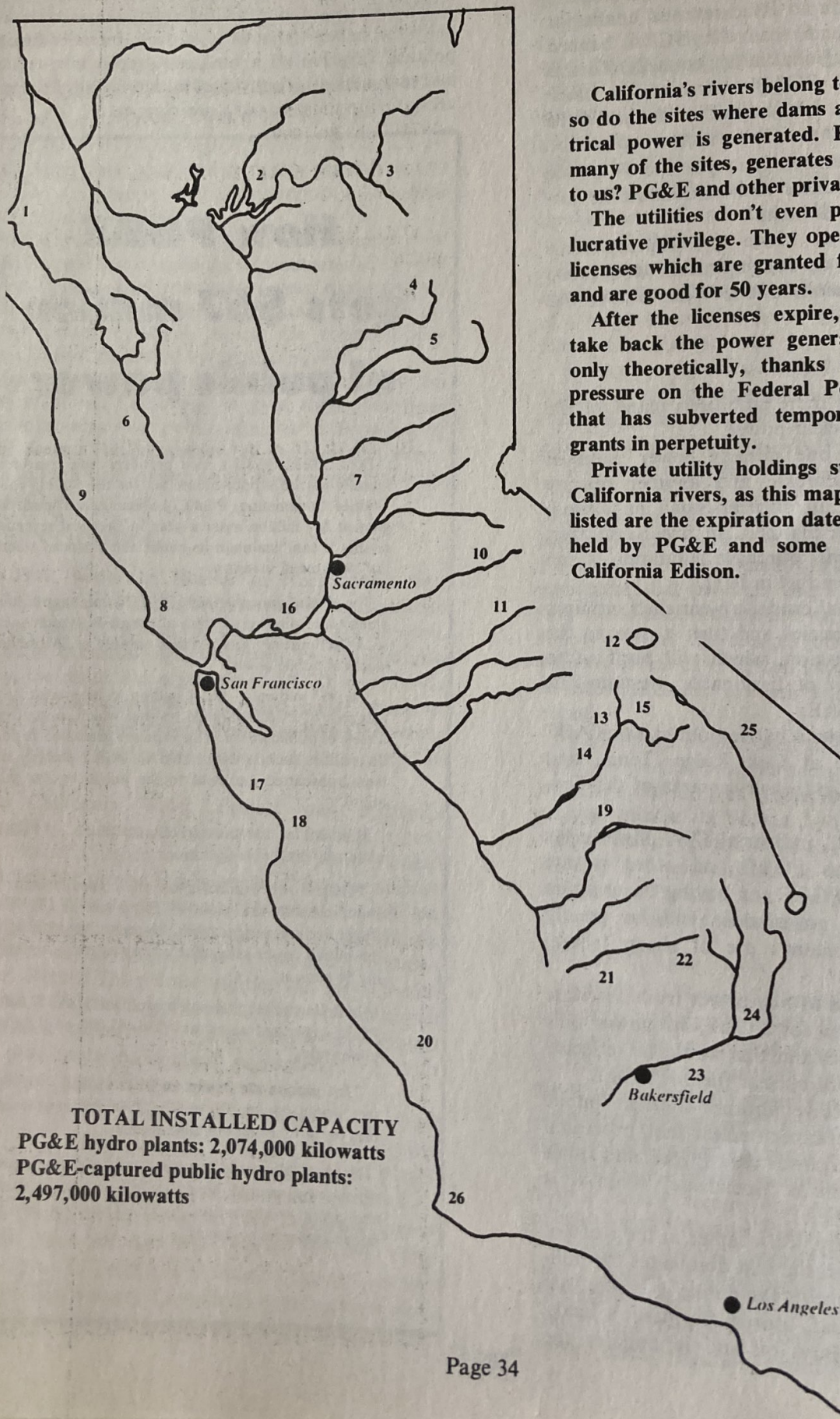
PG&E's own exhibits show the company made an incredible after-tax profit of 22 percent in 1969 from the power it generated itself. However, its profits from the public power sales were even greater — a staggering 54 percent.

In dollar terms, that was a profit of \$138,357,000 on PG&E-generated power and \$36,482,000 on the public power sales.

That made total profits of \$175 million — a figure that would rise by \$40 million if PG&E is granted its plea for \$67 million more in revenue.

None of this would be passed on the public agencies which have created huge tax-free capital investment and profit windfalls for PG&E. Their fees are fixed under long-term contracts.

PGE Plants



California's rivers belong to all of us — and so do the sites where dams are built and electrical power is generated. But who occupies many of the sites, generates power and sells it to us? PG&E and other private utilities.

The utilities don't even pay much for this lucrative privilege. They operate under federal licenses which are granted for a nominal fee and are good for 50 years.

After the licenses expire, the public could take back the power generating sites — but only theoretically, thanks to private utility pressure on the Federal Power Commission that has subverted temporary licenses into grants in perpetuity.

Private utility holdings straddle almost all California rivers, as this map shows. The dates listed are the expiration dates of all 19 licenses held by PG&E and some held by Southern California Edison.

TOTAL INSTALLED CAPACITY
PG&E hydro plants: 2,074,000 kilowatts
PG&E-captured public hydro plants:
2,497,000 kilowatts

on public rivers

1 HUMBOLDT BAY PG&E nuclear power plant, first of many contemplated by PG&E and other private companies along the California coast. These plants utilize fuel manufactured in government plants, and a technology developed by publicly financed research at a cost of billions. Public also insures these plants, because no private insurance carrier will take the risk.

2 McCLOUD AND PIT RIVERS Installed capacity: 656,000 kw. Oct. 23, 1973. July 31, 2011.

3 PIT RIVER INDIAN LANDS The government grabbed 3.5 million acres in Siskiyou, Modoc, Shasta and Lassen Counties from the Pit River Indians between 1854 and 1890. In June, Pit River Indians reclaimed their land and PG&E arrested them for "trespassing" on PG&E-operated campground. Arresting agents never asked PG&E to produce proof of ownership, and PG&E has never produced it. PG&E operates its Pit River powerplants on a federal license that expires Oct. 23, 1973. License is now subject to capture by public agencies. If not captured, PG&E's license will be renewed for another 50 years.

4 NORTH FORK FEATHER RIVER Installed capacity: 628,000 kw. Sept. 30, 1982, Sept. 30, 2003, Oct. 31, 2004.

5 BUCKS CREEK Installed capacity: 52,500 kw. Dec. 31, 1968.

6 EEL RIVER Installed capacity: 52,500 kw. Dec. 31, 1968.

7 YUBA RIVER, NORTH FORK YUBA RIVER, SOUTH FORK YUBA RIVER, BEAR RIVER AND NORTH FORK AMERICAN RIVER Installed capacity: 139,000 kw. April 22, 1973, July 1, 1991, April 30, 2013.

8 BODEGA BAY Area set aside for a state park was grabbed by PG&E for a nuclear power plant. Bitter public opposition arose. Application withdrawn when it was revealed that plant would be within one mile of the San Andreas earthquake fault.

9 ARENA COVE Proposed PG&E nuclear power plant.

10 MOKELUMNE RIVER Installed capacity: 190,000 kw. Nov. 23, 1975.

11 STANISLAUS RIVER Installed capacity: 119,000 kw. Dec. 31, 2004.

12 LEE VINING CREEK (Southern California Edison) installed capacity: 10,360 kw. Nov. 30, 1986.

13 SAN JOAQUIN RIVER Installed capacity:

63,000 kw. Dec. 1, 1972, April 30, 1989.

14 SAN JOAQUIN RIVER Installed capacity: 33,000 kw. Feb. 11, 1973.

15 SAN JOAQUIN RIVER (Southern California Edison) installed capacity: 155,000 kw. March 2, 1971. Feb. 28, 1999.

16 COLLINSVILLE Proposed PG&E nuclear power plant.

17 DAVENPORT Proposed PG&E nuclear power plant.

18 MOSS LANDING Large PG&E steam plant. Army Corps of Engineers developed harbor largely to bring in oil tankers to supply the plant with oil.

19 KINGS RIVER Installed capacity: 315,000 kw. Feb. 27, 1972. March 31, 1985.

20 DIABLO CANYON PG&E nuclear power plant, under construction.

21 TULE RIVER Installed capacity: 5300 kw. April 30, 1989.

22 TULE RIVER (Southern California Edison.) Installed capacity: 2200 kw. June 15, 1970.

23 KERN RIVER Installed capacity: 11,000 kw. April 29, 1975.

24 KERN RIVER (Southern California Edison.) Installed capacity 42,000 kw. Feb. 27, 1975. April 30, 1996.

25 OWENS RIVER TRIBUTARIES Bishop. Birch and McGee Creeks. (Southern California Edison.) Installed capacity: 30,000 kw. Nov. 30, 1986.

26 HOLLISTER RANCH SCE nuclear power plant, under construction.

Sources:

PG&E rate application, 11970

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Bonneville Power Authority

U.S. Army Corps of Engineers

U.S. Bureau of Reclamation

California Department of Water Resources

California Irrigation Districts Association

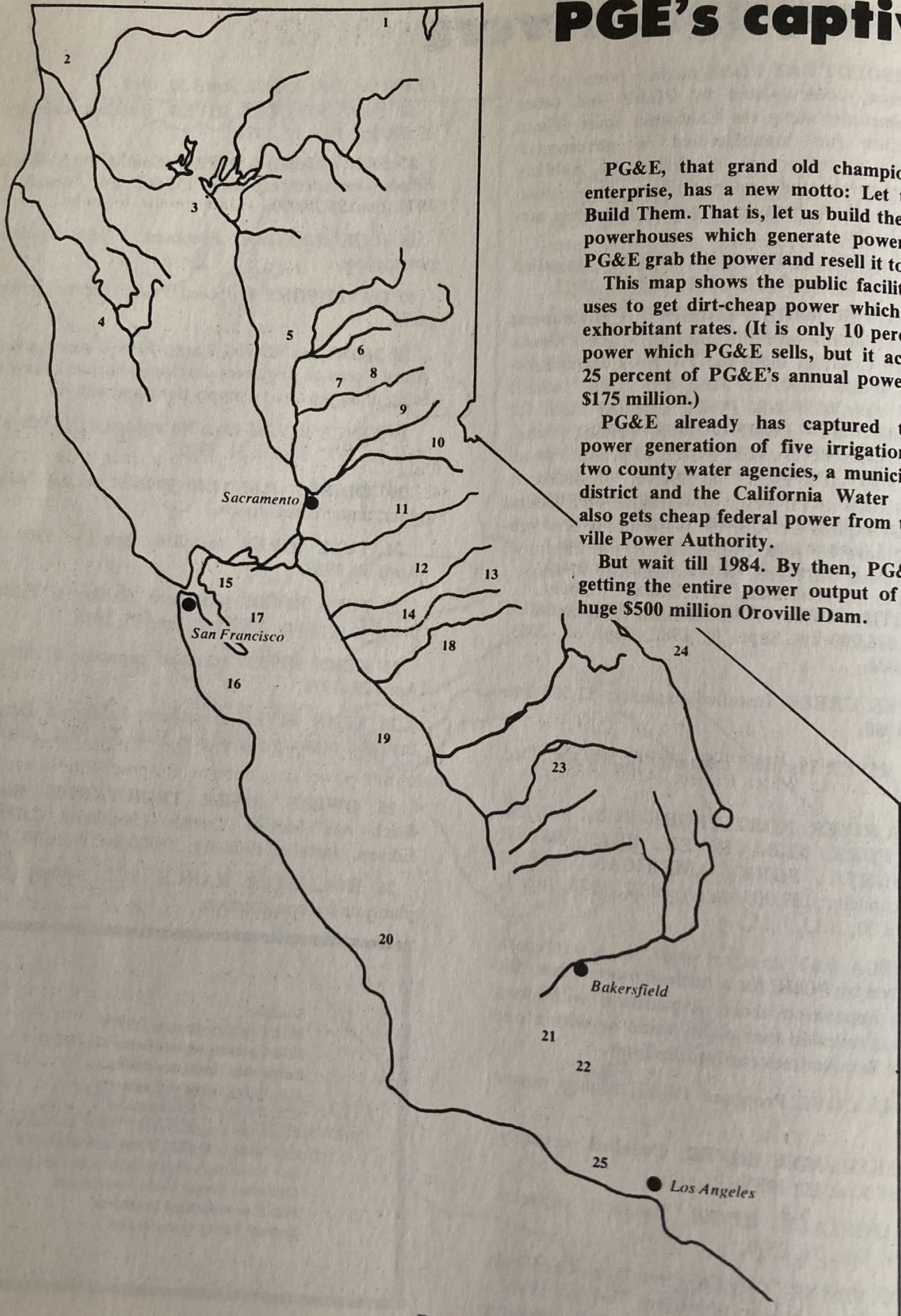
San Francisco's Hetch Hetchy Annual Report

California Power Users Association

PG&E promotional brochures

Federal Power Commission

PG&E's captive



PG&E, that grand old champion of free enterprise, has a new motto: Let the Public Build Them. That is, let us build the dams and powerhouses which generate power, then let PG&E grab the power and resell it to us.

This map shows the public facilities PG&E uses to get dirt-cheap power which it sells at exorbitant rates. (It is only 10 percent of the power which PG&E sells, but it accounts for 25 percent of PG&E's annual power profit of \$175 million.)

PG&E already has captured the public power generation of five irrigation districts, two county water agencies, a municipal utilities district and the California Water Project. It also gets cheap federal power from the Bonneville Power Authority.

But wait till 1984. By then, PG&E will be getting the entire power output of the state's huge \$500 million Oroville Dam.

public power agencies

1 COLUMBIA RIVER Bonneville Power Authority Federal power sold to PG&E, SCE, SDG&E, Los Angeles Department of Water and Power, Central Valleys Project and State Department of Water Resources. BPA sells 763,000,000 kwh to PG&E for \$1,526,000. PG&E resells to public for \$12,972,000.

2 NORTH COAST RIVERS Legislation now pending would create 20 state and federal dams on the Eel, Trinity and Klamath Rivers — to divert water to southern California and the southern San Joaquin valley. Inevitably: More public electric power for private utilities, including PG&E to sell back to the public.

3 SACRAMENTO RIVER U.S. Bureau of Reclamation, Central Valleys Project. PG&E gets surplus power from USBR's power plants on Sacramento, Trinity and American River watersheds, uses it to meet peak demands. Sells thermal power to USBR when USBR cannot meet its load demands. Reason USBR can't meet its load demands: PG&E has blocked construction of federal steam plants in California. PG&E has also blocked construction of federal transmission lines, forcing USBR to pay PG&E to transmit power to its customers, i.e., public agencies.

4 UPPER EEL RIVER DEVELOPMENT Department of Water Resources. Proposed expansion of the California Water Project. After 1985, Eel River water would be fed into the California Aqueduct. Water from this source, plus other north coast rivers, would reduce need for water conservation at Oroville Reservoir on the Feather River, permitting greater water releases for power generation at Oroville dam on demand by PG&E.

5 FEATHER RIVER California State Department of Water Resources. Sells 2,846,000,000 kwh to PG&E. SCE, SDG&E for \$16,000,000. Companies resell to public for \$48,382,000. After 1984, all Oroville Dam power will go to PG&E Jan. 31, 2007.

6 SOUTH FORK FEATHER RIVER Oroville-Wyandotte Irrigation Districts. Sell 386,000,000 kwh to PG&E for \$3,488,000. PG&E resells to public for \$6,562,000. Mar. 31, 2009.

7 YUBA RIVER Yuba County Water Agency. Sells 89,000,000 kwh to PG&E for \$240,000. PG&E resells to public for \$1,513,000. April 30, 2013.

8 YUBA RIVER Nevada Irrigation District. Sells

350,000,000 kwh to PG&E for \$1,577,000. PG&E resells to public for \$5,950,000. April 30, 2013.

9 MIDDLE FORK AMERICAN RIVER Placer County Water Agency. Sells 839,000,000 kwh to PG&E for \$5,225,000. PG&E resells to public for \$14,263,000. Feb. 28, 2013.

10 SOUTH FORK AMERICAN RIVER Sacramento Municipal Utility District. PG&E gets peaking power from SMUD's hydroelectric plants, sells thermal power to SMUD to supply district's base load. PG&E will get thermal power from SMUD's nuclear power plant at Rancho Seco, now under construction. July 31, 2007, March 31, 2007.

11 MOKELUMNE RIVER East Bay Municipal Utilities District. Sells 90,000,000 kwh to PG&E for \$487,000. PG&E resells to public for \$1,530,000. Power rights granted to EBMUD in 1925, in perpetuity, by special act of Congress.

12 STANISLAUS RIVER Oakdale-South San Joaquin Irrigation Districts. Sell 374,000,000 kwh to PG&E for \$2,542,000. PG&E resells to public for \$6,358,000. Dec. 31, 2004.

13 TUOLUMNE RIVER San Francisco Hetch Hetchy water and power projects. Congress in 1913 grants unprecedented rights to San Francisco to dam Hetch Hetchy Valley in Yosemite National Park for water and power development. Purpose: Public water and power for San Francisco through publicly owned distribution systems. Sale to private utilities expressly prohibited. For 15 years, SF openly sold power to PG&E for resale to the public, in violation of the Raker Act. S.F. also sells power wholesale to Turlock and Modesto Irrigation Districts, which then retail it to their residents over public systems.

14 TUOLUMNE RIVER Turlock and Modesto Irrigation Districts. Don Pedro Dam and reservoir. Power and water for districts' residents over publicly owned systems. San Francisco paid for half the cost of Don Pedro dam, but let the districts have all the power. S.F. has enough trouble getting rid of its Hetch Hetchy power to preserve PG&E's illegal monopoly in the city, without adding Don Pedro power.

15 UNIVERSITY OF CALIFORNIA A preference customer for the federal Central Valleys Project. The Berkeley campus could save \$5 million in 10 years by buying cheap CVP power instead of expensive PG&E

PG&E's captive public power agencies

power, a 1963 study showed. But PG&E refuses to wheel the CVP power to Berkeley, in violation of congressional power policy, and Cal Regents refuse to buck PG&E.

16 SANTA CLARA Headquarters of Northern California Power Agency, a group of 11 public power cities in Northern California — Santa Clara, Palo Alto, Lodi, Lompoc, Ukiah, Healdsburg, Gridley, Biggs, Roseville, Alameda and Redding. PG&E is trying to drive them out of the public power business by refusing to wheel cheap federal power to them from the Central Valleys Project and lobbying against them in Sacramento and Washington.

17 NEWARK End of the line for San Francisco's Hetch Hetchy power. There it passes through a PG&E tollgate and into PG&E's system. PG&E transmits it 35-50 miles to supply SF municipal services (22%) and out-of-town industrial users (38%) assigned to city by PG&E as a dumping ground to keep SF from selling its own power to its own residences and businesses. PG&E's annual wheeling charge to SF: \$2,000,000. SF's annual loss of revenue: \$30,000,000.

18 MERCED RIVER Merced Irrigation District. Sells 345,000,000 kwh to PG&E for \$1,937,000. PG&E resells to public for \$5,865,000. June 9, 1974, Feb. 28, 2014.

19 CALIFORNIA AQUEDUCT San Luis Dam and power plant. Built jointly by State Department of Water Resources and U.S. Bureau of Reclamation. Power for water project pumps, surplus to PG&E, SCE and SDG&E. Supplemental power will be purchased from private companies, including PG&E.

20 SAN LUIS OBISPO POWER PLANT. Water flow from northern California will generate power for water project pumps.

21 PYRAMID POWER PLANT. Water flow from northern California will generate power for SCE, Los Angeles, and Water Project pumps. Being built jointly by SCE and LA Dept. of Water and Power.

22 CASTAIC POWER PLANT. Built jointly by State Department of Water Resources and City of Los Angeles. Power for water project pumps and Los Angeles Department of Water and Power.

23 OWENS RIVER (Los Angeles Department of Water and Power) Water and power rights granted to City of Los Angeles by a special act of Congress.

24 KINGS RIVER Army Corps of Engineers, Pine Flat Dam. Federal government built a large dam, reservoir and powerhouse, but did not install generators.

25 CORRAL CANYON Proposed Los Angeles Dept. Water and Power nuclear power plant.

Pit Indian to cop: "You've always been trespassing all over the world, now you're trespassing right here in your own backyard."



Logging on Shasta forest service land

About 40% of Shasta County, nearly 1,000,000 acres, is held by the federal government. The economic fruits from this public land are enjoyed mainly by big business and not the public or the Indians. The following table compiled from government figures lists the amounts of timber in board feet bought and cut in

Shasta National Forest by logging companies. These firms pay the forest service for the right to cut trees which they process into wood and paper products. They make money off the public land without any of the responsibility of property ownership such as paying property taxes.

1965	1966	1967	1968	1969	1970
Kimberly-Clark 86,333,000	Nead Lumber 6,260,000	Lorenz Lumber 29,700,000	Eagle Lake 38,800,000	Eagle Lake 42,000,000	Moore 4,157,000
Nead Lumber 6,490,000	Scott Lumber 4,600,000	Kimberly-Clark 73,287,000	Carolina-Pac. 15,180,000	Commander 23,400,000	Sierra-Pac. 36,800,000
Rochlin 14,800,000	Humboldt Fir 13,400,000	Bunke 406,000	Paul Bunyan 5,500,000	Lake Mt. Logging 2,500,000	Lorenz Lumber 3,800,000
Brightwood Lumber 16,500,000	Diamond National 26,400,000	Nead Lumber 5,500,000	Cheney-Grant 22,600,000	Diamond Nat. 12,300,000	Main Lumber 8,500,000
Lorenz Lumber 15,340,000	Cheney-Grant 15,400,000	Twin Harbors 2,000,000	Lorenz Lumber 35,829,000	Paul Bunyan 23,600,000	U.S. Plywood 10,400,000
Trinco 25,000,000	Continental 15,400,000	International Paper 43,800,000	Lazy J 398,000	Cheney-Grant 42,900,000	Carolina-Pac. 33,019,000
Diamond National 23,000,000	Lorenz Lumber 246,000	Eagle Lake 13,400,000	Trinco 250,000	Klamath Ply. 2,850,000	Cheney-Grant 16,700,000
International Paper 14,100,000	Rochlin 10,300,000	Talco 21,000,000	Diamond National 21,000,000	Sierra-Pac. 19,000,000	I'natl Paper 3,800,000
U.S. Plywood 45,670,000	Emmerson 22,200,000	Dinsmore Lumber 43,600,000	Kimberly-Clark 57,600,000	U.S. Plywood 16,544,000	AC Logging 5,500,000
Main Lumber 28,500,000	Kimberly-Clark 55,719,000	Trinco 12,000,000	Lake Mt. Logging 900,000	Pub. For. Prod. 10,800,000	Pub. For. Prod. 13,868,000
South Fork Timber 15,480,000	PGE 2,300,000	Main Lumber 45,940,000	Bratton 7,300,000	Stange Lumber 500,000	SP 972,000
Cowning Lumber 3,640,000	Main Lumber 4,500,000	B & D Lumber 4,300,000	Crawford 41,600,000	Kimberly-Clark 38,959,000	Hyampan 10,500,000
Trinity Alps Lumber 35,800,000	S. Fork Timber 47,100,000	SP 425,000	Main Lumber 12,300,000	Lazy J 390,000	Commander 9,000,000
Moss Lumber 28,700,000	S. Fork Salvage 1,880,000	Crawford 9,100,000	B & D 5,000,000	Arney 115,000	Georgia-Pac. 38,000,000
Frank Halbert 315,000	Emerson 23,200,000	Lake Mt. Logging 1,430,000	Halbert 702,000	Varwig 184,000	
PGE 900,000	Carolina-Pac. 14,700,000	Scott Lumber 14,800,000			
	Tefco 32,500,000	S. Fork Timber 2,040,000			
	B & D Lumber 3,600,000	Malaby 520,000			
	International Paper 17,000,000	U.S. Plywood 166,000			
	U.S. Plywood 24,800,000				

Farm Price Supports

The farm price support and acreage allotment programs were initiated in the 30s under President Roosevelt. The original goal was to keep small farmers on the land and out of big city slums by trying to insure them of an adequate income for their crops. In a few years the whole administration of the program was turned upside down. It became a source of great subsidy for big farmers. It weakened the position of small farmers and forced them out of farming. In recent years, for example, the two biggest recipients of these crop subsidies (public welfare) in California have been J. G. Boswell, who is interlocked with Southern Pacific, Safeway Stores, Bank of California, Caterpillar Tractor, Fibreboard, Del Monte,

and Russell Giffen, who has served on the board of directors of PG&E and Food Machinery Corporation. Here is a record of the crop subsidies these two companies have received in the last 4 years.

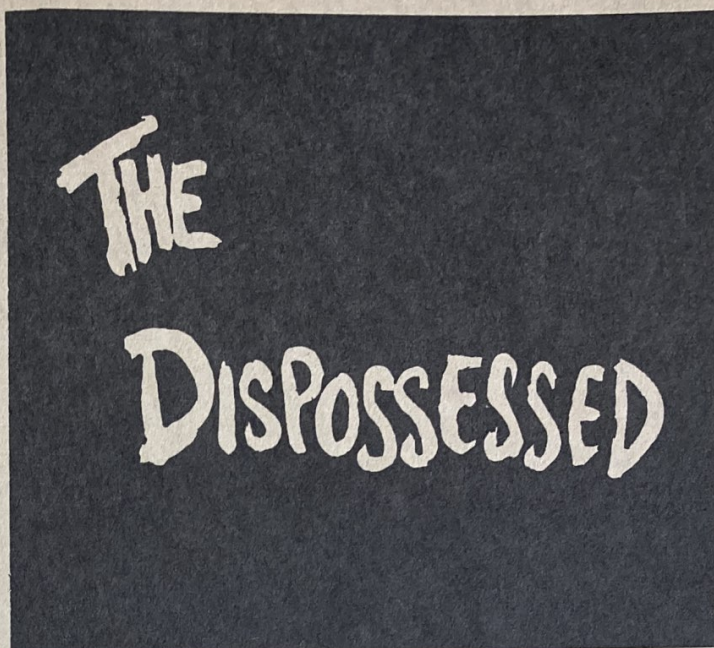
As this booklet was going to press, Congress again was considering legislation to limit the amount of subsidies to any single grower.

	Giffen	Boswell
1966	\$2,397,073	\$3,313,633
1967	\$2,863,668	\$4,549,838
1968	\$2,772,187	\$3,458,200
1969	\$3,333,385	\$5,013,663

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16 mm documentary film
color and sepia — 33 minutes



The Dispossessed was shot in June 1970 during the initial attempts of the Pit River Indians to regain their ancestral tribal lands.

Production crew:

George Ballis
Maia Sortor
Judy Whalley
Peter Rand

Music:

Buffy Sainte Marie
Talbert Wilson

Other films on social movements—

write
for
information

I Am Joaquin, an epic Chicano film poem based on the La Raza experience from the Aztec empire to the current farm worker movement. Produced by El Teatro Campesino with George Ballis. 16 mm color, 20 minutes. A prizewinner at San Francisco, Monterey and Foothill film festivals.

The Oakland Five, struggle of the Oakland black community to make the school board honest and democratic in the face of official repression. Produced by George Ballis, Ray Hemenez and Maia Sortor. 16 mm black and white, 40 minutes.

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"...standing up to the sheriff and his guns..."

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