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Marie Diane Aranda and Yolanda Lisa Fontinalla

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Marie Diane Aranda and Yolanda Lisa
Fontinalla,

Plaintiffs,

v.

TARA KATUK MAC LEAN SWEENEY,
United States Assistant Secretary of Interior –
Indian Affairs; UNITED STATES BUREAU
OF INDIAN AFFAIRS; CAROL ROGERS-
DAVIS, Chairperson, Secretarial Election
Board, Central California Agency; TORY
BURDICK, Superintendent, Central California
Agency, U.S. Bureau of Indian Affairs; AMY
DÜTSCHKE, Regional Director, Pacific
Region, U.S. Bureau of Indian Affairs,

Defendants.

Case No.

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

Plaintiffs, Marie Diane Aranda and Yolanda Lisa Fontanilla, (“Plaintiffs”) allege as
follows:

I. INTRODUCTION

1. A Secretarial election is a federally-supervised election in which members of
federally-recognized Indian tribes vote on adopting or amending tribal constitutions. Section 16
of the Indian Reorganization Act of 1934 (“IRA”) authorizes Secretarial elections.

1 2. The IRA requires the Secretary of the Department of the Interior to, among other
2 things, call and hold Secretarial elections on the receipt of a tribal request, to undertake pre-
3 election review of the proposed constitution or amendments, to ensure that only eligible members
4 of the Tribe vote, and to consider the results of the election and ratify them.

5 3. A Secretarial election for the organization of the California Valley Miwok Tribe is
6 scheduled for April 15, 2019 (“Secretarial Election”).

7 4. The California Valley Miwok Tribe is a Federally Recognized Tribe identified as
8 such in 1915 (originally called the "Sheepranch-band" in 1915 and later listed as "Sheep Ranch
9 Rancheria of Me-Wuk Indians of California" until about 2000 when the name was changed to its
10 present one).

11 5. On December 30, 2015, the Assistant Secretary—Indian Affairs, Kevin K.
12 Washburn, issued a decision (The “Washburn Determination”) which, in relevant part, identified
13 the members of the California Valley Miwok Tribe entitled to vote in that Tribe’s elections.
14 Those California Valley Miwok Tribe members included, but were not limited to, descendants of
15 Jeff Davis, a Tribe member who died in 1940.

16 6. On March 18, 2019, the Central California Agency, Bureau of Indian Affairs,
17 published the “Registered Voters List,” a list of supposedly eligible voters who have registered
18 and are supposedly entitled to vote in the Secretarial Election.

19 7. *No one* on the Registered Voters List, in truth, is a member of the California
20 Valley Miwok Tribe or entitled to vote in the Secretarial Election. All individuals on the list
21 claim membership in the California Valley Miwok Tribe on the basis that they are descendants of
22 Jeff Davis, via John Jeff. However, genealogical data indicates that Jeff Davis had only one
23 child, Ike Davis, who died in 1919 without progeny.

24 8. Defendants have rejected challenges to both the Secretarial Election’s proceeding,
25 and to the Registered Voters List, and have instead indicated that they intend to proceed with the
26 Secretarial Election with the current Registered Voters List. They have also rejected a request by
27 Senator Dianne Feinstein and others to verify the genealogy of purported descendants of Jeff
28 Davis.

1 9. If the Secretarial Election proceeds, it will be in violation of the Administrative
2 Procedure Act, the IRA, and Defendants’ trust duties owed to members of the California Valley
3 Miwok Tribe.

4 10. The Secretarial Election’s proceeding will irreparably harm Plaintiffs, since it will
5 result in a fundamental and lasting decision regarding governance of the Tribe—the adoption of a
6 Constitution—being entirely made by people who are not members of the Tribe. That will
7 irrevocably undermine the legitimacy of the Tribe’s governance, as well as irrevocably infringe
8 upon the Tribe’s sovereignty, both of which Plaintiffs have a valuable interest in.

9 11. Plaintiffs have exhausted all administrative remedies in an attempt to correct the
10 Registered Voters List and/or postpone the Secretarial Election.

11 12. The Plaintiffs now seek relief from this Court to stop those on the Registered
12 Voters list from voting in the Secretarial Election, and/or to defer that Election unless and until
13 the genealogy of those on the current Registered Voters List can be verified.

14 **II. THE PARTIES**

15 13. Marie Diane Aranda and Yolanda Lisa Fontanilla (“Plaintiffs”) are members of the
16 California Valley Miwok Tribe. Plaintiffs challenged the Registered Voters List in a letter to the
17 Secretarial Election Board on March 20, 2019, pursuant to 25 C.F.R. § 81.32.

18 14. Defendant Tara Katuk Mac Lean Sweeney is the Assistant Secretary of Interior,
19 Indian Affairs. Ms. Sweeney is an officer or employee of the United States and has a direct
20 statutory duty to carry out the provisions of the Indian Reorganization Act of 1934 (“IRA”) and
21 other relevant laws. Ms. Sweeney is sued in her official capacity only.

22 15. Defendant United States Bureau of Indian Affairs (“BIA”) is responsible for
23 overseeing the organization of the Tribe and to carry out the provisions of the IRA and other
24 relevant laws.

25 16. Defendant Carol Rogers-Davis, Chairperson, Secretarial Election Board, Central
26 California Agency, is responsible for overseeing the Secretarial Election pursuant to 25 Code of
27 Federal Regulation 81. Ms. Rogers-Davis is sued in her official capacity only.

17. Defendant Tory Burdick, Superintendent, Central California Agency, United States Bureau of Indian Affairs, is responsible for overseeing the Secretarial Election pursuant to 25 Code of Federal Regulation 81. Mr. Burdick is sued in his official capacity only.

18. Defendant Amy Dutschke, Regional Director, Pacific Region, United States Bureau of Indian Affairs, is responsible for overseeing the Secretarial Election pursuant to 25 Code of Federal Regulation 81. Ms. Dutschke is sued in her official capacity only.

III. JURISDICTION AND VENUE

19. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the asserted claims arise under the Constitution and laws of the United States.

20. This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1361 in that Plaintiffs seeks to compel officers and employees of the United States and its agencies to perform duties owed to Plaintiffs.

21. This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1362 because the Tribe is an Indian tribe duly recognized by the Secretary of the Interior, and the matter in controversy arises under the Constitution, laws or treaties of the United States.

22. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claim occurred in the district.

IV. FACTUAL BACKGROUND

The Washburn Determination Determines the Tribe's Membership

23. The California Valley Miwok Tribe has been federally recognized since 1915.

24. Litigation surrounding the membership of the Tribe has been going on since 1998. *See California Valley Miwok Tribe v. United States*, 434 F. Supp. 2d 197, 201 (D.D.C. 2006) (“CVMT I”); *California Valley Miwok Tribe v. United States*, 515 F.3d 1262 (D.C. Cir. 2008) (“CVMT II”); *California Valley Miwok Tribe v. Jewell*, 5 F. Supp. 3d 86 (D.D.C. 2013) (“CVMT III”).

25. In December 2013, after the tribe purported to adopt a Constitution earlier that year, the U.S. District Court for the District of Columbia vacated and remanded a 2011 decision

1 by the Assistant Secretary – Indian Affairs (“AS-IA”) regarding tribal membership and
2 governance of the California Valley Miwok Tribe. *CVMT III*, 5 F. Supp. 3d 86.

3 26. On December 30, 2015 the Assistant Secretary—Indian Affairs, Kevin K.
4 Washburn issued a new decision (“Washburn Determination,” attached as **Exhibit A**) following
5 the remand order in *CVMT III*, 5 F. Supp. 3d 86.

6 27. The Washburn Determination provided a factual analysis and determination of the
7 membership of the California Valley Miwok Tribe, ultimately finding “for purposes of
8 reorganization, the Tribe’s membership is properly drawn from the Mewuk Indians for whom the
9 Rancheria was acquired and their descendants.”

10 28. The Washburn Determination went on to define the “Eligible Groups” of proper
11 membership in the Tribe as: “(1) the individuals listed on the 1915 Terrell Census and their
12 descendants; (2) the descendants of Rancheria resident Jeff Davis (who was the only person on
13 the 1935 IRA voters list for the Rancheria); and (3) the heirs of Mabel Dixie (the sole Indian
14 resident of the Rancheria eligible to vote on its termination in 1967) as identified by OHA in 1971
15 and their descendants (Dixie Heirs) (all three groups collectively identified herein as the Eligible
16 Groups).”

17 29. Both Plaintiffs are descendants of individuals listed on the 1915 Census, category
18 (1) in the Washburn Determination.

19 30. The Washburn Determination additionally found that the purported 2013
20 Constitution was invalid.

21 31. The Washburn Determination was challenged in *California Valley Miwok Tribe v.*
22 *Zinke*, Civ. No. 2:16-01345 WBS CKD (E.D.Cal., May 31, 2017). The court upheld the
23 Washburn Determination, finding it was not arbitrary and capricious. 2017 WL 2379945, at *8
24 (E.D.Cal. June 1, 2017), *aff’d*, 745 F. App’x 46 (9th Cir. 2018).

25 **The Dutschke Letter Contravenes The Washburn Determination**

26 32. On September 11, 2017, Amy Dutschke, BIA Regional Director, Pacific Region,
27 issued a letter (“Dutschke Letter,” attached as **Exhibit B**).
28

1 33. The Dutschke Letter stated that Silvia Burley and her representatives (The “Burley
2 Group”) were members of the Eligible Group because they were, according to the letter,
3 descendants of Jeff Davis (“It appears that a majority of those who participated in the 2013
4 constitutional election and all of the Burley Group descend from Rancheria resident Jeff Davis”).

5 34. The Dutschke Letter provided no evidence for the determination that the members
6 of the Burley Group are Jeff Davis’ descendants.

7 35. In truth, they cannot be. As genealogical records demonstrate, Jeff Davis had only
8 one child, Ike Davis, who died in 1919 without progeny.

9 **The Regional Director Authorizes a Secretarial Election**

10 36. On December 21, 2018, the BIA Regional Director authorized a Secretarial
11 election on the proposed Constitution of the California Valley Miwok Tribe under Title 25 –
12 Indians of the Code of Federal Regulations, Part 81 (25 C.F.R. § 81).

13 37. A notice of the Secretarial Election was sent on February 15, 2019, scheduling the
14 election for April 15, 2019 (attached as **Exhibit C**).

15 38. As noted, the Tribe has been federally recognized since 1915. *CVMT III, supra, at*
16 *pp.* 88-89 (D.D.C. 2013). While federal recognition is a fundamental acknowledgement of the
17 sovereignty of a tribal entity as a polity, it does not speak to the tribe’s organization. However, if
18 a tribe voluntarily accepts the organizational principles of the IRA, a tribe may organize and
19 adopt a constitution, subject to the supervision of the BIA. In 1934, the sole resident of the Sheep
20 Ranch Rancheria, Jeff Davis voted to accept the IRA. However, the tribe was never organized
21 pursuant to the provisions of the IRA that authorize tribes to organize and adopt a constitution,
22 found at 25 U.S.C. §§ 476 and 478. *CVMT III, supra, at p.* 89. Following subsequent leadership
23 and membership disputes, multiple courts and the Department of Interior have held the Tribe is
24 not organized under the IRA. Ultimately, this led to the 2015 Washburn Determination
25 authorizing the BIA to conduct a Secretarial election, under 25 CFR Part 81, to organize the tribe
26 and adopt a constitution.

1 39. After the Secretarial Election was announced, many members of the Tribe and
2 others requested that the genealogy of purported descendants of Jeff Davis be confirmed prior to
3 the election's occurring.

4 40. On January 18, 2019, Leon Mandibles, who is a member of the California Valley
5 Miwok Tribe, wrote to Tara Katuk Mac Lean Sweeney, Assistant Secretary, Indian Affairs,
6 challenging the tribal membership of those claiming to be descendants of Jeff Davis, and
7 requesting that the genealogy of Jeff Davis be verified before the Secretarial Election proceeds.
8 (attached as **Exhibit D**).

9 41. On January 24, 2019, Chadd Everone, Deputy of the California Valley Miwok
10 Tribe, sent a challenge to the Assistant Secretary, outlining the issues with the Registered Voters
11 List and the Jeff Davis lineage (attached as **Exhibit E**), and requesting that the genealogy of Jeff
12 Davis be verified before the Secretarial Election proceeds.

13 42. On March 6, 2019, Senator Dianne Feinstein, at the request of former San
14 Francisco District Attorney Arlo Smith, also wrote to the Assistant Secretary and Amy Dutschke,
15 BIA Regional Director, Pacific Region, requesting that they verify that the claimed descendants
16 of Jeff Davis may properly vote in the Secretarial Election (attached as **Exhibit F**).

17 43. Defendants failed to act on any of these challenges.

18 44. On March 18, 2019, Defendants, through the Secretarial Election Board, published
19 a "Registered Voters List" (attached as **Exhibit G**). All names on that list claim membership in
20 the California Valley Miwok Tribe by virtue of their supposedly being descendants of Jeff Davis.
21 As discussed *supra*, they cannot so claim.

22 45. On March 20, 2019, Plaintiffs challenged the Registered Voters List, pursuant to
23 25 C.F.R. § 81.32. In relevant part, Plaintiffs' challenge stated that no one on the Registered
24 Voters List was, in fact, entitled to vote, because all claimed to be members of the Tribe by virtue
25 of their being supposed descendants of Jeff Davis, citing to the Washburn Determination.
26 (attached as **Exhibit H**).

1 46. On March 27, 2019, the Secretarial Election Board sent a letter rejecting Plaintiffs'
2 challenge to the Registered Voters List. The March 27, 2019 letter stated that the April 15, 2019
3 election would proceed with the current Registered Voters List. (attached as **Exhibit I**).

4 **FIRST CLAIM FOR RELIEF**

5 **(Arbitrary and Capricious Agency Action in Violation of the APA)**

6 47. Plaintiff incorporates each and every of the foregoing paragraphs, as if set forth
7 fully in this paragraph.

8 48. The Administrative Procedure Act (“APA”) provides that a court must hold
9 unlawful and set aside agency action that is “arbitrary, capricious, an abuse of discretion, or
10 otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).

11 49. “A person suffering legal wrong because of agency action . . . is entitled to judicial
12 review thereof.” 5 U.S.C. § 702. Plaintiffs are entitled to relief under the APA because Plaintiffs
13 are members of a federally recognized tribe and are among the intended beneficiaries of the IRA.

14 50. By statute, the Secretary of the Interior has a duty to call, hold, and oversee the
15 Secretarial election. 25 U.S.C. § 5123. The Secretarial Election Board is charged with
16 conducting Secretarial elections and making determinations on voter eligibility. 25 C.F.R. §
17 81.21, 81.33.

18 51. The March 27, 2019 letter from the Secretarial Election Board rejecting Plaintiffs'
19 challenge constitutes “final agency action” because, with respect to challenges to the Registered
20 Voters List, “all determinations of the Secretarial Election Board are final for the purpose of
21 determining who can vote in the Secretarial election.” 25 C.F.R. § 81.32-81.33.

22 52. The rejection of Plaintiff’s challenge by the Secretarial Election Board cannot
23 constitute “agency discretion” because the Secretarial Election Board was not free to make a
24 determination in opposition of existing agency determination; in this case, the Washburn
25 Determination.

26 53. The March 27, 2019 rejection of Plaintiffs’ challenge is in direct contravention of
27 the Washburn Determination, an existing agency determination, making the Secretarial Election
28 Board’s rejection arbitrary and capricious.

1 54. The March 27, 2019 Secretarial Election Board rejection additionally violates the
2 APA because the rejection provides no factual basis for affirming the Registered Voters List,
3 making the rejection decision arbitrary and capricious.

4 55. Plaintiffs have exhausted all administrative remedies in their pursuit of challenging
5 the Registered Voters List. Pursuant to 25 C.F.R. § 81.21, “decisions of the Secretarial Election
6 Board are not subject to administrative appeal,” demonstrating that Plaintiffs’ have exhausted
7 their administrative remedies.

8 56. As a direct and proximate result of Defendants’ actions, Plaintiffs will be
9 irreparably injured. If the Secretarial Election proceeds with the current Registered Voters List,
10 the Tribe will be organized by, and its Constitution voted on, by a group of individuals who are
11 not members of the Tribe. That will fundamentally harm the Tribe’s sovereignty and legitimacy.

12 ///

13 ///

14 ///

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this court issue an order:

1. Declaring that the individuals listed on the Registered Voters List are not entitled to vote in the Secretarial Election;
2. Providing injunctive relief removing the purported descendants of Jeff Davis from the Registered Voters List;
3. Providing injunctive relief by delaying the election until the genealogy of those on the Registered Voters List can be verified;
4. Granting such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rules of Civil Procedure Rule 38(b), Plaintiff demands a trial by jury for all issues so triable.

Dated: April 9, 2019

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP
Colin C. West
Thomas F. Gede

By /s/ Colin C. West
Colin C. West

Attorneys for Plaintiffs

Exhibit A

To

Complaint for Declaratory and Injunctive Relief



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 30 2015

Mr. Yakima Dixie
c/o Robert Uram, Esquire
Sheppard Mullin Richter & Hampton LLP
Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109

Dear Mr. Dixie:

The California Valley Miwok Tribe (CVMT, Tribe) has been the subject of an internal leadership dispute for years. In December 2013, the U.S. District Court for the District of Columbia (District Court) vacated and remanded a 2011 decision by the Assistant Secretary – Indian Affairs (AS-IA) to review questions of tribal membership and government.

The Department of the Interior (Department) is loath to become involved in tribal membership disputes because of potential interference with tribal self-determination and inherent sovereignty. However, in many instances the Department has assisted in the initial organization of an unorganized tribe. In this case, the reorganization of the Tribe has never properly occurred, leaving questions as to the overall membership of the Tribe.

The factual and procedural history of this dispute has been described at length in decisions by the Interior Board of Indian Appeals (IBIA), the District Court, and the U.S. Court of Appeals for the District of Columbia Circuit (Circuit Court).¹ For purposes of this decision, I set out only the essential facts.

Background

In 1916, the United States acquired a parcel of approximately one acre in Sheep Ranch, California, for the benefit of Mewuk² Indians living in that area of Calaveras County. The land became the Sheep Ranch Rancheria (Rancheria). The lone Indian residing on the Rancheria in 1935, Jeff Davis, was allowed to vote on whether to accept the Indian Reorganization Act (IRA). An Indian residing on the Rancheria in 1967, Mabel Hodge Dixie, was identified as the distributee of the Rancheria assets. Mabel's son, Yakima Dixie (Mr. Dixie), has been the

¹ See *CVMT v. Pacific Regional Director*, BIA, 51 IBIA 103 (IBIA 2010); *California Valley Miwok Tribe v. United States*, 424 F. Supp. 2d 197 (D.D.C. 2006) (“*CVMT I*”); *California Valley Miwok Tribe v. United States*, 515 F.3d 1262 (D.C. Cir. 2008) (“*CVMT II*”); *California Valley Miwok Tribe v. Jewell*, 5 F. Supp. 3d 86 (D.D.C. 2013) (“*CVMT III*”).

² Also spelled Miwok, Mi-Wuk, or Me-Wuk. Writing in 1906, Special Agent C.E. Kelsey used “Miwak.” The former name of the federally recognized Tribe was “Sheep Ranch Rancheria of Me-Wuk Indians of California.” The current name is the “California Valley Miwok Tribe.”

only Indian resident of the Rancheria since Mabel's death. Mr. Dixie purported to enroll Silvia Burley (Ms. Burley) and her family (Burley Family)³ in the Tribe in 1998. Since 1999, Mr. Dixie and Ms. Burley have competed for control of the Tribe, which has resulted in protracted litigation. In 2010, IBIA referred to AS-IA a claim by Ms. Burley that "effectively implicate[d] a tribal enrollment dispute."⁴ In 2011, the AS-IA issued a decision stating that the Tribe had five members and was governed by a General Council comprising the adults among those five members. In 2013, the District Court vacated and remanded the AS-IA's decision, directing AS-IA to "determine whether the [Tribe's] membership had been properly limited" to just Mr. Dixie and the Burley family,⁵ and ensure that the tribal government consists of "valid representatives of the [tribe] as a whole."⁶

The Sheep Ranch Rancheria

In 1915, Special Agent John Terrell sent the Commissioner of Indian Affairs a letter with "a census of the Indians designated 'Sheepranch Indians,'" (sic), describing the group as "the remnant of once quite a large band of Indians in former years living in and near the old decaying mining town known and designated on the map as 'Sheepranch.'"⁷ Importantly, Agent Terrell also noted that "to some extent the Indians of Sheepranch, Murphys, Six-Mile, Avery and Angles are interchangeable in their relations."⁸ All of those towns are located in Calaveras County, California.

In 1916, the Federal Government purchased a one acre lot in the town of Sheep Ranch for the benefit of the Indians identified by Terrell.⁹ Because the parcel was so small, only a few members of the group could reside on it at any one time; many Indians associated with the community did not reside on the Rancheria.

In 1929, the Bureau of Indian Affairs (BIA) conducted a census of the Indians of Calaveras County, which identified 147 Indians, mostly Miwuk, but also some Tuolumne.¹⁰ The census included children of mixed Miwuk/Tuolumne, and mixed Indian/non-Indian, ancestry.

In 1935, pursuant to the mandate of the Indian Reorganization Act (IRA),¹¹ BIA held referendum elections in which the adult Indians of reservations voted on whether to reject the application of the IRA. The BIA found only one eligible adult Indian, Jeff Davis, to be residing on the Rancheria.

³ Silvia Burley, her daughters Rashel Reznor and Anjelica Paulk, and Rashel's daughter Tristian Wallace.

⁴ 51 IBIA 103, 105 (IBIA 2010).

⁵ *CVMT III* at 99.

⁶ *Id.* at 100, quoting *Seminole Nation v. Norton*, 223 F. Supp. 2d 122, 140 (D.D.C. 2002).

⁷ Attachment A: 1915 Terrell Census

⁸ Presumably "Angles" referred to Angel's Camp, about 5 miles southwest of Murphys and 15 miles southwest of Sheep Ranch.

⁹ In 2006, the District Court suggested that the Sheep Ranch Rancheria was the same parcel occupied by Peter Hodge and his family in 1915. *CVMT I* at 197-98 (D.D.C. 2006). The record shows that Hodge resided two and a half miles north of Sheep Ranch, while the parcel acquired by the United States was within the town itself.

¹⁰ Attachment B: 1929 Census.

¹¹ 48 Stat. 984 (1934).

The California Rancheria Act of 1958, amended in 1964,¹² authorized the termination of Federal recognition of California Rancherias by distributing each rancheria's assets to the Indians of the rancheria. The process required the development of a distribution plan identifying the distributees. At that time, the Rancheria was occupied by Mr. Dixie's mother, Mabel Hodge Dixie, along with Merle Butler.¹³ On February 9, 1967, Mabel Dixie, as the sole eligible Indian resident, voted to terminate the Rancheria. The BIA transferred title of the Rancheria's land to Mabel in April or May of 1967. In September of 1967, however, the BIA asked Mabel to quitclaim the parcel back to the United States, apparently to ensure that all of BIA's duties under the California Rancheria Act were completed before BIA transferred title to Mabel. Mabel executed the quitclaim on September 6, 1967, but no other action was taken with respect to the title prior to Mabel's death on July 1, 1971. The Tribe was never terminated.¹⁴

On November 1, 1971, the Office of Hearings and Appeals (OHA) issued its "Determination of Heirs" of Mabel Dixie.¹⁵ The OHA determined that Merle Butler, as Mabel's husband, inherited 2/6 of Mabel's trust or restricted estate, and each of her 4 sons inherited 1/6. Accordingly, the title to the Rancheria land is held in trust by the United States for Mabel Dixie's heirs, who have an undivided, inheritable, beneficial interest in the land.

Membership in CVMT is not limited to five people.

All of the Federal court decisions examining the CVMT dispute make clear that the Tribe is not limited to five individuals. The BIA decision under review in *CVMT I* plainly rejected the 1998 CVMT Constitution offered by Ms. Burley as controlling the Tribe's organization because it had not been ratified by the "whole tribal community."¹⁶ This conclusion necessarily reflected the court's consideration and rejection of the contention that the Tribe consisted solely of five people.

In affirming *CVMT I*, the Circuit Court in *CVMT II* emphasized that the Tribe had more than five people:

This case involves an attempt by a small cluster of people within the California Valley Miwok tribe ("CVM") to organize a tribal government under the Act. CVM's chairwoman, Silvia Burley, and a group of her supporters adopted a constitution to govern the tribe without so much as consulting its membership.¹⁷

¹² 72 Stat. 619 (1958). 78 Stat. 390 (1964).

¹³ The record indicates that Merle Butler was the common-law husband of Mabel Dixie. According to a memorandum dated January 5, 1966, signed by the BIA Tribal Operations Officer, Mr. Butler agreed that Mabel Dixie should receive title to the Rancheria. Attachment D.

¹⁴ "The Sheep Ranch Rancheria of Me-Wuk Indians of California" was included on every list of federally recognized tribes published in the Federal Register from the first such publication in 1979, at 44 Fed. Reg. 7235. Silvia Burley and Rashel Reznor, as the Tribal Council, adopted a Resolution changing the name of the Tribe to the California Valley Miwok Tribe on March 6, 2000. The BIA began using the new name no later than October 31, 2001. The list published in 2002 noted that the Tribe had changed its name to California Valley Miwok Tribe, and it has been identified as such in every subsequent list of federally recognized tribes.

¹⁵ Attachment C.

¹⁶ March 26, 2004, letter, Superintendent to Burley; cited in *CVMT I* at 200 - 203; quoted in *CVMT II* at 1265-66; and quoted in *CVMT III* at 93.

¹⁷ *CVMT II* at 1263.

Lastly, in *CVMT III*, the District Court vacated the AS-IA's 2011 determination that the Tribe comprised just five people. It is true that the District Court remanded to the AS-IA the question of tribal membership, but only after noting that "the record is replete with evidence that the Tribe's membership is potentially significantly larger than just these five individuals."¹⁸ As suggested by the District Court in *CVMT III*, and held by *CVMT I and II*, the record shows that there are far more than five people eligible to take part in the organization of the Tribe.

The term "rancheria" has been used to refer both to the land itself, and to the Indians residing thereon; which is to say, "rancheria" is synonymous with both "reservation" and "tribe." Few rancherias organized under the IRA prior to passage of the California Rancheria Act in 1958. In most instances, lands were acquired for the benefit of a band of Indians identified by Indian Agents C.E. Kelsey and John Terrell. In many instances, as in the circumstance for Sheep Ranch, a rancheria was not large enough for all members of the band to take up residence. Nonetheless, BIA field officials remained cognizant of the Indians of a band associated with, but not residing upon, each rancheria.¹⁹ When a parcel on a rancheria came available, BIA would assign the land to such a non-resident Indian who was associated with the band, if possible. Thus, such associated band Indians who were non-residents were potential residents. And since membership in an unorganized rancheria was tied to residence, potential residents equated to potential members.

With this understanding of the Department's dealings with the California Rancherias and in light of the rulings in *CVMT I, II* and *III*, I conclude that the Tribe's membership is not properly limited to Mr. Dixie and the Burley family. Given Agent Terrell's 1915 census of the "Indians designated 'Sheep Ranch Indians,'" and the 1916 acquisition of land by the United States for the benefit of the Mewuk Indians residing in the Sheep Ranch area of Calaveras County, California, I find that for purposes of reorganization, the Tribe's membership is properly drawn from the Mewuk Indians for whom the Rancheria was acquired and their descendants. The history of the Rancheria, supported by the administrative record, demonstrates that this group consists of: (1) the individuals listed on the 1915 Terrell Census and their descendants; (2) the descendants of Rancheria resident Jeff Davis (who was the only person on the 1935 IRA voters list for the Rancheria); and (3) the heirs of Mabel Dixie (the sole Indian resident of the Rancheria eligible to vote on its termination in 1967) as identified by OHA in 1971 and their descendants (Dixie Heirs) (all three groups collectively identified herein as the Eligible Groups).²⁰

¹⁸ *CVMT III* at 98.

¹⁹ A January 3, 1935, memorandum from the Indian Office provided population information for many Rancherias. It listed the "total population" at Sheep Ranch as 16. Attachment E. Yet the following June, only one adult Indian was found to be *residing on* the Reservation and thus eligible to vote in the IRA referendum.

²⁰ As one of the Dixie Heirs, Mr. Dixie is part of the group of individuals from whom the Tribe's membership is drawn. He would also be eligible for membership given that for years, he has been the only Indian residing on the Rancheria. See 25 U.S.C. § 479 (IRA's defining "tribe" as, *inter alia*, "the Indians residing on one reservation"). The *CVMT III* court expressed concern that the enrollment of the Burley family prejudiced the interests of Mr. Dixie's brother Melvin. The BIA's decision to strengthen a dwindling tribe by facilitating the enrollment of a family of relatives was an appropriate step to the benefit of Mr. Dixie and Melvin as well as to the Burley family. The ensuing difficulties were unforeseeable, and do not convert a reasonable agency decision into a lapse of trust duty. Melvin passed away in 2009 without issue. Attachment F.

The record also indicates that the Indians named on the 1915 Terrell Census had relatives in other Calaveras County communities.²¹ In 1929, the BIA conducted a census (1929 Census) of the Indians of Calaveras County, which identified 147 Indians – mostly Miwok, but also some Tuolumne. The census included children of mixed Miwok/Tuolumne, and mixed Indian/non-Indian ancestry. Accordingly, including the descendants of the Miwok Indians identified on the 1929 Census as eligible to take part in the organization of the Tribe may be proper in light of Agent Terrell's conclusion that "to some extent the Indians of Sheepbranch, Murphys, Six-Mile, Avery and Angles are interchangeable in their relations."²² Whether the descendants of the Miwoks identified in the 1929 Census shall be included in the organization of the CVMT is an internal tribal decision that shall be made by the individuals who make up the Eligible Groups.

To the extent the Burley Family is among the individuals who make up the Eligible Groups, I encourage them to participate in the Tribe's reorganization efforts as discussed below.²³ If the Burley Family cannot demonstrate that they are part of the Eligible Groups, I leave to the Tribe, as a matter of self-governance and self-determination to clarify the membership status of the Burley Family.

The United States does not recognize leadership for the CVMT government.

For purposes of administering the Department's statutory responsibilities to Indians and Indian tribes, I must ensure that CVMT leadership consists of valid representatives of the Tribe as a whole. Both parties point to documents supporting their claim to be valid representatives of the Tribe. I find I cannot accept either party's claims.

Ms. Burley points to the 1998 Resolution as the basis for her leadership.²⁴ At the time of its enactment, the 1998 Resolution undoubtedly seemed a reasonable, practical mechanism for establishing a tribal body to *manage the process* of reorganizing the Tribe. But the actual reorganization of the Tribe can be accomplished only via a process open to the whole tribal community.²⁵ Federal courts have established, and my review of the record confirms, the people who approved the 1998 Resolution (Mr. Dixie, Ms. Burley, and possibly Ms. Burley's daughter Rashel Reznor) are not a majority of those eligible to take part in the reorganization of the Tribe.²⁶ Accordingly, I cannot recognize the actions to establish a tribal governing structure taken pursuant to the 1998 Resolution. Ms. Burley and her family do not represent the CVMT.

²¹ Attachment A.

²² Attachment A.

²³ The district court expressed concerns about Mr. Dixie's 1998 enrollment of the Burley family. *CVMT III* at 99. Testimony evidence in the record shows that Mr. Dixie required evidence of Ms. Burley's connection to the Miwok Indians of Sheep Ranch and suggests that the Burley family qualifies for inclusion in the Eligible Groups. In a 2004 deposition, Ms. Burley testified that "It was confirmed that his grandma and my grandpa were brother and sister." Attachment G, at 106. If documentary evidence supports Ms. Burley's testimony, the Burley family must be accorded the same right to take part in the reorganization of the Tribe as all other persons in the Eligible Groups.

²⁴ Attachment I.

²⁵ *CVMT II* at 44; *CVMT III* at 97.

²⁶ *CVMT II* at 44; *CVMT III* at 98.

In 2006, Mr. Dixie and others purported to ratify a Constitution, Attachment J, which set out membership criteria (Part 6) and a list of twelve people (including Ms. Burley) as the “Base Enrollment of the Tribe” (Part 7). The last section of the 2006 Constitution, “Part 11, Ratification and Confirmation,” lists thirteen people, twelve of whom signed the document. There is no other text in Part 11 to explain the significance of the signatures or to shed light on whether or how the 2006 Constitution was ratified. Thus, there is nothing in the text of the 2006 Constitution that shows it was ratified via a process that provided broad notice to persons eligible to take part in the Tribe’s organization. I cannot, therefore, find the 2006 Constitution to be validly enacted.

In July 2013, Mr. Dixie and others purported to ratify a new Constitution.²⁷ Under the 2013 Constitution, tribal membership eligibility criteria included anyone whose name appeared on, or anyone descended from someone whose name appeared on: the Terrell Census, the list of Miwok Indians on the 1929 Census, the 1935 IRA voters list for the Rancheria, or the list of Dixie Heirs. However, the record is silent on the effort to notify all those eligible to take part in the organization of the Tribe to ratify the 2013 Constitution.²⁸ For purposes of this decision, I find that Mr. Dixie has not demonstrated that the 2013 Constitution was validly ratified.²⁹ But I do not foreclose the possibility that Mr. Dixie may provide additional evidence that could demonstrate adequate notice for BIA’s acceptance of the 2013 Constitution.

Conclusion

Responding to the court’s remand, I conclude that the Tribe’s membership is more than five people, and that the 1998 General Council does not consist of valid representatives of the Tribe. I further conclude that the individuals who make up the Eligible Groups must be given opportunity to take part in the reorganization of CVMT. At the discretion of the Eligible Groups, the Miwok Indians named on the 1929 Census and their descendants may be given that opportunity to participate in the reorganization of CVMT.

I find that Mr. Dixie has not proven that the 2013 Constitution was validly ratified. I authorize the BIA Pacific Regional Director (RD) to receive additional submissions from Mr. Dixie for the purpose of establishing whether the 2013 Constitution was validly ratified. As an alternative, I encourage the Tribe to petition for a Secretarial election under 25 C.F.R. Part 81 within 90 days of this decision.

Pursuant to today’s decision, the RD will work with the Eligible Groups to help the Tribe attain its manifest goal of reorganizing. This is a role that BIA has undertaken in other situations involving California Rancherias.

²⁷ Attachment K.

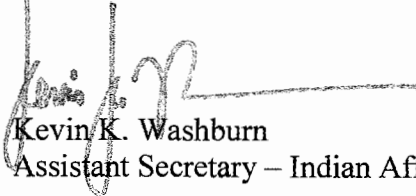
²⁸ Mr. Dixie did not provide evidence that outreach to the greater tribal community was part of the drafting or ratification of the Constitution. Rather, the text of the Constitution itself indicates that the organizers had established a tribal membership roll *prior* to ratifying the Constitution (Section II(a); II(e)), had defined the “electorate” as adults on the membership roll (Section IV(a)), and had purported to ratify the Constitution via a vote of the electorate (Section XVIII(a)).

²⁹ The “Certificate of Results of Election” within Article XIII, “Adoption of Constitution,” suggests that the adoption of the 2013 Constitution was “pursuant to the 2006 Constitution.” Having rejected the 2006 Constitution, I cannot accept that the 2013 Constitution was validated by a process in the 2006 Constitution.

The Pacific Regional Office has suggested a number of revisions to the 2013 Constitution submitted by Mr. Dixie.³⁰ If the RD concludes that the 2013 Constitution was validly ratified, I urge the Tribe to work with BIA to revise and amend its Constitution, as appropriate.

This decision is a final agency action.

Sincerely,



Kevin K. Washburn
Assistant Secretary – Indian Affairs

Attachments:

- A. 1915 Terrell Census
- B. 1929 Census
- C. 1971 OHA determination of heirs
- D. 1966 BIA memo re Mabel and Merle
- E. 1935 Indian Office Memo with Rancheria censuses
- F. 2009 Melvin Dixie Death Index
- G. 2004 Burley deposition, selection
- H. 2015 Wilmer Hale letter
- I. 1998 GC resolution
- J. 2006 Dixie Constitution
- K. 2013 Dixie Constitution
- L. 2013 BIA comments on Dixie 2013 Constitution

³⁰ Attachment L.

Distribution list:

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Director, BIA

Regional Director, Pacific Regional Office

Regional Solicitor, Pacific Southwest Regional Office

Exhibit B

To

Complaint for Declaratory and Injunctive Relief



United States Department of the Interior

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

IN REPLY REFER TO:

Tribal Government Services

SEP 11 2017

Certified Mail No: 7015 3010 0000 3622 3328
Return Receipt Requested

Robert Uram, Attorney at Law
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4 Embarcadero Center, 17th Floor
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San Diego, California 92128

Certified Mail No: 7015 3010 0000 3622 3311
Return Receipt Requested

Robert Rosette, Attorney at Law
for Sylvia Burley
565 West Chandler Boulevard, Suite 212
Chandler, Arizona 85225

The purpose of this correspondence is to inform you that the Bureau of Indian Affairs, Pacific Region, is taking action consistent with the Assistant Secretary - Indian Affairs' (AS-IA) decision of December 30, 2015 (2015 AS-IA Decision), by determining whether the 2013 Constitution of the California Valley Miwok Tribe (2013 Constitution) was properly ratified by the tribal community of the California Valley Miwok Tribe (Tribe).

The Tribe has been embroiled in multiple long-standing disputes dating back to 1999, at the center of which are two factions claiming to represent the tribal community: one consisting of Yakima Dixie and his representatives (Dixie Group) and the other consisting of Silvia Burley and her representatives (Burley Group). These disputes have been discussed at length in decisions by the Central California Agency, this Office, the Interior Board of Indian Appeals, the AS-IA, the District Court, and the United States Court of Appeals. Consequently, due to these in depth decisions, I will only reference the essential facts necessary to determine the validity of the election ratifying the 2013 Constitution.

The 2015 AS-IA Decision found that the Dixie Group had not demonstrated that the 2013 Constitution was validly ratified, and authorized this Office to receive additional submissions from the Dixie Group for the purpose of establishing the validity of the 2013 Constitution. In the alternative, the Tribe was encouraged by the AS-IA to petition for a Secretarial Election under 25 Code of Federal Regulations Part 81.

**TAKE PRIDE
IN AMERICA** 

Further, the Assistant Secretary concluded that the Tribe's membership is more than five people, and that the 1998 General Council does not consist of valid representatives of the Tribe. The AS-IA found that for purposes of reorganization the Tribe's membership is properly drawn from: (1) individuals listed on the 1915 Terrell Census and their descendants; (2) the descendants of Rancheria resident Jeff Davis (who was the only person on the 1935 IRA voters list for the Rancheria); and (3) the heirs of Mabel Dixie (the sole Indian resident of the Rancheria eligible to vote on its termination in 1967) as identified by OHA in 1971 and their descendants (Dixie Heirs) (all three groups are collectively identified herein as the Eligible Groups). There is no dispute that there may be as many as 250 individuals who fall within the Eligible Groups as defined above, which is inclusive of the Burley Group and a portion of the Dixie Group.

The Burley Group challenged the 2015 AS-IA Decision in *California Valley Miwok Tribe v. Zinke*, Civ. No. 2:16-01345 WBS CKD (E.D.Cal., May 31, 2017). The Court found the AS-IA was not arbitrary and capricious in this decision, holding:

The federal government has a 'distinctive obligation of trust' in its dealings with Indians. *See, e.g., United States v. Jicarilla Apache Nation*, 564 U.S. 162, 192 (2011). Part of this obligation includes ensuring that the United States is "conducting government-to-government relations with 'valid representatives of the [tribe] as a whole.' *Seminole Nation of Okla. v. Norton*, 223 F. Supp. 2d 122, 140 (D.D.C. 2002); *see Aguayo v. Jewell*, 827 F.3d 1213, 1224 (9th Cir. 2016) ('The [Assistant] Secretary properly exercises discretion not to approve a governing document when it does not 'reflect the involvement of the whole tribal community.'); *cf. Seminole Nation v. United States*, 316 U.S. 286, 296-97 (1942).

On January 27, 2016, and March 9, 2016, my staff and I met with the Burley and Dixie Groups, respectively, to discuss each Group's position as it related to the 2015 AS-IA Decision. During the January 27, 2016, meeting the Burley Group detailed their position that the 2013 Constitution is not valid as they were not provided the opportunity to participate in its creation and/or election. The Burley Group reiterated this position in its February 22, 2016, letter submitted by Robert Rosette, Attorney for the Burley Group. In addition, the Burley Group contended that the Dixie Group allowed individuals to participate who are not members of the Eligible Groups.

As authorized by the 2015 AS-IA Decision and following their March 9, 2016, meeting with me and my staff, the Dixie Group chose not to request a Secretarial Election, and on April 18, 2016, submitted a detailed report (Election Report) outlining the modified Secretarial Election process they utilized to ratify the 2013 Constitution. My staff reviewed the Dixie Group's files of those individuals who were provided the opportunity to vote on the 2013 Constitution. In addition, this Office reviewed the family history of the Burley Group. It appears that a majority of those who participated in the 2013 constitutional election and all of the Burley Group descend from Rancheria resident Jeff Davis. Following a review of the Election Report, it appears the Dixie Group notified 183 individuals who qualify as members of the Eligible Groups, and 17 individuals who descend from the 1929 Census of Calaveras County. The 2013 Constitution extended membership eligibility to the Eligible Groups and, in addition, the descendants of the 1929 Census of Calaveras County.

However, the cornerstone of a successful organizational election is ensuring every known eligible individual is afforded their inherent right to participate. Through their attorneys, the Burley Group maintained contact with the Dixie Group as evidenced by multiple filings in federal court and correspondence with the Bureau; however, they were not included on the list of Adult, Enrolled Members, Eligible to Vote in Election of July 6, 2013, created by the Dixie Group. According to the Election Report the Dixie Group noticed the 200 individuals they deemed eligible to participate in the impending 2013 constitutional election by:

- Mailing an election notice and voting materials to each documented adult member of the Dixie Group
- Posting notice of the election at U.S. Post Offices in West Point, California and San Andreas, California
- Mailing multiple election reminders to the known members of the Dixie Group
- Announcing the election at each of the Dixie Group's monthly meetings
- Making the voter list available at the Dixie Group's monthly meetings
- Posting the eligible voter list at the Dixie Group's headquarters in Sheep Ranch

Organizing under the Indian Reorganization Act of June 18, 1934, 25 U.S.C. § 461 et. seq., requires a majoritarian participation of those individuals eligible to participate, and an eligible individual should not be denied the right to participate. The Bureau of Indian Affairs has the authority and responsibility to decline to recognize the results of tribal actions when those results are tainted by violations of the Indian Civil Rights Act (ICRA). See *United Keetoowah Band of Cherokee Indians v. Muskogee Area Director*, 22 IBIA 75 (1992). Further, the ICRA provides that no Indian tribe, in exercising powers of self-government, "shall deny any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law." 25 U.S.C. § 1302 (a) (8). In this instance, due process includes proper notice of the election to all known members of the Eligible Groups. My staff made a specific effort to consult with the Dixie Group and their attorneys to determine what, if any, effort was made to notify the Burley Group. The Dixie group was unable to provide any documentation showing the Burley group was provided notice of the election.

Consequently, this Office cannot endorse or approve this tribal action adopting the 2013 Constitution of the California Valley Miwok Tribe as the process in which it was ratified violated the civil rights of the Burley Group. I encourage the Tribe to consider turning its efforts to working together in coordination with the Superintendent, Central California Agency, in petitioning for a Secretarial Election under 25 C.F.R. Part 81.

This decision may be appealed to the Interior Board of Indian Appeals, 801 North Quincy Street, Arlington, Virginia 22203, in accordance with regulations in 43 CFR § 4.310 4.349. Your Notice of Appeal to the Board must be signed by you or your attorney and must be mailed within 30 days of the date you receive this decision. It should clearly identify the decision being appealed. If possible, attach a copy of the decision. You must send copies of your Notice of Appeal to (1) The Assistant Secretary-Indian Affairs, 4160 MIB, U.S. Department of the Interior, 1849 C Street, N.W. Washington, D.C. 20240, (2) each interested party known to you, and (3) this Office. Your Notice of Appeal sent to the Board must certify that you have sent copies to these parties. If you file a Notice of Appeal, the Board will notify you of further appeal procedures. If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extensions of time may be granted for filing a Notice of Appeal.

Sincerely,



Regional Director

cc: Superintendent, Central California Agency
Director, Bureau of Indian Affairs
Assistant Secretary – Indian Affairs, Department of the Interior

Exhibit C

To

Complaint for Declaratory and Injunctive Relief



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Central California Agency
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814-4710

IN REPLY REFER TO
TRIBAL OPERATIONS

FEB 15 2019

Dear Eligible Voter of the California Valley Miwok Tribe:

On December 21, 2018, the Regional Director, Pacific Region, Bureau of Indian Affairs, authorized the Superintendent, Central California Agency, Bureau of Indian Affairs, to call and conduct a Secretarial election on the proposed Constitution of the California Valley Miwok Tribe (Also known as Sheep Ranch Rancheria of Me-Wuk Indians of California) in accordance with Title 25 – Indians of the Code of Federal Regulations, Part 81 (25 CFR, Part 81). Therefore, all adult eligible voters of the California Valley Miwok Tribe are hereby advised that a Secretarial election is scheduled for April 15, 2019, for the purpose of the eligible voters to vote to adopt or reject the proposed Constitution.

SECRETARIAL ELECTION BOARD. In cooperation with the Spokesperson for the petitioners of the California Valley Miwok Tribe, the Superintendent of the Bureau of Indian Affairs, Central California Agency, appointed a Chairperson; subsequently, the Spokesperson provided the names of the appointed Tribal Representatives to serve on the Secretarial Election Board. The Secretarial Election Board is comprised of the following individuals:

Carol Rogers-Davis, Chairperson
Antoinette Lopez, Tribal Representative
Gilbert Ramirez, Jr., Tribal Representative

ELECTION MATERIAL. It shall be the duty and responsibility of the Secretarial Election Board to conduct the Secretarial election. The Board shall prepare all necessary documents and material for the successful conduct of the election. All matters pertaining to the Secretarial election shall be addressed to the Secretarial Election Board.

REGISTRATION. We are enclosing the following election material for your information and use in registering to vote in the Secretarial election: (1) Official Election Notice; (2) Voter Registration Form with pre-addressed, pre-paid envelope; (3) Sample Ballot; (4) Copy of the proposed Constitution. These election materials are being mailed to all adult eligible voters who are 18 years of age and older. **You must register to vote with the Secretarial Election Board if you intend to vote in this Secretarial election. Please sign, date and return the Voter Registration Form in the pre-addressed, pre-paid envelope to the Chairperson of the Secretarial Election Board, Bureau of Indian Affairs, Central California Agency, by 4:30 p.m., Friday, March 15, 2019.**

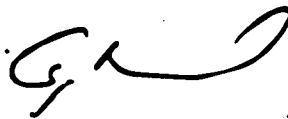
The List of Registered Voters will be posted on Monday, March 18, 2019, at the following locations: Bureau of Indian Affairs, Central California Agency, 650 Capitol Mall, Suite 8-500, Sacramento, California 95814; (2) Mountain Ranch Community Club, 8049 Washington Street, Mountain Ranch, California 95246. Challenges to the Registered Voters List must be received by the Secretarial Election Board at the Bureau of Indian Affairs, Central California Agency, by 4:30 p.m., Monday, March 25, 2019.

MAILOUT BALLOT. The Secretarial election shall be conducted entirely by U.S. Mail. There will be no polling site. The Secretarial Election Board upon receipt of the voter's completed Voter Registration Form shall send to the registered voter, a Mailout Ballot with instructions and a pre-paid, pre-addressed return envelope to permit the voter to vote by U.S. Mail. The Secretarial Election Board must receive the Mailout Ballot at the Bureau of Indian Affairs, Central California Agency, 650 Capitol Mall, Suite 8-500, Suite 8-500, Sacramento, California 95814 via U.S. Mail or by hand delivery to the Central California Agency, by 4:30 p.m., Monday, April 15, 2019.

POSTING OF ELECTION NOTICE/RESULTS. The Election Notice and a copy of the proposed Constitution, and the Election Results will be posted at the following locations: (1) Bureau of Indian Affairs, Central California Agency, 650 Capitol Mall, Suite 8-500, Sacramento, California 95814; (2) Mountain Ranch Community Club, 8049 Washington Street, Mountain Ranch, California 95246.

Please contact Carol Rogers-Davis, Chairperson, Secretarial Election Board, at (916) 930-3794 should you require additional information regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Burdick', with a stylized flourish at the end.

Troy Burdick
Superintendent

Enclosures



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Central California Agency
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814-4710

IN REPLY REFER TO

FEB 15 2019

NOTICE SECRETARIAL ELECTION CALIFORNIA VALLEY MIWOK TRIBE

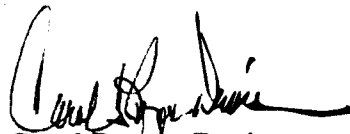
To: Adult Eligible Voters of the California Valley Miwok Tribe

You are hereby advised that a Federal supervised Secretarial election is scheduled for April 15, 2019, for the eligible voters of the California Valley Miwok Tribe to adopt or reject the proposed Constitution of the California Valley Miwok Tribe (Also known as Sheep Ranch Rancheria of Me-Wuk Indians of California).

The United States Department of the Interior, Bureau of Indian Affairs, Central California Agency, is conducting the Secretarial election entirely by Mailout Ballot in accordance with the regulations contained under Title 25 – Indians, Code of Federal Regulations, Part 81. There will be no Polling site.

Eligible Voters who are 18 years of age or older on the date of the Secretarial election and are registered to vote in the Secretarial election shall be entitled to vote on the adoption or rejection of the proposed Constitution. A Secretarial election Notice, Voter Registration Form with return envelope, sample Mailout Ballot, and a copy of the proposed Constitution are being mailed to all eligible voters listed on the Tribe's Eligible Voter Roster. The Registered Voters List and the Results of the Secretarial election will be posted at the following locations: (1) Bureau of Indian Affairs, Central California Agency, 650 Capitol Mall, Suite 8-500, Suite 8-500, Sacramento, California 95814; (2) Mountain Ranch Community Club, 8049 Washington Street, Mountain Ranch, California 95246. The Secretarial Election Board must receive challenges to the Registered Voters List by 4:30 p.m., Monday, March 25, 2019.

You must register to vote with the Secretarial Election Board by 4:30 p.m., Friday, March 15, 2019, if you intend to vote in this Secretarial election. Please contact the Secretarial Election Board at (916) 930-3794 should you have any questions, regarding this Secretarial election.


**Carol Rogers-Davis
Chairperson
Secretarial Election Board**

**SECRETARIAL ELECTION
VOTER REGISTRATION FORM**

Last Name	First Name	Middle Name	Jr/Sr/III
Address <u>where you live</u>			
City	State	Zip Code	
Address <u>where you get your mail</u> (if mail is not delivered to your home)			Date of Birth

I hereby certify that I am an eligible voter of the **California Valley Miwok Tribe** and that I am at least 18 years of age or will be at least 18 years of age on the date of the Secretarial election **April 15, 2019**.

Signature (*must sign to be valid*)

(Date)

- Completing and returning this registration is necessary if you desire to vote in the forthcoming Secretarial election;
- This form, upon completion and return to the Secretarial Election Board, will be the basis for determining whether your name will be placed upon the list of registered voters, and therefore may receive a ballot;
- Completion and return of this form is voluntary, but failure to do so will prevent you from participating in the Secretarial election;
- Print your name and address;
- Sign your name and date; and
- Return this Voter Registration Form in the pre-addressed envelope provided.

PRIVACY ACT STATEMENT

25 CFR Part 81 authorizes the collection of this information. The information is confidential and is never disclosed without written clearance and consent of the applicant. The primary use of this information is to determine an Indian individual's eligibility to vote in a Secretarial election. Additional disclosures of this information may be to other BIA or tribal officials in the conduct of their official duties pertaining to the preparation for and conduct of a Secretarial election, or in the conduct of program review and to the Office of Inspector General or the General Accounting Office when conducting an audit of BIA Programs, or local Law Enforcement agency when the agency becomes aware of violation or possible violation of civil or criminal law, and to the General Services Administration in connection with its responsibility for records management. This information will be entered into the BIA, Tribal Rolls, Interior/BIA-7 (76 FR 59733), which can be obtained upon request from the Chief, Division of Tribal Government Services, 1849 C Street, N.W., MS-3645-MIB, Washington DC 20240. No record contained therein may be disclosed by any means of communication to any person, or to another agency, except pursuant to a written request by, or with prior written consent of the individual to whom the records pertains.

Under the Privacy Act, BIA may not give out your information except that BIA may share the information with other Federal, State, and Tribal offices and programs that have a responsibility to facilitate the Secretarial election. The information can also be given to those agencies for law enforcement purposes. This can be done without your consent. For any other person or program wanting information from your case file, you must first give your written consent. You have the right to know what records exist on you and you can ask to see them. If you believe some information in on you is inaccurate, you may contact the Chief, Division of Tribal Government Services, to request a correction.

PAPER WORK REDUCTION ACT STATEMENT

This information is being collected to determine eligibility for voting in a Secretarial election. Response to this collection is required to obtain benefits under 25 CFR 81. A Federal Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Public reporting for this form is estimated to average 15 minutes per response, including the time for reviewing instructions, gathering and maintaining data, completing the form. Direct comment regarding the burden estimate or any other aspect of this form to: Information Collection Clearance Officer, Office of Regulatory Affairs & Collaborative Action – Indian Affairs, 1849 C Street, N.W., MS-3642-MIB, Washington, D.C. 20240.

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Indian Affairs
Central California Agency
650 Capitol Mall, Suite 8-600
Sacramento, CA 95814

OFFICIAL BUSINESS
Penalty for Private Use, \$300

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FIRST-CLASS MAIL

US POSTAGE



\$00.50⁰

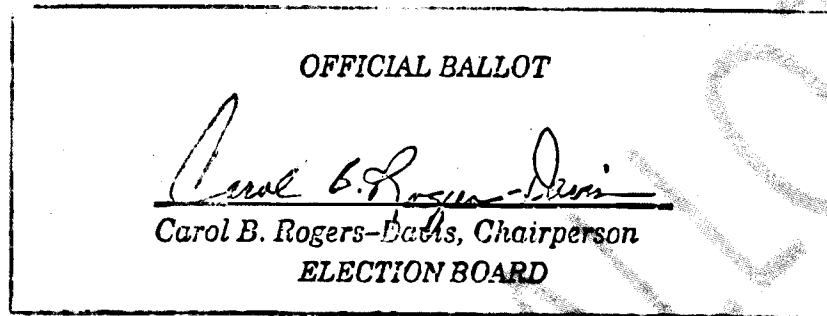
US OFFICIAL MAIL
\$300 Penalty
For Private Use
ZIP 95814

011D11500802

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
CENTRAL CALIFORNIA AGENCY
POST OFFICE BOX 15346
SACRAMENTO, CALIFORNIA 95851

**CALIFORNIA VALLEY MIWOK TRIBE
SECRETARIAL ELECTION – APRIL 15, 2019**

A Secretarial election called by the Secretary of the Interior under the provisions of the Indian Reorganization Act, as amended, to vote on the adoption or rejection of the proposed Constitution of the California Valley Miwok Tribe (Also known as the Sheep Ranch Rancheria of Me-Wuk Indians of California).



Shall the proposed Constitution of the California Valley Miwok Tribe (Also known as the Sheep Ranch Rancheria Me-Wuk Indians of California) BE ADOPTED by the eligible voters of the California Valley Miwok Tribe?

MARK AN "X" IN THE BOX OF YOUR CHOICE:

☐

**YES
(IN FAVOR OF)**

☐

**NO
(AGAINST)**

**The CONSTITUTION
OF THE
CALIFORNIA VALLEY MIWOK TRIBE
(ALSO KNOWN AS
SHEEP RANCH RANCHERIA OF ME-WUK INDIANS OF CALIFORNIA)**

PREAMBLE

We, the People of the California Valley Miwok Tribe (a.k.a. Sheep Ranch Rancheria of Me-Wuk Indians of California) do hereby establish this Constitution, in respect for our ancestors and future generations, in order to protect the rights of the Tribe and its members as a sovereign nation, to preserve and advance our cultural identity, to promote the general welfare of our people and descendants, and for the conduct of the affairs of our community within this legal structure.

HISTORY

The Act of April 30, 1908 (35 Stat. 70-76) authorized the purchase of land for homeless Indians. A federal census on August 13, 1915 identified twelve Me-Wuk Indians living near the town of Sheepranch (now Sheep Ranch), California, as "the remnant of once quite a large band of Indians in former years living in and near the old decaying mining town known and designated on the map as Sheepranch," and noted they were "to some extent. .. interchangeable in their relations" with the Indians of nearby Murphys, Six-Mile, Avery and Angels Camp. Their ancestors dated back several thousand years into pre-historic times.

The United States purchased land for the benefit of these Indians, which later became known as the Sheep Ranch Rancheria. In 1935, the Tribe voted to become organized under the Indian Reorganization Act of 1934. In 1965, the Federal government prepared a distribution plan for the assets of the Tribe for the purposes of the California Rancheria Act; however, unlike other rancheria tribes, this Tribe was never terminated.

The lineal descendants of (i) the Tribal members identified on the 1915 census, (ii) those who voted in the 1935 election, and (iii) those identified in the 1965 distribution plan became known, by the Bureau of Indian Affairs, as the Eligible Groups-those making up the Tribal community who had the right to participate in the organization of the Tribe. In addition, many other members came and went from the Sheep Ranch Rancheria over the decades after 1915; and the Tribe existed as a network of related families with regional ceremonies. These members of the tribal community were identified in the 1929 Federal Indian Census Roll for Calaveras County, and the Tribe included the Mewuks on that census as members.

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In 1979, the Federal government began publishing a list of federally recognized tribes in the Federal Register; and therein, the Tribe was identified as: "Sheep Ranch Rancheria of Me-Wuk Indians of California". Then, in 2002, the name was changed in the Federal Register to "California Valley Miwok Tribe (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)".

In 2006, the Tribe adopted a provisional constitution, and Tribal Council thereunder ("2006 Council"), for the purpose of establishing an interim Tribal government and completing the organization of the Tribe. In 2013, the Tribe voted to ratify a Tribal Constitution, and Tribal Council thereunder ("2013 Council"), which has governed the Tribe since that time. The Tribe intends that this Constitution shall replace and supersede any and all prior Tribal constitutions or other Tribal governing documents.

From its earliest inception, up to this Constitution, the Tribe remained governed by Me-Wuk tradition, which is centered around the values of a shared identity, mutual support, openness, consensus among the members and a "*toko hyapo*" or spokesperson. These customs continue to influence the conduct of the Tribe, as implemented by this Constitution.

ARTICLE I – TERRITORY & JURISDICTION

§ I(a) – TERRITORY. The territory of the Tribe shall include, to the fullest extent possible consistent with Federal law, all lands, water, property, airspace, surface and subsurface rights, and other natural resources (i) in which the Tribe now or in the future has any interest, (ii) which are owned now or in the future by the United States for the exclusive or non-exclusive benefit of the Tribe or for individual tribal members, or (iii) which are located within the boundaries of a reservation which may be established for the Tribe, notwithstanding the issuance of any right-of-way.

§ I(b) – JURISDICTION. Except as prohibited by Federal law or this Constitution, the Tribe shall have jurisdiction over all tribal members and over all persons, subjects, property and all activities occurring within its territory, as defined above in this Article. Nothing in this Article shall be construed to limit the ability of the Tribe to exercise its jurisdiction, based upon its inherent sovereignty as an Indian tribe.

§ I(c) – HEADQUARTERS LOCATION. The traditional and cultural headquarters of the Tribe is the site of the Tribe's historic Rancheria at Sheep Ranch, California. In addition, the Tribal Council may designate the Tribe's administrative headquarters and reservation property as being at another location owned by the Tribe in fee or owned by the United States in trust on behalf of the Tribe.

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ARTICLE II – MEMBERSHIP

§ II(a) – ELIGIBILITY FOR MEMBERSHIP. The following individuals are eligible for membership in the Tribe, provided they are not enrolled, or otherwise formally recognized, as a member of another Federally recognized Indian tribe.

§ II(a)1 – Eligible Groups. Any lineal descendant of one of the 13 historical members identified in the following documents:

(i) the Census of the Indians at and near Sheepranch in Calaveras County, California, by Special Indian Agent John Terrell, dated August 13, 1915. The 12 members identified in those documents are:

Peter Hodge	Tom Hodge	Mrs. Limpey (Rose Davis)
Annie Hodge	Andy Hodge	John Tecumchey
Malinda Hodge	Jeff Davis	Pinkey Tecumchey
Lena Hodge	Betsey Davis	Mamy Duncan

(ii) the Approved List of Voters for Indian Reorganization Act of Sheep Ranch Rancheria (Calaveras County) dated June 6, 1935 and approved by Sacramento Indian Agency Superintendent O.H. Lipps. The sole member identified in that document is:

Jeff Davis (also identified in Article II(a)(1)(i) above)

(iii) the Plan for Distribution of the Assets of the Sheep Ranch Rancheria, dated August 18, 1966 and approved by Commissioner of Indian Affairs Robert L. Bennett. The sole member identified in that document is:

Mabel Hodge Dixie

[Article II continues on next page]

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§ II(a)2 – Census of 1929. Any one of the persons identified as exclusively “Mewuk” (as opposed to “Mewuk-Tuolumne” or “Tuolumne-Mewuk”) in the Indian Census Roll for Calaveras County, dated June 30, 1929, taken by L.A. Dorrington, Superintendent, Bureau of Indian Affairs Sacramento jurisdiction, or any lineal descendant of such a person. The persons identified as exclusively “Mewuk” in the 1929 census are:

Barry, Lizzie	Eaph, Wilbur	Jack, Lyda	Shelton, John
Butler, Daisy	Fuchs, Elmira	Jeff, Hemptie	Shelton, Lena J.
Butler, Earl	Fuchs, Paul F.	Jeff, John	Shelton, Stephen
Butler, Frank	Geto, Alice	Jeff, Lennie	Shrum, Emma
Butler, Gus	Geto, Florence	Jeff, Manuel	Shrum, Georgia
Carlton, Lucile	Geto, Frank	Jeff, Ray	Shrum, James E.
Carsoner, Dan	Geto, Jeanette	Jeff, Susner	Sissel, Abbie
Carsoner, Mary	Geto, Laura	Jeff, Tessie	Sissel, Jesse
Carsoner, Tom	Geto, Louis	Jeff, Tillie	Sissel, Mayme
Cartega, Billy	Geto, Mary	Jeff, Walter	Swanson, Adeline D.
Cartega, Mary	Gold, Bernal E.	Learned, Albert	Swanson Irene
Cassella, Charles	Gold, Sherwood D.	Learned, Oscar	T(F)ecumseh, John
Cassella, Ellwood	Hunter, Annie	Lincoln, Abraham	T(F)ecumseh, Pinky
Cassella, Eugene	Hunter, James	McBath, Thomas J.	Vallencia, Charles
Cassella, Lawrence	Hunter, Nettie	Mose, Alva	Vallencia, Gertrude
Crosby, Edith	Hern(m)andez, Hattie	Mose, Angie	Vallencia, Joseph
Crosby, Helen	Herzer, Andrew C.	Mose, Dewey	Vallencia, William
Crosby, Nora	Herzer, Clarence	Mose, Eva	Weirich, Clara
Crosby, Raymond	Herzer, Eleanor	Mose, Irene	Wilson, Charles
Crosby, Stanley	Herzer, Larence F.	Mose, Lester	Wilson, Ella
Davis, Betsy	Herzer, Louis F.	Mose, Lulu	Wilson, George
Davis, Jeff	Herzer, Lula	Mose, Violet	Wilson, George W.
Davis, Limpy	Herzer, Phillip	O’Cormor, Lillie	Wilson, Harry
Davis, Margaret	Herzer, Vernon G.	O’Cormor, Pedro	Wilson, Henry
Davis, May	Hodge, Mabel	Ross, Charlotte	Wilson, Lillie
Dixie, Joe	Hodge, Tex	Ross, Ida	Wilson, Luther
Dixie, Mary	Hodges, Andrew	Ross, Juanita	Wilson, Steve
Eaph, Andy	Hodges, Inez	Ross, Robert	Wilson, Viola
Eaph, Edna	Hodges, Patterson	Ross, Vincent	Yale, Alta C.
Eaph, John	Hodges, Thomas	Sawyer, Maggie	Yale, Edmund S.
Eaph, Lillie	Jack, Charles	Shelton, Charlie	Yale, Juline
Eaph, Mallinnie	Jack, Edna	Shelton, Charlotte	Yale, Tyler S.
Eaph, Rowena	Jack, James	Shelton, Dora	
Eaph, Virginia	Jack, Lavina	Shelton, Elsie	

§ II(a)3 – Other Me-Wuk Descendants. Any lineal descendant of any other Me-Wuk Indian, in addition to those named as Mewuk on the 1929 census and listed in Article II(a)(2), who was born in Calaveras County and lived in Calaveras County at the time of the 1929 census, as determined by the Tribal Council through a process adopted by Tribal Resolution.

§ II(a)4 – Lineal Descent From An Enrolled Tribal Member. Any person who is born to an existing Tribal member is, by lineal descent, eligible to be enrolled as a member of the Tribe.

§ II(b) – ACCEPTANCE OF MEMBERSHIP. Any individual eligible to become a Tribal member shall apply for enrollment as a Tribal member by submitting their genealogy and evidence in proof of the criteria cited in Article II(a)(1-4), to the Tribe’s Enrollment Committee or other authority as designated in the Enrollment By-Laws. The Tribal Council may specify, in

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By-Laws, requirements for evidence to be deemed acceptable in proof of the membership criteria in §§ II(a)(1-4), and other rules and procedures to govern the Tribe's enrollment process. Upon verification by the Enrollment Committee or other designated authority, the Secretary or its designee shall (i) add the new member's identification in the Tribal membership roll, (ii) issue the new member a tribal enrollment number, and (iii) induct the new member into the Tribe by ceremony as prescribed by the Tribal Council.

§ II(c) – RIGHTS OF MEMBERS.

There is only one class of membership; and any person who is a member under §§ II(a)-II(b) of this Article shall have full and equal rights as any other member under this Constitution, subject to sanctions and/or loss of membership as provided in Article II(d).

§ II(d) – LOSS OF MEMBERSHIP AND SANCTIONS.

§ II(d)1 – Loss Of Membership. A member of the Tribe may not lose one's membership involuntarily nor be dis-enrolled for any reason other than providing erroneous facts about the person's lineage during the Enrollment process or having membership in another Federally Recognized tribe.

§ II(d)2 – Sanctions Against Members. On a case-by-case basis, the Tribal Council may sanction a member for a justifiable cause by withdrawing or suspending tribal benefits and privileges. Such sanctioning shall be done in writing and in accordance with the procedures established in By-Laws. Such sanctions shall not include the loss of tribal membership. Regardless of the number of Tribal Council members present or voting, any sanction imposed against a Tribal member pursuant to this Article II(d)(2) shall require the affirmative vote of at least six (6) members of the Tribal Council.

§ II(d)3 – Reinstatement Of Tribal Benefits And Privileges. Any person who has been sanctioned pursuant to § II(d)2, as above, may have the benefits and privileges of Tribal membership restored in accordance with procedures established in By-Laws.

§ II(d)4 – Appeal Of Loss Of Membership Or Sanctions. Any person who has been dis-enrolled or sanctioned may appeal to the Tribal Court in accordance with the procedures established in By-Laws.

§ II(e) – MEMBERSHIP ROLL. The Enrollment Committee shall maintain the membership roll of all current and former tribal members.

§ II(f) – OATH OF MEMBERSHIP. A member, upon becoming 18 years of age and therefore qualified, shall read this Constitution and sign an oath to uphold the Constitution and to pledge one's allegiance to the Tribe; and this oath shall be prescribed in the By-Laws.

§ II(g) – MEMBERSHIP BY-LAWS. The Tribal Council shall enact By-Laws related to Tribal membership, defining the specific procedures which govern the enrollment and other conditions of membership.

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ARTICLE III – GOVERNANCE

§ III(a) – GOVERNING BODIES. The governance of the Tribe shall be: the Tribal Electorate [Article IV], the Tribal Council [Articles V & VI], and the Tribal Court [Article VII].

ARTICLE IV – TRIBAL ELECTORATE

§ IV(a) – THE TRIBAL ELECTORATE. The Tribal Electorate shall be all adult members (18 years of age or older) of the Tribe. The Tribal Electorate is at-large and not segmented into geographical districts. The Tribal Electorate votes for and thereby establishes the Tribal Council (Article V). Also, the Tribal Electorate may remove a Tribal Council member(s) and fill Vacancies (Article IX & X); and make Initiatives and Referenda (Article XI) and make Amendments to the Constitution (Article XVI). The power of the Tribal Electorate shall be restricted exclusively to those functions.

ARTICLE V – TRIBAL COUNCIL

§ V(a) – TRIBAL COUNCIL. The representative governing body of the Tribe shall be the Tribal Council elected by the Tribal Electorate. The Tribal Council shall exercise the powers of the legislative branch of the Tribal government (e.g., by enacting the By-Laws and Administrative Codes) and the executive branch of the Tribal government (e.g., by ensuring that Tribal law is carried out) as provided in this Constitution. There shall be seven (7) members of the Tribal Council, which shall consist of a Chairperson, a Vice Chairperson, a Secretary, a Treasurer, and three (3) At-Large Members. All Tribal Council members shall be enrolled members of the Tribe, who are members of the Tribal Electorate and who have been elected in accordance with this Constitution by the procedures in Article IX.

§ V(b) – CHAIRPERSON. The Tribal Council shall have one position of Chairperson who shall be at least thirty-five (35) years of age. The Chairperson is a voting member of the Council.

§ V(b)1 – Duties Of Chairperson. The Chairperson is the presiding officer of the Tribal Council. The duties of the Chairperson shall include, but are not limited to, organizing the meetings and agenda for the deliberation and voting of the Tribal Council, presiding at all meetings of the Tribal Council and at General Meetings of the Tribal Electorate, administering the meetings and proceedings of the Tribal Council, over-sight of all administrative activities of the Tribe, certifying all Tribal enactments, and coordinating communication of the tribal activities to the membership. These functions may be delegated to others by the Chairperson but such delegation is subject to the over-sight of the Chairperson.

§ V(c) – VICE CHAIRPERSON. The Tribal Council shall have one position of Vice Chairperson who must be at least thirty-five (35) years of age.

§ V(c)1 – Duties of Vice Chairperson. The duties of the Vice Chairperson shall include, but are not limited to, assisting the Chairperson and substituting for the Chairperson in the absence of that official.

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§ V(d) – SECRETARY. The Tribal Council shall have one position of Secretary who must be at least thirty (30) years of age.

§ V(d)1 – Duties of Secretary. The duties of the Secretary shall include, but are not limited to: taking roll call at all meetings, maintaining the minutes of all meetings, providing agendas for all meetings, attesting all Tribal enactments, overseeing the maintenance of the Tribal membership roll by the Enrollment Committee or other designated authority, and maintaining all the correspondence for the Tribe.

§ V(e) – TREASURER. The Tribal Council shall have one (1) position of Treasurer who must be at least thirty (30) years of age.

§ V(e)1 - Duties of Treasurer. The duties of the Treasurer shall include, but are not limited to, overseeing the fiduciary affairs of the Tribe and making reports as needed to the Tribal Council.

§ V(f) – AT-LARGE MEMBERS. The Tribal Council shall have three (3) At-Large members, who must be at least thirty (30) years of age. The At-Large members shall perform functions as may be assigned by the Council. These are voting members of the Council.

§ V(g) – ADJUVANT COUNCILS. The Tribal Council shall establish a Council of Elders, a Council of Youth, or other *ad hoc* Councils as deemed appropriate, pursuant to By-Laws, to serve in an advisory capacity to the Tribal Council. Representatives of these Adjuvant Councils are elected by a majority of the Tribal Council, and they may attend Council meetings, and address, and advise the Council. However, these are non-voting positions with respect to the actions of the Tribal Council.

§ V(h) – TRIBAL COUNCIL TERMS OF OFFICE. The terms of office for all Tribal Council members including the Chairperson and Vice Chairperson shall be four (4) years except as provided for in Section IX(d) - The First Election. There shall be no limitations on serving consecutive terms on the Tribal Council.

§ V(i) – DUTIES OF THE TRIBAL COUNCIL. The duties of the Tribal Council members include, but are not limited to, those functions enumerated in this Constitution. Other functions and duties shall be defined by By-Laws pursuant to § V(1) of this Article.

§ V(j) – MEETINGS OF THE TRIBAL COUNCIL.

§ V(j)1 – Regular Monthly Meetings. The Tribal Council shall hold regular meetings, once per month. These meeting shall be open to the members, except closed-session meeting for personnel matters and other issues considered confidential under State or Federal law. The Tribal Council shall establish requirements for notice of regular meetings of the Tribal Council. The Tribal Council shall provide notice of such meetings to the Tribal Electorate by U.S. Mail, e-mail or other appropriate means of written communication.

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§ V(j)2 – Special Meetings. The Chairperson or any three (3) other members of the Tribal Council may call special meetings of the Tribal Council. Adequate notice of all special meetings (in terms of subject and timing) shall be given to all members of the Tribal Council as defined in By-Laws.

§ V(j)3 – Rules Of Order. The meetings of the Tribal Council shall be conducted according to rules-of-order as defined in By-Laws.

§ V(j)4 – Recording. At each regular or special meeting of the Tribal Council, a recording of the proceedings shall be made. The Secretary or other person appointed by the Tribal Council shall take minutes of the meeting. The minutes of each regular or special meeting of the Tribal Council shall be preserved by the Tribal Council and made available to tribal members in accordance with By-Laws.

§ V(j)5 – Quorum. A quorum is required at all regular or special Tribal Council meetings in order to conduct official business of the Tribal Council. In no case shall a quorum be fewer than four (4) members of the Tribal Council, regardless of the number of Tribal Council office holders.

§ V(j)6 – Voting. Except as otherwise provided in this Constitution, the Tribal Council shall make enactments by a majority vote of a quorum of the Tribal Council. All Tribal Council members, including the Chairperson and Vice Chairperson, shall have the power to vote. Proxy voting in the Tribal Council is prohibited. The Tribal Council may adopt Tribal By-Laws, consistent with this Constitution, to establish additional voting procedures for the Tribal Council.

§ V(k) – CODE OF ETHICS. The Tribal Council shall have the power to adopt a Code of Ethics by appropriate By-Law which governs the conduct of tribal officials - Council and Administrative. The Code of Ethics may include disciplinary procedures so long as the official in question is informed in writing of the charges and given an opportunity to respond to those charges, including the opportunity to present witnesses and other evidence in one's own defense.

§ V(l) – BY-LAWS OR ENACTMENTS. The Constitution shall not be changed except by the Amendment process as defined in Article XVI. All enactments of the Tribal Council under the authority of the Constitution shall be termed a By-Law to the Constitution as described below and shall be certified by the Tribal Chairperson and attested by the Secretary in all instances.

§ V(l)1 – Tribal Laws. A Tribal Law is a By-Law to the Constitution that is enacted and certified by the Tribal Council to regulate the conduct or actions of its members, the officers of its government, the administration of programs, and the governmental process.

§ V(l)2 – Tribal Resolutions. A Tribal Resolution is a By-Law to the Tribal Laws that represents a formal expression of position, opinion, will, or intent as voted by the Tribal Council. A Resolution may be an interpretation by the Tribal Council about the meaning of a particular segment of the Constitution, a Law, or an Administrative Regulation, prior to or other than a judicial interpretation by the Tribal Court. Tribal Resolutions shall be titled according to the date of enactment, the type of enactment, and a descriptor – e.g.,

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yyyy-mm-dd-Resolution-descriptor. Resolutions shall be journaled in chronologically ordered enactments.

§ V(l)3 – Tribal Proclamation Or Executive Order. A Tribal Proclamation or Executive Order is an expression of an intent of the Tribal Council and has no scope or duration except as specified within the Proclamation or Order. Tribal Proclamation or Executive Order shall be titled according to the date of enactment, the type of enactment, and a descriptor – e.g., *yyyy-mm-dd-Proclamation/Executive Order-descriptor*.

§ V(l)4 – Tribal Administrative Regulation. A Tribal Administrative Regulation is a By-Law which implements administrative procedures of a Tribal Law or Resolution as enacted by the Tribal Council. Tribal Administrative Regulations shall be titled according to the date of enactment, the type of statute, and a descriptor – e.g., *yyyy-mm-dd-Administrative-Regulation-descriptor*. And they shall be both journaled in chronologically ordered By-Laws and codified in a Code of Administrative Regulations.

ARTICLE VI – POWERS OF THE TRIBAL COUNCIL

§ VI(a) – PLENARY POWERS. Except for the power allocated to the Tribal Electorate in the holding of Elections (Article IX), Removal and Vacancy (Article X), Initiative and Referendum (Article IX), and Amendments to the Constitution (Article XVI), the Tribal Council is the sole authority to exercise all powers that are vested in the Tribe through its inherent sovereignty or through federal law. The Council shall execute these powers in accordance with this Constitution. These powers shall include, but are not limited to, the following:

§ VI(a)1 – Representations. To represent the Tribe and act in the name of the Tribe in all matters that concern the Tribe and to make decisions for the Tribe in a manner that is consistent with this Constitution;

§ VI(a)2 – Contracts. To negotiate and enter into contracts with the federal, state, and local governments and other tribal governments and with individuals, associations, corporations, enterprises, or organizations;

§ VI(a)3 – Business Entities. To create Tribal entities to operate businesses that are conducted by a wholly-owned, subordinate entity of the Tribe; and invest as majority or minority interest in a business entity other than one which is wholly-owned by the Tribe;

§ VI(a)4 – Property. To purchase or accept any land or property for the Tribe;

§ VI(a)5 – Inherited Property. To enact laws which regulate the use, disposition, and inheritance of all real property within the Territory of the Tribe, as defined in Article I;

§ VI(a)6 – Assets. To prevent, veto or approve the sale, disposition, lease, or encumbrance of tribal lands, interests in land, tribal funds or other tribal assets;

§ VI(a)7 – Legal Counsel. To employ attorneys and other legal counsel;

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§ VI(a)8 – Domestic Relations. Within the territorial jurisdiction of the Tribe and within the limitations of Article XIV – Civil Rights, to enact laws which regulate the domestic relations of persons;

§ VI(a)9 – Individual Conduct. Within the territorial jurisdiction of the Tribe and within the limitations of Article XIV – Civil Rights, to enact laws which regulate the conduct of individual persons;

§ VI(a)10 – Removal. To provide for the removal or exclusion of any member or non-member of the Tribe whose presence may be injurious to members of the Tribe and to prescribe conditions upon which any member or non-member may remain within the Territory of the Tribe;

§ VI(a)11 – Assessments. To levy and collect taxes, duties, fees, and assessments on individuals and entities;

§ VI(a)12 – Allocations of Money. To appropriate and regulate the use of tribal funds;

§ VI(a)13 – Business Activities. To regulate all business activities within the jurisdiction of the Tribe and to manage all tribal economic affairs and enterprises;

§ VI(a)14 – Health and Safety. To regulate all matters and to take all actions necessary to preserve and safeguard the health, safety, welfare, and political integrity of the Tribe;

§ VI(a)15 – Appointments. To appoint subordinate committees, commissions, boards, tribal officers, and employees and to set their compensation, tenure, and duties;

§ VI(a)16 – Legal Enactments. To enact Tribal Laws, Resolutions, and Proclamations and regulations that are necessary or incidental to the exercise of its legislative powers.

§ VI(b) – INITIAL TRIBAL COUNCIL. In order to maintain continuity of operations, after the adoption of this Constitution, the first Tribal Council shall consist of the following members:

Velma WhiteBear
Antonia Lopez
Michael Mendibles
Iva Sandoval
Antoinette Lopez
Gilbert Ramirez, Jr.

Any person appointed to the Tribal Council to fill the vacancy created by the death of former Tribal Council member Yakima Dixie on December 12, 2017.

That Tribal Council will stay in office until the Federal government has recognized the results of a Secretarial or Tribal election ratifying this Constitution, and thereafter until new Tribal Council members are elected as provided in Article IX(d). Prior to the first election held to elect new Tribal Council members as provided in Article IX(d), if any Tribal Council seat becomes vacant,

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the Tribal Council may make appointments to fill any vacant Tribal Council seats, without regard to the procedures for filling a vacancy provided in Article X(c)(1).

ARTICLE VII – TRIBAL COURT

§ VII(a) – ESTABLISHMENT. The Tribal Council shall establish the Tribal Court System by a By-Law entitled “Law for the Tribal Court System”; and the judicial power for the Tribe shall be vested in that Tribal Court. The Tribal Court System shall include the Tribal Court, itself, and such other lower courts of special jurisdiction, including forums for traditional dispute resolution, as the Tribal Council may deem necessary. There shall also be a Court of Appeals which shall be the court of last resort for all cases filed within the Tribal Court System.

§ VII(b) – BY-LAWS. The By-Laws for the Tribal Court System shall define such issues as: Jurisdiction; Appointment of Judges; Qualification of Judges; Compensation; Removal of Judges; and Court Procedures and Due Process.

§ VII(c) – INITIAL COURT. During the first five (5) years or sixty (60) months after the acceptance of this Constitution, the Tribal Council shall act as the Tribal Court and shall commission a local, qualified attorney with judicial experience as the Court of Appeals. The procedures for this intermediate, transitional Jurisdiction shall be defined in the By-Laws for the Tribal Court that shall be adopted within the first year after the ratification of this Constitution.

§ VII(d) – INITIAL DETERMINATIONS. The determinations of this Initial Court shall be treated as By-Laws, to which subsequent Court cases may refer as res judicata or as stare decisis.

ARTICLE VIII – TRIBAL ADMINISTRATION

§ VIII(a) – ADMINISTRATIVE OFFICERS AND STAFF. The Tribal Administration shall consist of officers and staff who are appointed by majority vote of the Tribal Council. The Tribal Administration shall oversee the implementation and management of the Tribe’s business and programs and deal with the day-to-day, specific operations of the Tribe. The Tribal Administration shall be subordinate to the Tribal Council; and a Tribal member shall serve on all administrative entities. This Administration shall be regulated by the By-Laws for Tribal Administration practices and policy.

ARTICLE IX – ELECTIONS

§ IX(a) – ELECTION PROCEDURES. The elections shall be conducted according to the procedures as defined in Election By-Laws. The Tribal Council positions of Chairperson, Vice Chairperson, Secretary, and Treasurer are elected to those specific offices and the remaining three (3) Tribal Council positions are at-large and not by an election district.

§ IX(b) – GENERAL ELECTIONS. The Tribal Electorate (Article IV) shall vote on the election of Tribal Council positions (Article V) in the general elections. The Tribal Council shall establish a regular date for elections to the Tribal Council after the first election held in accordance with Article IX(d).

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§ IX(c) – SPECIAL ELECTIONS. The Tribal Electorate (Article IV) shall vote on the recall of Tribal Council members (Article X(b)), Initiatives and Referenda (Article XI), Amendments to the Constitution (Article XVI), and other special elections, when called for by the Tribal Council, by this Constitution, or by the Tribal Electorate as provided for in this Constitution or appropriate By-Laws.

§ IX(d) – THE FIRST ELECTION. Given the provisions in § VI(b) for the Initial Tribal Council to serve until the Federal government has recognized the results of an election ratifying this Constitution, the first General Election shall be held within two (2) years after that recognition. The Council positions shall have staggered terms of office for the first elected Tribal Council. The initial, elected Chairperson, Vice Chairperson, and Treasurer shall serve for a term of six (6) years. The Secretary and remaining three (3) At-Large Tribal Council members shall serve for a term of four (4) years. After this initial variation, all Tribal Council positions shall be for a term of four (4) years.

§ IX(e) – ELECTION BOARD. The Tribal Council shall appoint an Election Board to conduct all elections including all special elections. The Election Board shall consist of five (5) tribal members of which one (1) shall be age 55 or older, another between the ages of 35 and 54, and another between the ages of 18 to 34 – provided that all members of the Election Board shall be at least 18 years of age. An Election Board member shall not be a candidate for a position on the Tribal Council. All Election Board members shall serve for a specific term of office as established in the By-Laws for Tribal Elections. The Election Board may appoint clerks, poll-workers, and others to assist the Election Board in conducting the election. In the absence of a sufficient number of Tribal members to fill the Election Board, the Tribal Council may hire non-member professionals for necessary functions.

§ IX(f) – NOMINATIONS. For all elections of Tribal Council members, the Election Board shall conduct a Nomination Meeting among the Tribal Electorate to accept a nomination of the candidates for the available Tribal Council seats. Notice of the Nomination Meeting shall be mailed to the Tribal Electorate at least thirty (30) days prior to the Nomination Meeting. This Nomination Meeting shall be at least sixty (60) days prior to the election date. At the Nomination Meeting, members of the Tribal Electorate may submit nominations for any vacant seat. The Election Board shall mail a notice regarding the qualified candidates to all of the Tribal Electorate at least thirty (30) days prior to the election date. The particulars of the nomination process shall be defined in the By-Laws for Elections.

§ IX(g) – QUALIFICATIONS FOR TRIBAL COUNCIL. Persons who are nominated to run for the Tribal Council seats must be on the Tribal membership roll and meet the age requirements which are set forth in Article V on or before the date of the election.

§ IX(h) – ELIGIBLE VOTERS. All members of the Tribal Electorate, as defined in Article IV, shall be eligible to vote in any General Election or Special Election and are automatically registered as eligible voters for each such election.

§ IX(i) – BALLOTS. All voting at regular and special elections shall be done by secret written ballot.

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§ IX(j) – ABSENTEE BALLOTS. Absentee voting shall be permitted pursuant to provisions in a By-Law.

§ IX(k) – ELECTION RESULTS. The Election Board shall certify the results of an election within three (3) days after the election day. The candidates receiving the highest number of votes for each available position shall be declared members of the Tribal Council.

§IX(l) – TIE VOTES. Tie votes between two (2) or more candidates shall be decided in a run-off election of the Tribal Electorate. If a run-off election ends in another tie, the outcome shall be decided by the existing Tribal Council. The Election Board shall certify the results of any run-off election within three (3) days after the run-off election day.

§ IX(m) – CHALLENGES. Any member of the Tribal Electorate may challenge the results of that election by presenting his or her challenge, in writing, to the Tribal Court within five (5) days after the election results have been certified. Causes of action may be only for lack of notice of the election, a miscount of votes, or votes by a person who is not a member of the Tribal Electorate. The Tribal Court shall decide all election challenges within ten (10) days from the date the challenge is filed. Any appeals shall be filed with the Tribal Court of Appeals within five (5) days of the issuance of the Tribal Court decision, and the Court of Appeals shall decide the appeal within ten (10) days. If the Tribal Court or Court of Appeals invalidates the election results as to one or more positions, a new election shall be held for such position(s) within sixty (60) days of the original election—provided, however, that the only candidates in the new election shall be those who received votes for the position(s) as to which the results of the challenged election were invalidated, and no Nomination Meeting shall be held to select candidates for the new election.

§ IX(n) – OATH OF OFFICE. The oath of office for newly elected Tribal Council members shall be administered by the Election Board within thirty (30) days after the Election Board declares the winners of the election, unless a Challenge is filed and, in that case, within thirty (30) days after a final decision by the Tribal Court or Court of Appeals. If a challenge is filed but it does not relate to all of the elected seats, then the oath of office shall be administered to the newly elected Tribal Council members whose seats have not been challenged as above, within thirty (30) days after the Election Board declares the winners. Each incumbent Tribal Council member shall remain in office until the oath of office is administered to the newly elected Tribal Council member for one's seat.

§ IX(o) – TRANSFER OF RECORDS. Upon expiration of the incumbent's term of office, that incumbent shall transfer all tribal records within one's control to the newly elected office holder.

§ IX(p) – ELECTION BY-LAWS. The Tribal Council shall enact an election By-Law that is consistent with this Constitution and which covers all necessary procedures for all elections other than the procedures stated in this Constitution.

§ IX(q) – REFERENDA AND AMENDMENTS. Other than elected officials, the term "Election" shall also refer to the adoption of By-Laws by Initiative and Referendum under Article XI and to Amendments under Article XVI, both of which require a vote of the Tribal Electorate.

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ARTICLE X – REMOVAL AND VACANCY

§ X(a) – REMOVAL OF COUNCIL MEMBER BY THE TRIBAL COUNCIL.

§ X(a)1 – Removal. The Tribal Council shall remove a Tribal Council member for a conviction of a felony by any tribal, federal, or state court while serving on the Tribal Council.

§ X(a)2 – Suspension. The Tribal Council may suspend a Tribal Council member charged with a felony pending the outcome of the trial and any appeal.

§ X(a)3 – Discipline. The Tribal Council may discipline or remove a Tribal Council member by a vote of at least five (5) members of the Tribal Council for converting tribal property or moneys for personal use or failing to attend four (4) regular or special meetings consecutively without good cause, or for the violation of the Tribal Code of Ethics.

§ X(a)4 – Due Process. In all proceedings under § X(a)1, -2, and -3, above, the Tribal Council member, who is subject to these proceedings, shall be afforded full due process rights including a written statement of the charges, the right to respond to those charges, the right to be represented by counsel, and the right to present witnesses and other evidence in his or her defense. The decision of the Tribal Council shall be final and shall be appealable to the Tribal Court only if a claim is made that there has been an error in a relevant fact(s) related to the removal, or the Tribal Constitution has been violated, or due process rights have not been afforded. A Tribal Council member, who is removed from office, must wait at least five (5) years from the official date of removal to run again for office.

§ X(b) – RECALL OF TRIBAL COUNCIL MEMBER BY TRIBAL ELECTORATE.

§ X(b)1 – Initiative by Tribal Member. Any member of the Tribal Electorate may initiate recall proceedings, for good cause, against any Tribal Council member by filing a written request with the Election Board, provided that a recall proceeding may not be initiated against any member of the Tribal Council whose term expires within six (6) months of the date the written request is received by the Election Board.

§ X(b)2 – Issuance of Petition. Upon receipt of the written request, the Election Board shall issue official petition forms to the member who initiated the recall. That member shall have sixty (60) days to collect the signatures from thirty percent (30%) of the Tribal Electorate. Upon receipt of a valid petition, the Tribal Council shall call a special election pursuant to Article IX and appropriate By-Laws.

§ X(b)3 – Number of Recalls. A recall petition shall be circulated for each Tribal Council member who is subject to recall. A maximum of three (3) Tribal Council members may be recalled at a time.

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§ X(b)4 – Recall Meeting. The Election Board shall verify the petition within ten (10) days of receipt of the signed petitions. Verification shall determine whether the recall petition has the required number of signatories. The Election Board, in its discretion, may seek written or other confirmation of the authenticity of the signatures, including, but not limited to, by comparison to prior signatures on record with the Election Board. If the member seeking recall has collected the required number of signatures in the allotted time, then the Election Board shall hold a recall meeting within sixty (60) days of the receipt of the signed petitions. Notice of the recall meeting shall be mailed to the Tribal Electorate at least thirty (30) days prior to the recall meeting. The member initiating the recall and the Tribal Council member subject to recall shall be given a reasonable opportunity to speak and present evidence at the recall meeting.

§ X(b)5 – Majority Vote. The recall petition is approved if a majority of those voting are in favor of the recall and at least thirty percent (30%) of the Tribal Electorate casts a vote in the recall vote.

§ X(b)6 – Voting Procedures. Recall procedures, which are not specified in the Constitution, shall be held in accordance with the provisions of the By-Laws for Tribal Elections, which shall include a section on recall procedures.

§ X(c) – VACANCIES.

§ X(c)1 – Filling a Vacancy. If a Tribal Council member should become deceased or incapacitated, resign, or be removed or recalled from office, then the Tribal Council shall declare the position vacant. The Tribal Council shall fill a vacancy by special election unless there are less than six (6) months remaining in the term, in which case the Tribal Council shall leave the position vacant. The elected person who fills a vacant position shall only serve out the term of the person whom he or she is replacing.

§ X(c)2 – Resignation. All resignations from the Tribal Council shall be done in writing and shall be notarized by a currently certified Notary Public or witnessed by at least two (2) other members of the Tribal Council. Following the Tribal Council's receipt of such resignation, the Tribal Council shall issue a Proclamation in accordance with this Constitution to give effect to such resignation.

ARTICLE XI – INITIATIVE AND REFERENDUM

§ XI(a) – INITIATIVE TO THE TRIBAL COUNCIL. Excluding issues that regard membership under Article II, land, or housing, any member of the Tribal Electorate may propose to the Tribal Council that a By-Law be adopted by the Tribal Council. Any such Initiative must be consistent with this Constitution and cannot be an Amendment to the Constitution, which is available elsewhere, under Article § XVI. Such an Initiative must be in the form of a petition, as defined under a By-Law, that has been signed by at least thirty percent (30%) of the Tribal Electorate. The Tribal Council must vote on said Initiative within sixty (60) days after receipt of the petition with its qualifying number of petition signatures. A majority vote of the Tribal Council shall decide whether the proposed By-Law is adopted and, thereafter, be in effect. If the

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Tribal Council denies the petition or does not act within the sixty (60) day enactment period, the petitioner of the Initiative may use the Referendum process, below.

§ XI(b) – REFERENDUM TO THE TRIBAL ELECTORATE. If the Tribal Council fails to vote on an Initiative, as above, or if the Tribal Council votes against said Initiative, then the Petitioners may seek a Referendum directly to the Tribal Electorate. Pursuant to By-Laws to this Article, the Petition shall be reconstructed as a Referendum, and that shall be sent by the Tribal Council to the Tribal Electorate. Thirty percent (30%) of the Tribal Electorate must have affirmed the Referendum before it is valid, and, if so, it shall be presented to the Tribal Council for the calling of a special election pursuant to an appropriate Election By-Law under Article IX.

§XI(c) – PROCEDURES. Initiative and Referendum elections shall be conducted by the Election Board and shall be held in accordance with the provisions of a By-Law which deals specifically with Initiatives and Referenda procedures.

ARTICLE XII – LAND

§ XII(a) – LAND POLICY. The Tribal Council shall have the authority to establish land policies, to adopt land-use By-Laws, and to otherwise regulate land within the territory of the Tribe and in accordance with this Constitution and applicable State and Federal laws.

ARTICLE XIII – SOVEREIGN IMMUNITY

§ XIII(a) – WAIVER. The California Valley Miwok Tribe (also known as the Sheep Ranch Rancheria of Me-Wuk Indians of California) shall be immune from suit except to the extent that the Tribal Council expressly waives the Tribe's sovereign immunity.

ARTICLE XIV – CIVIL RIGHTS

§ XIV(a) – INHERENT RIGHTS OF MEMBERS. The Tribe (its members and the elected and appointed officers) in exercising its powers of self-government shall not abrogate the following Civil Rights of individual members.

§ XIV(b) – SPEECH AND ASSEMBLY. The governance of the Tribe is secular and shall not make or enforce any law which prohibits the free exercise of religion, or abridges the freedoms of speech, communications, or the right of people to peaceably assembly and to petition for redress of grievances or initiate By-Laws.

§ XIV(c) – FURTHER PROSCRIPTIONS. The Tribe shall not violate the right of members to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, nor shall warrants be issued except on probable cause and supported by an oath or affirmation of an officer who is appointed for such actions and which describes the particular place to be searched and the person or thing to be seized.

§ XIV(d) – DOUBLE JEOPARDY. The Tribe shall not subject any person to prosecution more than once for the same offense and thereby place said person in double jeopardy for the same offense.

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§ XIV(e) – SELF-INCRIMINATION. The Tribe shall not compel any person in any criminal case to be a witness against oneself.

§ XIV(f) – CONDEMNATION OF PRIVATE PROPERTY. The Tribe shall not take any private property for a public use without just compensation.

§ XIV(g) – EXPEDITED JUDICIAL PROCEEDINGS. The Tribe shall not deny to any person, in a criminal proceeding, the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against the accused, to have compulsory process for obtaining witnesses in favor of the accused, and at one's own expense to have the assistance of counsel for defense of the accused, and to have these rights explained at the time of arrest.

§ XIV(h) – BAIL AND FINES. The Tribe shall not require excessive bail, impose excessive fines, or inflict cruel and unusual punishment.

§ XIV(i) – EQUAL PROTECTION. The Tribe shall not deny to any person (member or non-member) within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law.

§ XIV(j) – PROSCRIBED PROCEDURES. The Tribe shall not create any law of attainder which declares a person or group of persons guilty of some crime and punishes them without benefit of a trial; nor shall the Tribe find a person or group of persons guilty of a violation, ex post facto.

§ XIV(k) – TRIAL BY JURY. The Tribe shall not deny to any person, who is accused of an offense which is punishable by imprisonment, the right, upon request, to a trial by jury of not less than six persons.

ARTICLE XV – GENERAL MEETINGS

§ XV(a) – ANNUAL GENERAL MEETING. The Tribal Council shall call at least one (1) general meeting per year of all members of the Tribe to report, identify, and discuss important tribal matters. The procedures for calling and conducting such general meetings, including the required notice to the Tribal Electorate, shall be specified in Tribal By-Laws.

ARTICLE XVI – AMENDMENTS

§ XVI(a) – CONSTITUTIONAL PROVISIONS. This Constitution may be amended by a vote of sixty percent (60%) of the Tribal Electorate voting at an election called for that purpose in accordance with procedures in this Constitution and further defined in By-Laws.

ARTICLE XVII – SAVINGS AND SEVERABILITY

§ XVII(a) – PRIOR ENACTMENTS. All prior Enactments, agreements and commitments adopted or entered into by the 2006 Council or the 2013 Council on behalf of the Tribe shall

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continue in full force and effect and continue to bind the Tribe, unless subsequently modified, to the extent consistent with this Constitution.

§ XVII(b) – INVALIDATION OF SECTIONS. If any section or element of this Constitution be judged to be illegal by a competent authority, then that section or element shall become null and void without any of the other sections or elements of this Constitution becoming null and void nor there be a need to revise this Constitution by Amendment.

ARTICLE XVIII – ADOPTION OF CONSTITUTION

§ XVIII(a) – ADOPTION CLAUSE. This Constitution shall become the governing instrument for the Tribe when adopted through a Secretarial election called and conducted pursuant to Part 81 of Title 25 of the Code of Federal Regulations and approved by the Secretary of the United States Department of the Interior or his designee (“Secretary”) pursuant to the Indian Reorganization Act, 25 U.S.C. § 5123(d), and the regulations prescribed thereunder, including 25 C.F.R. § 81.45. Any subsequent amendment of this Constitution, including an amendment in the manner of a revocation of this Constitution and adoption of a substitute governing document for the Tribe, shall be conducted pursuant to applicable provisions of this Constitution and Tribal law and shall not require a Secretarial election or the approval of the Secretary in order to be effective.

Exhibit D

To

Complaint for Declaratory and Injunctive Relief

Leon Mata Mendibles
877 Valley Crest Dr.
Carson City, Nevada 89705

Tara Katuk Mac Lean Sweeney
Assistant Secretary – Indian Affairs
Department of the Interior
1849 C Street, N.W. MS-4660-MIB
Washington, D.C. 20240

January 18, 2019

Regarding the Eligible Group for organizing the California Valley Miwok Tribe.

Hon. Assistant Secretary:

This letter is to confirm that I, together with my other relatives in the Lena Hodge line of descent, are members of the Eligible Group for organizing the California Valley Miwok Tribe, being that that great grandmother Lena Hodge is listed in the original 1915 census for the Tribe. I am one of the senior members. We are willing to forward our genealogical information if and when appropriate to your consideration.

Originally called the "Sheep Ranch Indians" in that census, Tribe became known later as the "Sheep Ranch Rancheria of Me-wuk Indians" and then around 2002 the name was changed in the Federal Register to "California Valley Miwok Tribe". My family still owns a small section of the original land at Sheep Ranch, California with Lena's original house a historic land-mark for the tribe.

I am receipt of the enclosed analysis by Chadd Everone who has served as the Tribe's Deputy since about 2000. I understand that the Washburn Determination of 2015 has recently been confirmed by the Court as the final definition for which group of people is eligible to organize the Tribe and that there is some dispute and uncertainty about whether or not Jeff Davis, one of my relatives on the 1915 census, had any children. I do not recall my grandmother, Dora Hodge Mata the daughter of Lena Hodge, ever mentioning any relatives associated with Jeff Davis.

Clearly, the initial organizing group is an extremely important matter in terms of the long-range prospects for what will be a sovereign nation. And I urge you to have the genealogy of Jeff Davis verified before going forward with the secretarial election.

Sincerely,

Leon Mendibles

Exhibit E

To

Complaint for Declaratory and Injunctive Relief



California Valley Miwok Tribe, California
(formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)
2140 Shattuck Ave. #602, Berkeley, Calif. 94704
{ www.californiavalleymiwok.com }

January 24, 2019

Chadd Everone, Deputy
510-486-1314

Tara Katuk Mac Lean Sweeney
Assistant Secretary – Indian Affairs
Department of the Interior
1849 C Street, N.W. MS-4660-MIB
Washington, D.C. 20240
Telephone: (202) 208-7163

A challenge to the Secretarial Election for the California Valley Miwok Tribe
(formerly the Sheep Ranch Rancheria of Me-wuk Indians of California). ^[1]

Honorable Assistant Secretary Sweeney:

The purpose of this communication is to bring to your attention a critical issue regarding the conduct of the Secretarial Election for this Tribe, who really constitutes the Eligible Group for organizing the Tribe, and to contest the Voter's List for that Election. The Election has recently been initiated, but it is inherently flawed in a manner which could cause serious damage to the Bureau of Indian Affairs and its administration, the Tribe and its community, and other interested parties - if this issue is not considered by your office and if appropriate administrative intervention is not taken by the Bureau. The fundamental defect resides in the genealogy of one particular individual, Jeff Davis, who is taken by the BIA to be the progenitor of some 200 individuals that are classified in the Regional Director's Determination of 2017 as being in the "Eligible Group" for participation in the Election. That would represent some 85% + of the Eligible Voters. This is

¹ Access to this document, with active links to some documents, may be given to individuals who have a relevant interest. Please use this link for sending an e-mail.
<http://www.californiavalleymiwok.com/challenge>

34 in error because Jeff Davis had only one child who died without issue, as is
35 explained more fully in this cover letter and the Relevant Facts & Comments
36 section. If the genealogy of Jeff Davis does not lead to the Eligible Group, as I
37 believe it to be so and can prove, then the election process is fundamentally
38 flawed and invalid.

I (the Petitioner) am asking that your office to issue to the Regional Direc-
40 tor and Agency Superintendent a stay in the Election proceedings until the geneal-
41 ogy of Jeff Davis, which is in question, is verified to be consistent with the criteria
42 for the Eligible Group as defined by the Assistant Secretary's Determination of
43 2015 and which is the only legally valid, organizing platform for this Tribe. This
44 should be a simple matter to resolve - given the BIA's and this Petitioner's
45 documentation and/or an analysis of an independent, professional genealogist.
46 To proceed as presently intended could give complete control of the Tribal
47 authority to those who do not legally qualify as the Eligible Group; and therefore,
48 that would nullify any election process.

A Secretarial Election would ordinarily be a local BIA matter. However,
50 the Secretarial election for the California Valley Miwok Tribe is being urgently
51 brought to your attention at this early stage for the reasons that the local BIA
52 officials seem to be actively and willfully mis-applying the secretarial election
53 laws and the applicable administrative and federal court decisions. Even though
54 election results may be challenged after the secretarial election is held, and there
55 will be a challenge if the current voters' list is used without verification of the Jeff
56 Davis genealogy, federal laws will have been deliberately ignored and the finan-
57 cial and personnel resources of the BIA which are used in the election will have
58 been squandered. Further, most of the voters' expectations in the election results
59 will be upset. These financial, personal, and psychological losses can be avoided.
60 Also, as a general rule, any new information that affects, in a substantial way, the
61 fundamentals of any judicial or administrative process should be admissible at any
62 stage in the proceedings. The situation is exigent, and I am directing the matter to
officials at Central, Region, and Agency, concurrently.

64 Given the long and tortuous history of getting this Tribe organized over
the course of some 18+ years, the Determination of AS-IA Washburn and a
66 resolution by Secretarial Election (within 25 CFR Parts 81) require that very close
adherence to be given to conducting the procedures in a strictly legal manner to
68 avoid back-firing, causing a collapse in the process, and continued complications
and irreparable harm.

70 Being that there may be a challenge to my standing to file this Petition, it
must be noted that from 2003 to the present, I have served as Deputy for this
72 Federally Recognized Indian Tribe known as the California Valley Miwok Tribe
(a.k.a. Sheep Ranch Rancheria of Me-wuk Indians); and I am well known to the
74 BIA and all interested parties. Appointed by the hereditary Chief, Yakima Dixie,
and ratified by subsequent resolution and deeds, I have been a principal agent for
76 the Tribe - being active in virtually all aspects of its organization including but not
limited to: bringing together its dispersed community, appealing the usurpation of
78 authority, representing the group before the BIA and in pleadings to the IBIA,
writing its constitution, recruiting lawyers and funding extensive litigation of both
80 Federal and State cases, and being the archivist of documents and keeper of the
genealogies. The latter is the most important for the purpose here. Further, the
82 Opposition, Silvia Burley, filed suit against this Petitioner in California Superior
Court of San Diego (Super. Ct. No. 37-2015-00031738) for numerous charges of
84 representing the Tribe and "intentional interference with prospective economic
advantage against Everone, and a separate "cause of action" against him and the
86 [Gambling Control] Commission for conspiracy to do so." The Court found that
all of those actions and representations were constitutionally "Protected
88 Activities" and the Court sanctioned Burley \$30,000. That was Affirmed in the
Court of Appeal, Fourth Appellate District Division One (D072141) on July 16,
90 2018 with further sanctions, allowed. Thus, it is my duty and legal obligation to
deal with the issue that is presented here.

92 Although the Tribe has been federally recognized since 1915, voted for
the IRA in 1935, and the rancheria land deeded in trust to the family of the

hereditary Chief, the Tribe remains Unorganized at this time. Further, it needs to be emphasized that, at this time, there is no Federally Recognized Authority and consequently there can be no Federally Recognized membership. The sole obstacle to organization has been one family of four persons (the Burleys) who claim to be the only, legitimate members of the Tribe, having been "enrolled" in 1998 by the Chief. After extensive litigation and the resultant Determination of December 30, 2015 by the Assistant Secretary - Indian Affairs (AS-IA), the Regional Director effectively mandated that the Federally Recognized Authority be resolved by a Secretarial Election; and that process was initiated in November 2018. However, there is a mistake in how the Regional BIA is to recognize the Eligible Group for organizing the Tribe, pursuant to the AS-IA Determination of 2015 - a mistake which is illegal and, I believe, could cause the entire process to collapse and the damages to which I referred - including bad publicity all around. To avoid that, it is imperative that the organization of the Tribe be done on a strictly legal basis as mandated by the AS-IA in the Determination of December 2015. As I see it, there is a straight-forward administrative remedy to the problem that would be legal and practical, and would avoid such damages; but it is best to do it early in the process rather than during or after the Election.

I am attaching here a summary of the essential points, which are as follows: **I)** The December 2015 Determination of the AS-IA which legally and correctly defines the Eligible Group for organizing the Tribe; **II)** The Determination of the Regional Director of September 2017, which incorrectly designates one person (Jeff Davis) as being the progenitor of the some 85% of the Eligible Group but Davis had only one child who was without progeny himself; and, therefore, Jeff Davis could not be the derivation of anyone in the Eligible Group.; **III)** Federal law that requires, under criminal penalty, the disclosure of this error; and **IV)** Requested actions and remedy and incidental issues. Full documentation will be provided if the Bureau so desires.

I request an appointment with you and/or appropriate staff at the earliest possible date to speed up the process for understanding the evidence and the need

124 for a quick response. I warrant that the statements in this letter are based upon my
126 personal knowledge and have been made in good faith. If asked to do so, I will
affirm the information in the form of an affidavit.

128 Thank you for your attention and consideration. Our compliments on your
appointment and best wishes for a successful administration.

130 
132

In respect for Indian Jeff and John Jeff.

134
c.c. Michael Mendibles, Spokesperson for the California Valley Miwok Petitioners;
136 James F. Rusk, Sheppard Mullin;
Carol Rogers-Davis, Tribal Operations Officer, Central California Agency;
138 Dale Risling, Acting Regional Director, Pacific Regional Office BIA;
Silvia Burley and attorney as mandated by the Regional Director.
140

142
144 **Relevant Facts & Comments**
146

Relevant Facts & Comments

I

The December 2015 Determination of the AS-IA which legally and correctly defines the Eligible Group for organizing the Tribe.

On December 30, 2015, Assistant Secretary - Indian Affairs Kevin Washburn issued his Determination pursuant to the December 2013 Order from the United States District Court for the District of Columbia, regarding the tribal membership, authority, and organization of this Tribe. This Washburn Determination is the platform for organizing the Federally Recognize Authority for this Federally Recognized Tribe and for conducting the current Secretarial Election to adopt a Constitution that would define both its membership and its authority.

<http://www.californiavalleyemiwok.com/2015-12-30-BIA-Determination-full.pdf>

The definitive paragraph in the Washburn Determination is on page 4:

"With this understanding of the Department's dealings with the California Rancherias and in light of the rulings in *CVMT I, II* and *III*, I conclude that the Tribe's membership is not properly limited to Mr. Dixie and the Burley family. Given Agent Terrell's 1915 census of the "Indians designated 'Sheepbranch Indians,'" and the 1916 acquisition of land by the United States for the benefit of the Mewuk Indians residing in the Sheep Ranch area of Calaveras County, California, I find that for purposes of reorganization, the Tribe's membership is properly drawn from the Mewuk Indians for whom the Rancheria was acquired and their descendants. The history of the Rancheria, supported by the administrative record, demonstrates that this group consists of: **(1) the individuals listed on the 1915 Terrell Census and their descendants; (2) the descendants of Rancheria resident Jeff Davis (who was the only person on the 1935 IRA voters list for the Rancheria); and (3) the heirs of Mabel Dixie (the sole Indian resident of the Rancheria eligible to vote on its termination in 1967) as identified by OHA in 1971 and their descendants (Dixie Heirs) (all three groups collectively identified herein as the Eligible Groups).**" (*Emphasis is added.*)

It is well established that his group is comprised of the following 13 persons:

Peter Hodge	Tom Hodge	Mrs. Limpey (Rose Davis)	Mabel Hodge Dixie
Annie Hodge	Andy Hodge	John Tecumchey	
Malinda Hodge	Jeff Davis	Pinkey Tecumchey	
Lena Hodge	Betsey Davis	Mamy Duncan	

These are the only historically recognized members of the Tribe with whom the Federal Government had conducted official government-to-government relations since the recognition of the Tribe in 1915. The lineal descendants of these individuals are defined as the "Eligible Groups" for the purpose of organizing the Tribe. There is no controversy on that; and there should be no controversy on those lineal descendants being the only organizing

Relevant Facts & Comments

186 persons who are eligible for any Secretarial Election to be legally valid. Otherwise, the BIA
187 would be guilty of being in violation of the Administrative Procedures Act 5 U.S.C.
188 §706(2)(A) " ... arbitrary, capricious, an abuse of discretion, or otherwise not in accordance
with law."

190 On page 6 of the Washburn Determination, the AS-IA instructs on how to legally incor-
porate the broader community:

192 "At the discretion of the Eligible Groups, the Miwok Indians named on the 1929
193 Census and their descendants may be given that opportunity to participate in the
194 reorganization of CVMT."

196 The criteria for the "Eligible Groups" in the Washburn Determination of December 2015
197 are exactly the same individuals as defined 11 years before in the 2007 BIA Determination
198 for organizing the Tribe and who were called the "Putative Members". The "Putative
199 Members", then, are exactly the same as the "Eligible Groups" are, now. Thus, as far as the
200 Federal Government is concerned, the absolute criteria for organizing the Tribe and identify-
201 ing the Tribe's authority are the lineal descendants from the above cited 13 historic persons.
202 In other words, having dealt specifically with the above mentioned individuals, by that fact,
203 they had to be recognized as the only Federally Recognized members; and the Tribe never
204 having been terminated, that membership and their descendants continue in force. This is not
205 fungible, cannot be modified or loosely interpreted, and is fixed. Indeed, the BIA could not
206 have used any other criteria such as the 1929 Census of Indians of Calaveras County because
to do so would be a violation of the prohibition against the Federal government determining
tribal membership, arbitrarily.

208 In January 2016, the Opposition Party (the Burleys) challenged the Washburn Determina-
tion in the United States District Court Eastern District of California in case # civ no.
210 2:16-01345. The Washburn Determination was judged to be legal and NOT a violation of
the Administrative Procedures Act, and Burley's case was dismissed on July 1, 2016. Soon
212 thereafter, the Burleys filed an Appeal in the United States Court of Appeals for the Ninth
Circuit case No. 17-16321; and that Court Affirmed the District Court's Order on December
214 11, 2018. Thus the Washburn Determination of 2015 is the absolute and only legal platform
for organizing this Tribe. The Washburn Determination is settled law. The Assistant Secre-
216 tary Washburn referred the matter to the Regional Director to evaluate if a 2013 Constitution
was adopted by the above Eligible Group and if not, then to conduct a Secretarial Election by
218 the Eligible Group - See II, below.

Relevant Facts & Comments

II

The Determination of the Regional Director of September 2017, which incorrectly designates one person (Jeff Davis) as being the progenitor of the some 85% of the Eligible Group; but Davis had only one child who was without progeny himself; and, therefore, Jeff Davis could not be the derivation of anyone in the Eligible Group.

After the Washburn Determination, the representatives of the Tribe requested the Director of the Bureau of Indian Affairs - Pacific Region to accept the Tribe's Constitution of 2013. However, in a Determination of September 11, 2017, the Regional Director rejected that - thereby leaving the Secretarial Election process (25 C.F.R. §81) as the only means for organizing the Tribe. The Director said:

"As authorized by the 2015 AS-IA Decision and following their March 9, 2016, meeting with me and my staff, the Dixie Group chose not to request a Secretarial Election, and on April 18, 2016, submitted a detailed report (Election Report) outlining the modified Secretarial Election process they utilized to ratify the 2013 Constitution. My staff reviewed the Dixie Group's files of those individuals who were provided the opportunity to vote on the 2013 Constitution. In addition, this Office reviewed the family history of the Burley Group. **It appears that a majority of those who participated in the 2013 constitutional election and all of the Burley Group descend from Rancheria resident Jeff Davis. Following a review of the Election Report, it appears the Dixie Group notified 183 individuals who qualify as members of the Eligible Groups, and 17 individuals who descend from the 1929 Census of Calaveras County. The 2013 Constitution extended membership eligibility to the Eligible Groups and, in addition, the descendants of the 1929 Census of Calaveras County.**" (*Emphasis is added.*)

<http://www.californiavalleymiwok.com/2017-09-11-Region-Decision.pdf>

There are various mistakes in the Region's Determination; but the critical error is in the statement: "It **appears** that a majority of those who participated in the 2013 constitutional election and all of the Burley Group descend from Rancheria resident **Jeff Davis**." In a matter of such importance as establishing the authority for a sovereign nation which will determine if fate for generations to come, the Director's term "It appears" cannot be adequate.

What is required is solid proof. Jeff Davis is, in fact, one of the historic members as cited in # I, above; however, he had effectively no children. That is to say his only recorded child was Ike Davis (July 1, 1883 - December 10, 1919), and Ike Davis died during the influenza epidemic without any progeny. If this assertion is true (i.e., that Jeff Davis had no children that can be linked to the Eligible Group for organizing the Tribe), as can be documented, then none of the Eligible Group could have been derived from Jeff Davis. So this is drastic mistake. And it is this point which the BIA needs to verify if the Secretarial Election is to be legally valid. The following is some evidence in support of that assertion.

Relevant Facts & Comments

In all of the genealogies that have been filed by prospective members (some 300+), not one identified Jeff Davis as an ancestor. Recently, in June 2018, the BIA ran public notices in related counties and listed the historic members, soliciting people who believed oneself to be related to one of them to notify the Tribe's representative (this Petitioner); but not a single response was received. The Calaveras Archives, the repository of documents related to Indians of Calaveras County, did research on Jeff Davis and found that he had only one child who died without issue and that he could not be the father of John Jeff. Also, in the data-base of 1,300 Indians of Calaveras County ("Calaveras-Archives-Copy of Native American data aug 30.xls"), no descendants of Jeff Davis were listed except Ike Davis as mentioned above. Finally, Jeff Davis is not the father of John Jeff as the BIA may have erroneously assumed from an unsubstantiated and false genealogy which the BIA constructed for Silvia Burley on September 22, 1995. That John Jeff was the son of a completely different person (i.e., Indian Jeff a.k.a. Westpoint Jeff), which can be well substantiated from the "Inquest on the Body of Indian Jeff" at which John Jeff says: "Yes. He is my father". Indian Jeff, father of John Jeff died 50 years before the death of Jeff Davis, so they cannot be the same. Because the Regional Director did not specify how the connection was made between Jeff Davis and the Eligible Group, the illegality of the Burley genealogy of 1995, and connecting John Jeff to Jeff Davis will not be argued at this point but is reviewed in the Appendix.

Relevant Facts & Comments

III

Federal law requires, under criminal penalty, the disclosure of this error.

Given the Determination of the Regional Director ("It appears that a majority of those who participated in the 2013 constitutional election and all of the Burley Group descend from Rancheria resident Jeff Davis."), I personally (and in conjunction with others) proceeded to re-construct the majority of the people's genealogies in the voter list to make them conform with the Regional Directors statement, above - that is, to be a descendant of Jeff Davis and thereby include them as Eligible Group. Midway into the process and upon further research, I came to the realization that I/we were actually changing those genealogies without the consent or knowledge of the individuals and contrary to the facts of the situation. And being that with those genealogies the Tribe will be the recipient of large sums of federal money, if organized under false pretenses, it would be a violation of U.S. laws, as cited below, including conspiracy.

USCODE TITLE 18 — CRIMES AND CRIMINAL PROCEDURE

§ 1001. Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully— (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. (b) Subsection (a) does not apply to a party to a judicial proceeding, or that party' counsel,

for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

§ 1002. Possession of false papers to defraud United States

Whoever, knowingly and with intent to defraud the United States, or any agency thereof, possesses any false, altered, forged, or counterfeited writing or document for the purpose of enabling another to obtain from the United States, or from any agency, officer or agent thereof, any sum of money, shall be fined under this title or imprisoned not more than five years, or both.

Title 18 — Section 371-Conspiracy

§371. Conspiracy to commit offense or to defraud United States

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any

manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

There is a traditional saying in jurisprudence that goes something like this: "When the words of a law are clear about their meaning then the meaning of the law is its words". The above does not need much interpretation. Is the true genealogy of John Jeff a "material fact"? Yes, a very material fact. Did I and others falsify, conceal, and attempt to cover up the fact that John Jeff was the son of Indian Jeff rather than Jeff Davis? Yes! If left undiscovered, would this falsification lead to Federal money being released to illegal entities?

Relevant Facts & Comments

Yes. And did more than one individual participate in this falsification? Yes. It seems obvious that we could be charged on all three counts of the above, if this falsification were not disclosed now. By making this disclosure to the BIA in advance, its should exonerate us from any such liability. Note §1001 (b) Subsection (a) in which attorneys are not exempt unless they are involved in a judicial proceeding which entails the disclosure of the relevant material, which is not the case here.

IV**Requested actions and remedy and incidental issues.**

The preceding three points constitute the main items in this Notice. 1) The Washburn Determination of December 2015 is the legal platform for organizing this Tribe and the definition of the Eligible Group of people for doing so - as affirmed by the District Court and Court of Appeals. 2) The Regional Director improperly identified some 200 people as progeny of Jeff Davis and therefore not belonging in the Eligible Group. 3) To not disclose the errors in this matter and allow the Bureau to correct them could constitute a violation of criminal law.

In filing this Notice, the Petitioner asks that the AS-IA order a stay in the Secretarial Election until such time as an examination of the Regional Director's Determination of September 11, 2017 is made with respect the genealogy of Jeff Davis and him being the progenitor of some 200 members of the Eligible Group. Enlisting the expertise of an independent genealogist would be helpful and lend credibility to the results. This appears more difficult than it probably is - all one needs to do is to verify that John Jeff cannot be the son of Jeff Davis. If, as my research finds, Jeff Davis had no progeny that lead to the Eligible Group, then all of those who have such attribution can be removed from the voter list; and those who are confirmed to be in the Eligible Group may proceed accordingly. Subsequently, the organized tribal authority can enroll the expanded community, as the Washburn Determination indicates. If the BIA can prove that Jeff Davis did have progeny that link to the Eligible Group, then my claim is nullified in whole or in part and adjustments in the voter list can be made.

In 2007, the BIA made an attempt to organize the Tribe. The Bureau publicly solicited genealogies from those who believed that they are related to the Eligible Group. We were told that about 200 submittals were received. The BIA (not the Tribe) independently verified which ones can be linked to the Eligible Group and constructed letters of acceptance or rejection. That would seem to be the correct method for determining the Eligible Group for an unorganized tribe, as in this case, rather than allowing the tribal community to verify itself as in the current situation. It would be helpful to have a copy of that list from the BIA of those who qualified in 2007 and those who did not qualify so that our records can be compared. (That 2007 process was derailed by Burley's IBIA filing and then the Echo Hawk

Relevant Facts & Comments

Determination of December 2010 which cost millions of dollars in court actions to have declared illegal.)

This effort, over some 18 years, has entailed the integration and harmonization of 4 primary Parties with a vested interest: 1 - Governments (BIA, IBIA, DOJ, Solicitors, Federal Courts and various State Agencies and Courts - their time, effort, expertise, and money); 2 - the Tribe (its hereditary members and broader community); 3 - Lenders, who financed the extensive costs; and 4 - the legal teams who have prosecuted matters. All such Parties are best served by a strictly legal rendering of the Washburn Determination of December 2015 and its definition of the Eligible Group to organize the Tribe. If it turns out that only a smaller number of people qualify as Eligible Group, then it is up to them to enroll additional members within the jurisdiction of the Tribe, itself; thus relieving the BIA and the Federal Government from dealing with intra-tribal membership issues, in which the Bureau should not be involved beyond the recognition of the initial organizing members. Also, I believe that this action is timely filed within the guidelines of 25 C.F.R. §81 and because, as a general rule, any new and significant information may be raised at any time during a proceeding. Also, the cessation of government functions from December 21, 2018 to this date would be a factor in tolling. Further, for emphasis, being that no Federal money has been allocated at this time, it can be assumed that issuing this Notice obviates a violation of the criminal law for non-disclosure.

Because the Regional Director's Determination of Jeff Davis as being the progenitor of some 200 Eligible Group members was probably made on the unverified 1995 genealogy of Silvia Burley which links John Jeff to Jeff Davis, then this issue will be reviewed in the Appendix II; and the Petitioner requests leave to submit additional documentation regarding the genealogy of John Jeff, who really was the son of Indian Jeff (a.k.a. Westpoint Jeff) who is a completely different person than Jeff Davis.

In the Appendix I, some legal points from one of my advisors are included; and in Appendix II, there is an analysis of the Burley Genealogy regarding Jeff Davis and John Jeff.

Appendix I - Opinions of legal experts

This Petition has been reviewed by a number of legal experts in Indian and administrative law. Although not rendering an opinion about the substance of the allegations (that is mostly up to the BIA given subsequent documentation and proof of Jeff Davis as the ancestor of Eligible Group members), they have offered the opinion that I both can and should take the action of notifying the BIA about this situation. Rather than paraphrase one such expert, I will quote the informal, cursory analysis that was provided, from which certain technical and procedural points may be drawn.

"To: "Chadd Everone" <administration@californiavalleymiwok.com>
Subject: Re: Answers

The challenge is to the conduct of the entire secretarial election that the local BIA officials set into motion on October 27, 2018. The election must be conducted before 180 days. The basis of the challenge rests on the recent decision of the US Ninth Circuit Court of Appeals that upheld the decision in *Cal. Valley Miwok Tribe v. Zinke*, 2017 U.S. Dist. LEXIS 84282; 2017 WL 2379945 (E.D. Cal. 2017) that confirmed the methodology for determining the identity of persons who are eligible to vote in the secretarial election.

The 2017 district court decision upheld the 2015 decision of the predecessor to the current AS-IA that stated that the Tribe's membership consists of: "(1) the individuals listed on the 1915 Terrell Census and their descendants; (2) the descendants of Rancheria resident Jeff Davis (who was the only person on the 1935 IRA voters list for the Rancheria); and (3) the heirs of Mabel Dixie (the sole Indian resident of the Rancheria eligible to vote on its termination in 1967)." That court held that in light of the record, the Assistant Secretary "was not arbitrary and capricious in finding that the 1998 Resolution and General Council did not 'sufficiently reflect[] the will of the [Tribe] in order to warrant the acknowledgement of the federal government.'" That court further stated, "Plaintiffs have failed to show how the Assistant Secretary was arbitrary and capricious in issuing the December 2015 Decision."

On December 11, 2018, the Ninth Circuit Court of Appeals summarily affirmed that district court's decision in *California Valley Miwok Tribe v. Zinke*, 745 Fed. Appx. 46, 2018 U.S. App. LEXIS 34800 (decided Dec. 11, 2018).

Thus, the local election officials are required by law and by obedience to the order of their superior officer, to apply the criteria of the Assistant Secretary's December 2010 Decision.

Wrongful Procedures Are Being Deployed by BIA

The eligibility of a person to vote in this secretarial election is determined by his or her status as a descendant of a person on the 1915 Terrell Census, or as a descendant of Jeff Davis, or as a descendant Mabel Dixie. Instead, the agency and regional BIA officials have used the regional director's September 2017 determination that includes more than

Appendix 1 - Opinions of legal experts

150 persons over what the 2015 December Determination recognizes. This is because the September 2017 Determination wrongly recognizes Jeff Davis as having descendants after his son Ike. If the local BIA officials would have used the Assistant Secretary's 2015 Determination they would have identified 13 individuals as eligible voters for this secretarial election. The Ninth Circuit opinion must be accepted and applied in this secretarial election.

BIA officials knew that its 2017 list did not conform to the December 2015 Decision. Carefully researched genealogical information had been provided to agency and regional BIA officials.

The extensive genealogical research based on the December 2015 Determination has identified thirteen living persons on the list of eligible voters who comply with that legal requirement; thus, all other persons are not eligible to vote in this election.

Also, be aware that the election board has acted hastily to post the erroneous list of 200+ names at the beginning of election process and then limiting the challenge period to only 30 calendar days, which is now long past. The posting and ending the challenge period so early in the process effectively precluded challenges to be meaningfully filed.

This Secretarial Election is Fatally Flawed

This secretarial election is fatally flawed because: (1) the list of eligible voters does not follow the December 2015 directive from the local officials' superior official, the Assistant Secretary; (2) local officials attempted to skirt the December 2015 directive by requiring challenges to persons on the local officials' list to be submitted within a 30 day period very early in the election process; and (3) local officials wrongfully concluded that Jeff Davis's son, Ike Davis, had descendants when they have been provided evidence that Ike Davis had no descendants.

Authority in Secretarial Elections

The Secretary has ultimate responsibility for the management of all Indian affairs and of all matters arising out of Indian relations. *Cal. Valley Miwok Tribe v. Salazar*, 967 F. Supp. 2d 84 (D. D.C. 2013). The Secretary has empowered AS-IA to conduct secretarial elections of this type. Even though AS-IA may delegate certain of those powers to lower ranking BIA officials, the AS-IA retains the responsibility and supervisory authority to prevent those BIA officials from continuing with this seriously tainted process and from continuing to violate the Ninth Circuit's decision that upheld the December 2015 Determination.

Justification for Intervention

As has been noted by the federal and state courts that have adjudicated the numerous disputes concerning tribal membership, the Secretary "must ensure that [tribal] leadership

Appendix I - Opinions of legal experts

consists of valid representatives of the Tribe as a whole,” which requires ‘a process open to the whole tribal community.’ Cal. Valley Miwok Tribe v. Zinke, 2017 U.S. Dist. LEXIS 84282; 2017 WL 2379945 (E.D. Cal 2017), decided June 1, 2017, affirmed Case No. 17-16321, D.C. No. 2:16-cv-01345-WBS-CDK, (decided Dec. 11, 2018). Those court decisions and Cal. Valley Miwok Tribe v. US, 515 F.3d 1262, 380 U.S. App. D.C. 39 (D.C. Cir. 2008) (“Miwok II”), were concerned about whether a proposed constitution from a five-member faction enjoyed sufficient support from [the T]ribe’s membership” and whether “an antimajoritarian gambit [that] deserve[d] no stamp of approval from the Secretary.” The 2017 federal district court decision construed Miwok I and Miwok II as having decided that the Tribe consisted of more than five members while confirming that the Assistant Secretary’s 2015 Decision fulfilled his obligation to “ensure that [tribal] leadership consists of valid representatives of the Tribe as a whole.” The 2015 Decision did not decide who is a tribal member or how many persons are eligible to be a member, or even how many persons constitute a “majoritarian” number, but his December 2015 decision did establish the method for determining who is a member, regardless of how many persons that is.

Relief Requested from the Assistant Secretary

The descendants of the 1915 Terrell Census and the heirs of Mabel Dixie should request prompt intervention into the secretarial process to prevent further financial, personnel and emotional losses that would result from the continued implementation of these wrongful procedures. Further, intervention is required to prevent persons from wrongfully attaining tribal membership, e.g. alleged heirs of Jeff Davis’ only son, Ike, when there are no such heirs.

Due to the complexity of the evidence and the importance of timely intervention by the office of the AS the heirs of the Terrell Census and heirs of Mabel Dixie, and evidentiary personnel request an appointment with the AS and/or appropriate staff at the earliest possible date to speed up the process for understanding the evidence and the need for quick response.

Appendix II**The Burley Genealogy, Jeff Davis and John Jeff**

In the Determination of September 11, 2017, the Regional Director said:

"... It appears that a majority of those who participated in the 2013 constitutional election and all of the Burley Group descend from Rancheria resident Jeff Davis. Following a review of the Election Report, it appears the Dixie Group notified 183 individuals who qualify as members of the Eligible Groups..."

The Regional Director did not say the source for that determination; however, we took it to mean the genealogy that the BIA constructed for Silvia Burley which she requested in September 6, 1995. The cover letter notes that the 1995 genealogy is to replace the one which the BIA issued to her on October 6, 1986. From the letter, it appears that Burley was attempting to link her heritage to Yakima Dixie in preparation for asking him to enroll her in the tribe. In that document on the second page, note that Superintendent Bafford takes her genealogy out to Johnnie Jeff but does not link Johnny Jeff to Jeff Davis. Then, in the third page, there is a listing at Generation No 3, which links John Jeff to Jefferson Davis. It is not clear who constructed this listing (it may not have been the BIA) and if one takes the birth-date of John Jeff (October 25, 1867) and subtracts the birth-date of Jefferson Davis (June 20, 1855), then Jefferson Davis would have been 12 years old when he sired John Jeff (highly improbably!). In other records, various dates of birth are given for Jeff Davis which take the calculation down to him having been 8 year when he would have sired, John Jeff (impossible!). And if Davis sired Jeff, why was John Jeff not named "John Davis"? In any event, this issue need to be clarified by a genealogist.

This unverified genealogy is the only document that the Petitioner has ever seen in which John Jeff is linked to Jeff Davis. But more compelling will be the Inquest document which follows.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Central California Agency
1824 Tribute Road, Suite J
Sacramento, CA 95815-4308

IN REPLY REFER TO:

SC 0910

SEP 22 1995

Ms. Silvia Burley
P. O. Box 238
Wilseyville, California 95257


Dear Ms. Burley:

This is in response to your most recent correspondence dated September 6, 1995, requesting our assistance in establishing your true Indian heritage as reflected in your family tree. Specifically, you are requesting that correction is made to your family tree issued by the Bureau of Indian Affairs, dated October 6, 1986, to reflect the correct information that your biological great-grandmother is Minnie Eaph, and not Angie (Fisher) Mose. Angie (Fisher) Mose was married at one time to Dewey Mose, therefore, stepmother to your grandmother, Eva L. (Mose) Jeff. Additionally, you are requesting information which would reveal that a sibling relationship exists between your grandfather, Manuel Jeff, and Hattie Jeff Hernandez Hodge.

In accordance with your request, we have concluded our research on your family background reflecting your Indian heritage, and we are providing you with both a revised Certificate of Degree of Indian Blood, dated September 22, 1995, and your Family Tree Chart, dated September 20, 1995, which reflects the information you are seeking along with supporting documentation. The 1928 applications for enrollment with the Indians of the State of California under the Act of May 18, 1928 (45 Stat. L. 602) for Tillie Jeff and Hattie Hernandez Hodge indicate that the parents of Manuel Jeff and Hattie Jeff Hernandez Hodge are John Jeff and Tillie (Billy) Jeff, which establishes the fact that they are brother and sister. I apologize for the delay in responding to your request. Hopefully, this will assist you in your future endeavors.

Please contact Ms. Carol Rogers-Davis, Acting Tribal Operations Officer, at (916) 566-7124 should you require additional information pertaining to this matter.

Sincerely,


Harold M. Brafford
Superintendent

Enclosures

CERTIFY APPLICANT TO BE 1/2

DEGREE INDIAN BLOOD.

Haver M. Bufford 9-20-95
SUPERINTENDENT DATE

Non-Indian

1972 Roll No. 08829
 1950 Roll No. 015533
 DOB: 07/15/1960
 Silvia Fawn Burley

1/2 Miwok

1972 Roll No. 8827
 1950 Roll No. 15533
 DOB: 04/25/1937
 Mildred F. (Jeff) Burley

4/4 Miwok

Sister: Hattie Jeff Hernandez Hodge
 : DOB: 04/08/1900
 : 1933 Roll No. 8045
 :

1972 Roll No. 30740
 1950 Roll No. 15531
 1933 Roll No. 9216
 DOB: 04/04/1906
 Manuel Jeff

4/4 Miwok

1972 Roll No. 30719
 1950 Roll No. 15517
 1933 Roll No. 13640
 DOB: 06/22/1911
 Eva L. (Mose) Jeff

4/4 Miwok

1933 Roll No. 9214
 DOB: 10/25/1867
 Johnnie Jeff

4/4 Miwok

1933 Roll No. 9215
 DOB: 05/14/1889
 Tillie (Billy) Jeff

4/4 Miwok

1933 Roll No. 13638
 DOB: 05/14/1885
 Dewey Mose

4/4 Miwok

Minnie Eaph
 4/4 Miwok

Descendants of Charles Jeff

Generation No. 1

1. CHARLES¹ JEFF was born 1830 in Calaveras County, California. He married LIMPY (AKA ROSE DAVIS). She was born May 14, 1830 in California.

Child of CHARLES JEFF and LIMPY DAVIS is:

2. i. JEFFERSON DAVIS (INDIAN² JEFF), b. June 20, 1855, Calaveras County, California.

Generation No. 2

2. JEFFERSON DAVIS (INDIAN² JEFF) (CHARLES¹ JEFF) was born June 20, 1855 in Calaveras County, California. He married SUSIE SUSNER. She was born May 14, 1848 in California.

Child of JEFFERSON JEFF and SUSIE SUSNER is:

3. i. JOHN³ JEFF, b. October 25, 1867, Calaveras County, California.

Generation No. 3

3. JOHN³ JEFF (JEFFERSON DAVIS (INDIAN² JEFF), CHARLES¹ JEFF) was born October 25, 1867 in Calaveras County, California. He married TILLIE (BILLIE) SAM. She was born March 25, 1876 in Altaville, Calaveras County, California, and died July 12, 1945 in Hathaway Pines, Calaveras County, California.

More About TILLIE (BILLIE) SAM:

Burial: July 16, 1945, Vallecito, Calaveras County, California

Child of JOHN JEFF and TILLIE SAM is:

4. i. MANUEL⁴ JEFF, b. April 04, 1906, Vallecito, California; d. August 12, 1998.

Generation No. 4

4. MANUEL⁴ JEFF (JOHN³, JEFFERSON DAVIS (INDIAN² JEFF), CHARLES¹ JEFF) was born April 04, 1906 in Vallecito, California, and died August 12, 1998. He married EVA LOUISE MOSE May 23, 1973 in Murphys, Calaveras Co. California, daughter of DEWEY MOSE and MINNIE EAPH. She was born June 22, 1911 in California, and died October 19, 1999 in Residence, West Point, Calaveras Co. California.

More About MANUEL JEFF:

Burial: Eaph Family Cemetery, West Point, Calaveras Co. California

More About EVA LOUISE MOSE:

Burial: October 23, 1999, Eaph Family Cemetery, West Point, Calaveras Co. California
Social Security Number: 554-24-5147

Child of MANUEL JEFF and EVA MOSE is:

i. MILDRED FERN⁵ JEFF, b. April 25, 1937, Vallecito, California; m. WILLIAM DAVID BURLEY JR.; b. August 13, 1939, Blair County, Pennsylvania; d. January 24, 1965, Sonora, Tuolumne County, California.

Additional Exhibits

The archivist at the Calaveras County Archives researched the genealogy Jeff Davis both in 2007 and 2016, finding that he had only one son (Ike Davis) who died in 1919 without progeny. Therefore, Jeff Davis cannot be the father of John Jeff and that would exclude him from being one of the Eligible Groups.

This is also supported by the entries in the database of 1,300 historic Indian of Calaveras County.

This invalidates essentially all of the voter list as being from the Eligible Group.

Further, the father of John Jeff was really Indian Jeff from West Point, who was murdered in 1890 and his memory lost to virtually all of his relatives until recently recovered by the discover of the Inquest on the body of Indian Jeff, which is included here and where among other witnesses, his son, John Jeff, and daughter, Emma Jeff, identify the deceased as their father. Both the original document and a transcription are included as well as some fragmentary documents.



CALAVERAS COUNTY ARCHIVES

46 N. Main St, PO Box 1281
San Andreas, CA 95249
(209) 754-3918
archives@goldrush.com

May 11, 2007

Dear Sheep Ranch Rancheria of Me-Wuk Indians of California:

Researching the Jeff Davis family proved anything but easy. As you know most Me-Wuk history was not recorded with the county and so pulling information from various sources becomes essential. What is fairly certain is that Jeff Davis was the oldest child of Limpy "Rose Davis." In the 1880 US federal census it shows Limpy as being the wife of Charley and Ina, Frank and "a girl" as Charleys children. Jeff Davis is also listed but no relation shows to Charley, the census only lists Jeff as the head of household at the age of 20. Therefore it is difficult to say conclusively whether or not Charley was Jeff's father. In the 1880 census Lavina is listed as Jeff Davis' wife, and from all accounts I would venture to say that this is his first wife. Lavina is also listed on another page of the same census living with Emma and Johnny ages 8 and 6 respectively. I assume these are her children, from a previous marriage. Emma and Johnny, later testify in an inquest hearing that Indian Jeff (West Point Jeff) is there father. Another interesting note on the 1880 census: Jeff Davis' sister Pinky is living with a Jeff. Is this the Indian Jeff that fathered Emma and Johnny?

In the 1900 census Jeff Davis is listed as living with his mother, Limpy and son Ike and is listed as widowed. In 1910 he is listed living with a wife Chuella. Jeff claims that this is his second marriage and her third. Interestingly, Jeff also claims to be living in polygamy, as does Chuella. Jeff states the his wives are not sisters. In 1910 Lavinia Jeff (Virginia) is living with Sally Charley (her aunt) and Angie Fisher.

In 1920 Jeff Davis is living with Betsy Davis as his wife and his mother Rose. Jeff is listed as 62 and Betsy as 70, and his mother Rose as 80. In 1920, Liviana Jeff (Jeff Davis' first wife) is living with Frank Fisher as his mother-in-law. In 1930, Jeff Davis is living alone next door to Jess and Maime Duncan, Pinkey Davis and her husband John Tecumseh.

Other interesting notes: Indian Jeff (West Point Jeff) the father of Emma and Johnny Jeff was shot in 1889 and died 97 days later. Ike Davis died in 1919 after jumping from a window in an Angels Camp hospital. He became demented from a high fever. Limpy died in 1930 and her obituary lists her surviving children as "Jeff Davis, chief of the dwindling tribe located at Sheep Ranch and two daughters, Pinky Tecumseh and Mrs. Potter Hodge." Jeff Davis dies 10 years later in 1940. His obituary incorrectly lists him as the "chief of the Piute Indian tribe in Sheep Ranch and vicinity for the past 30 years." He was survived by two sisters Ina Hodge and Pinkey Tecumseh.

From these records the only things that are clear is the Limpy is Jeff Davis' mother as well as Pinkey Tecumseh and Ina Hodge. Jeff Davis had multiple wives but only mention of one son Ike is ever

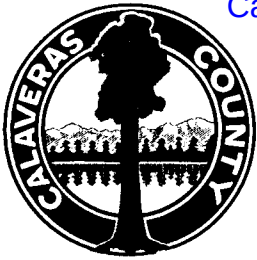
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made. From the federal census it is also clear that Jeff Davis and his family members lived in or around the Murphys area and are usually recorded in that township.

If there is anything else I can do for you, please let me know.

Thank you,

A handwritten signature in black ink, appearing to read "Shannon Van Zant". The signature is fluid and cursive, with the first name "Shannon" written in a larger, more prominent script than the last name "Van Zant".

Shannon Van Zant
Calaveras County Archivist



Shannon Van Zant
Archivist

891 Mountain Ranch Rd
San Andreas, CA 95249
209.754.3918 ♦ calaverasarchives@att.net

May 26, 2016

Dear Sheep Ranch Rancheria of Me-Wuk Indians of California:

Further research into the Sheep Ranch tribe has revealed very little new information. In an 1885 newspaper article in the *Calaveras Prospect*, the death of Captain Charley is noted. In the article Jeff Davis is listed as son of Captain Charley. In an 1890 newspaper article the death of Indian Jeff was noted. In the article John Jeff claims to be the son of Indian Jeff. Since Jeff Davis lived until 1940, Jeff Davis cannot be the father of John Jeff as John Jeff claims his father was Indian Jeff who was shot and killed in 1890.

Indian Jeff had two children: John Jeff (married Tillie Sam) and Emma Jeff (married Frank Fischer). It is believed that Lavinia Jeff was the mother of John and Emma and is living with Frank Fischer as his mother-in-law in the 1920 federal census.

Captain Charley had three known children with Rose "Limpy" Davis: Jeff Davis, Pinky (married John Tecumseh) and Ina (married Potter Hodge).

John and Tille Jeff's oldest daughter Hattie married Joe Hodge. They had Mabel and Tex Hodge. Mabel married Romie Dixie and had five children (Maxine, Richard, Yakima, Melvin and Thomas).

Jeff Davis had numerous wives: Lavinia (no children - she later marries Indian Jeff and they have John and Emma Jeff), Chuella (they have Ike Davis together), and Betsy Duncan (or Susie Susner/Cissner). He did not have any children with Betsy, although she had one son Jesse with her first husband, Thomas Duncan.

Jeff Davis' son, Ike dies in the influenza epidemic of 1918 as does Ike's wife (name unknown). It is unknown whether or not Ike Davis had any children.

If there is anything else I can do for you, please let me know.

Thank you,


Shannon Van Zant

Inquest on
Body of

Indian Jeff

Given Jan 9 1890
G L Myllie
Clerk

Depositions of Witness at an inquest
held in the body of Indian Jeff
before J. R. Smith Justice of the
Peace (acting Coroner) this 7th day of
January 1890

Frank Jack after being duly sworn
testifies as follows

Ques. What is your name residence
and occupation

Ans. Frank Jack residence West Point
Calaveras County Cal. occupation
wood cutter

Ques. Were you at Murphys Camp
last fall when the Indians held
a fandango there

Ans. Yes

Ques. Were you acquainted with Jeff
the Indian that was shot there

Ans. Yes

Ques. Did you see him when he was
shot if so state what you know
about it

Ans. That man William McLaughlin
shot Jeff. McLaughlin was fooling
around with the women there a
few hours. Johnny Jeff told him
to stay away and let the women
sit down there. McLaughlin

for up to the door of
 and threaten to shoot Jeff
 Mitch, as soon as he got up he
 pulled out his pistol. Jeff was
 cooking beef he stepped back a
 few steps and told him to stop
 and not shoot the boy. he then
 pulled up his pistol and shot Jeff.
 Jeff had nothing in his hands at
 the time. he never put the pistol
 out of his hands after threatening to
 shoot the boy till he shot Jeff.

Frank & Jack

Subscribed and sworn to before me this
 7th day of January 1890

J. B. Smith

Judge of the Peace

Indian Eph after being duly
 sworn testified as follows

Q. What is your name and residence

A. Eph. - Wat Point, Colaruss County

Q. Were you at Murphy's Camp
 when Jeff got shot

A. Yes

Q. State if you know what time
 it was

A. Jeff lived 27 days after he was
 shot and he died Saturday January

4th, he was shot on Sunday night, at Murphy Creek, on the 29th day of September 1859

Ques Did you keep the record of your own record, or did some one do it for you

Ans I kept it myself I wanted to know how long he would live

Ques Were you acquainted with Jeff before he got shot

Ans Yes I heard the shot but did not see it

Ques Did you see Jeff immediately after he was shot

Ans Yes

Ques Have you seen him frequently since he was shot, and since he died

Ans Yes I was with him when he died and know he is the same person

Subscribed and sworn to me
before me this 7th day of January
1890

J. R. Smith
Justice of the Peace

4.

young man.
Jeff after being shot down
testifies as follows

Ques. What is your name and where do you live?

Ans. Emma Jack. West Point.

Ques. Were you acquainted with Jeff the man who was shot?

Ans. Yes. He is my father.

Ques. Were you at Murphy's Camp on Sept. 29, '89, when Jeff was shot?

Ans. Yes.

Ques. Did you see McLaughlin shoot Jeff?

Ans. Yes.

Ques. What was the trouble between the parties, which caused him to shoot Jeff?

Ans. He was fooling around among the women, one or two hours. He called Johnny Jeff a s- of a b-, and he threatened to shoot Johnny, pulling out a pistol. Jeff told him to stop and not shoot the boy. He then shot Jeff.

Ques. Did Jeff have anything in his hand at the time?

Ans. He had nothing in his hand. 5

Emma Jack ^{her}
X
mark

Subscribed and sworn to before me
this 7th day of January 1890

J. B. Smith
Justice of the Peace

Ques. Johnny Jeff after being duly
sworn Testifies as follows
What is your name, residence, &
occupation.

Ans. Johnny Jeff. West Point
Sabador.

Ques. Were you at Murphy's last fall when
the Indians held a Pandango
there?

Ans. Yes.

Ques. Was it on a Sunday Even'g when
Jeff was shot?

Ans. Yes.

Ques. You were acquainted with Jeff

Ans. Yes. He was my father.

Ques. I take what you saw in reference
to the shooting of Jeff.

Ans. I was there and I saw the shooting
Some squaws told me to make that
man move and let them get
down.

told him to move over.
He called me a S- of a B—,
He got up and took out his
pistol. My father saw
the pistol and he got up and
told him to stop. My father
was cooking meat, and he
took about two steps toward
the man, when ~~he~~ ^{my father} shot ~~him~~.
My father had nothing in his
hands!

Johnny Jeff + his
mark

Subscribed and sworn to before me
this 7th day of January 1890

J. R. Smith
Justice of the Peace

Louisa after being duly sworn
testified as follows.

Ques. What is your name & where do you
live?

Ans. Louisa, Sandy Gulch.

Ques. Were you at Murphys when Jeff was shot?

Ans. Yes

Ques. Were you acquainted with Jeff?

Ans. Yes

L.

25

Ques. Do you know the name of the man who shot Jeff?

Ans. Yes, ~~Mr.~~ McLaughlin.

Ques. Did you see him shoot Jeff?

Ans. Yes.

Ques. How near were you to Jeff when he was shot?

Ans. I was sitting on the other side of the fire about 3 feet from Jeff.

Ques. What was the trouble between them, that caused him to shoot Jeff?

Ans. McLaughlin was fooling around with the women. He told the women to get out of the way, he wanted to sit down himself. He called Johnny a S- of a b- when Johnny told him to get out of the way.

Ques. Did he then pull a pistol and threaten to shoot Johnny?

Ans. Yes.

Ques. Did Jeff then try to stop him from shooting the boy?

Ans. Yes. He then shot Jeff. Jeff had nothing in his hand.

before me this 7th day
January 1890

J. R. Smith
Justice of the Peace

J. Bukler after being duly
sworn testifies as follows

Que What is your name residence &
Occupation

Ans Julius Bukler West Point
Notary Public

Que did you take the deposition of
Jeff before he died

Ans yes I took it on the 2^d of January
1890

Que Have you got the deposition now
I have here it is

Deposition filed Schedule A.
Subscribed and sworn to Julius Bukler
before me this 7th day
of January 1890

J. R. Smith
Justice of the Peace

9.

Sr. Frank S. Burleigh. being
duly sworn testifies as follows:

Ques. What is your name, residence &
occupation.

Ans. Frank S. Burleigh, West Point, M.D.

Ques. Did you hold an autopsy on
the body of Indian Jeff?

Ans. Yes.

Ques. State the result of your examination.

On last Sun. Morn. Jan. 5th, 1896.
I opened the body of Indian Jeff to
ascertain the ~~extent~~^{extent} of the gunshot
wound received by the said Indian
Jeff. I found on opening the
body, that the ball struck the fifth
rib glanced upward entered the
pleural cavity between the fourth
and fifth ribs, ^{pierced the lung lying} and came out between
the third and fourth ribs. I also
found the right lung entirely
gone, on opening through the
diaphragm, and the liver con-
taining pus.

Ques. Do you suppose the ball pierced or
passed through the lungs.

Ans. To the best of my belief, from the course of

the ball it must have pierced
the lungs.

Ques. Do you consider the wound necessary
fatal under proper medical treatment?

Ans. To the best of my belief, with
proper medical treatment, there
was a possibility of his recovery.

Ques. Do you believe the gunshot wound to
be the primary cause of his death?

Ans. Yes.

J. L. Burleigh M.D.

Subscribed and sworn to
before me this 9th day of
January 1890

J. R. Smith
Justice of the Peace

58

State of California }
County of Calaveras }

Indian Jeff being first duly sworn deposes and says: That he is an Indian that his name is Indian Jeff, that he is a resident of West Point County of Calaveras State of California, that he feels that he is dying and that this is his dying statement. That he and his family were attending an Indian dance near Murphy's Camp Calaveras County State of California, that when there a white man pointed a pistol at his son, that he told the white man to put the pistol away and at the same time took two steps towards the man when the white man shot off the pistol the ball striking me in the right side.

Witnesses

J. W. Shute Jr. Indian ^{his} Jeff.
H. L. Burleigh M.D. Mark

Subscribed and sworn to
before me this second day
of January A. D. 1890.

Julius Buckler
Notary Public

State of California }
County of Calaveras }

Before J. R. Smith J. P.
acting coroner in the matter
of the inquisition upon the
body of Indian Jeff deceased.

We the undersigned the jurors
summoned to appear before

J. R. Smith J. P. acting coroner
in the County of Calaveras on
the Seventh day of January, 1888.
to inquire into the cause of the
death of Indian Jeff.
having been duly sworn
according to law and having
made such inquisition, after
inspecting the body, and hearing
the testimony adduced, upon
our oath each and all do say
that we find the deceased
was named Indian Jeff, a
native of California, about
forty years old that he came to
his death by being shot near
the town of Murphy's Calaveras Co,
State of California; on Sunday Evening
Sept. 29, 1887. and we further find
that we believe Mr. McLaughlin
to be the person, by whose act

at the death of the said
Indian Jeff was occasioned.
His death being caused by
a gunshot wound, inflicted
upon the body of the said Indian
Jeff. by Wm McLaughlin.

All of which we duly certify
by this inquiry, in writing,
by us signed, this 7th day of
Jan. 1890.

J. Severus
James Gormley
A. J. Field
W. M. Gung
George Elhardt
Wm. Cook
W. Smith Jr
E. M. Rice

State of California
County of Calaveras

I hereby certify the foregoing to
be a full true and correct transcript
of the testimony and proceedings
taken in the matter of the inquisition
on the body of Indian Jeff held
at West Point on the 7th day of
January 1890 before me

J. R. Smith
Justice of the Peace
Mokelumne Township
acting Coroner

Transcript from Calaveras Archives - Chadd Everone Sr. & Jr. June 19, 2018

	Inquest on	
	Body of	
	<u>Indian Jeff</u>	
	Filed Jan 9 1890	
	A L Nyllie	
	Clerk	
		1

1	
	Depositions of Witnesses at an inquest
	held on the body of Indian Jeff
	before J R Smith Justice of the
	Peace (acting Coroner) that 7th day of
	January 1890
	Frank Jack after being duly sworn
	testifies as follows
Que	What is your name residence and occupation.
Ans	Frank Jack residence West Point
	Calaveras County Cal. occupation
	wood cutter.
Que.	Were you at Murphys Camp
	last Fall when the indians held
	a fandango there
Ans	Yes
Que	Were you acquainted with Jeff
	the indian that was shot there
Ans.	Yes.
Que	Did you see him when he was
	shot if so state what you know
	about it
Ans	That man William McLaughlin
	shot Jeff. McLaughlin was fooling
	around with the women two or
	three hours, Johnny Jeff told him
	to stay away and let the women
	sit down there. McLaughlin
	2

2	got up and called Johnny a son of
	bitch, and threatened to shoot Johnny
	as soon as he got up he
	pulled out his pistol. Jeff was
	cooking beef he stepped back a
	few steps and told him to stop
	and not shoot the boy. He then
	pulled up his pistol and shot Jeff.
	Jeff had nothing in his hands at
	the time. he never put? the pistol
	out of his hands after threatening to
	shoot the boy till he shot Jeff
	Frank X Jack
	Subscribed and sworn to before me this
	7th day of January 1890
	J R Smith
	Justice of the
	Peace
	Indian Eph, after being duly.
	sworn testifies as follows
Que	What is your name and residence
Ans	Eph. West point. Calaveras County
Que	Were you at Murphys Camp
	when Jeff got shot
Ans	Yes
Que	State if you know what time
	it was
Ans	Jeff lived 97 days after he was
	shot and he died Saturday January
	3

3	4th, he was shot on Sunday
	night, at Murphys Camp, on the
	29th day of September 1889
Que	Did you keep the record of your
	own accord or did someone do it
	for you
Ans	I kept it myself. I wanted to
	know how long he would live
Que	Were you acquainted with
	Jeff before he got shot
Ans	Yes. I heard the shot but did
	not see it
Que	Did you see Jeff immediately
	after he was shot
Ans	Yes
Que	Have you seen him frequently
	since he was shot, and since he
	died
Ans	Yes. I was with him when
	he died and know he is the same
	person
	his
	Eph X
	Subscribed and sworn to mark
	before me this 7th day of January
	1,890
	J R Smith
	Justice of the Peace
	<i>initial</i> 4

4	
	Emma Jack after being duly sworn testifies as follows
Ques	What is your name and where
	do you live?
Ans	Emma Jack. West Point.
Ques.	Were you acquainted with Jeff
	the man who was shot.
Ans	Yes. He is my father.
Ques	Were you at Murphys Camp on
	Sept. 29, '89, when Jeff was
	shot?
Ans	yes.
Ques	Did you see McLaughlin shoot Jeff?
Ans	Yes.
Ques	What was the trouble between the parties
	which caused him
	to shoot Jeff.
Ans	We was fooling around
	among the women, one or two
	hours. He call Johnny Jeff
	a s-of a b-, and he threat-
	ened to shoot Johnny pulling out
	a pistol. Jeff told him to
	stop and not shoot the boy. .
	He then shot Jeff
Ques	Did Jeff have anything in
	his hand at the time?
Ans	He had nothing in his hand.
	<i>initial 5</i>

5	her
	Emma Jack X
	mark
	Subscribed and sworn to before me
	this 7th day of January 1890
	J.R. Smith
	Justice of the Peace
	Johnny Jeff after being duly sworn
	testified as follows.
Ques.	What is your name, residence, &
	occupation.
Ans.	Johnny Jeff. West Point
	Laborer
Ques	Were you at Murphy's last fall when
	the Indians held a Fandango
	there?
Ans	Yes.
Ques.	Was it on a Sunday Even'g when
	Jeff was shot?
Ans	Yes
Ques.	You were acquainted with Jeff
Ans.	Yes. He was my father.
Ques	State what you saw in reference
	to the shooting of Jeff.
Ans.	I was there and I saw the shooting
	Some squaws told me to make that
	man move and let them.
	sit down
	<i>initial 6</i>

6	I told him to move over
	He called me a S-of a b-,
	He got up and took out his
	pistol. My father saw
	the pistol and he got up and
	told him to stop. My father
	was cooking meat. and he
	took about two steps toward
	the man, when he shot my father.
	My father had nothing in his
	hands. his
	Johnny Jeff X
	mark
	Subscribed and sworn to before me
	this 7th day of January 1890
	J.R. Smith
	Justice of the Peace
	Louisa after being duly sworn
	testified as follows.
Ques	What is your name & where do you
	live?
Ans	Louisa, Sandy Gulch.
Ques	Were you at Murphy's when Jeff was shot?
Ans.	Yes
Ques	Were you acquainted with Jeff?
Ans	Yes
	<i>initial 7</i>

7	
Ques	Do you know the name of the man who shot Jeff.
Ans	Yes, Wm. McLaughlin.
Ques	Did you see him shoot Jeff.
Ans	Yes.
Ques	How near were you to Jeff when he was shot.
Ans	I was sitting on the other side of the fire about 8 feet from Jeff
Ques	What was the trouble between them, that caused him to shoot Jeff?
Ans	McLaughlin was following around with the women. He told the women to get out of the way, he wanted to sit down himself. He call Johnny a S-of a b- when Johnny told him to get out of the way
Ques	Did he then pull a pistol and threaten to shoot Johnny?
Ans	Yes
Ques	Did Jeff then try to stop him from shooting the boy?
Ans	Yes. He then shot Jeff. Jeff had nothing in his hand.
	<i>initial 8</i>

8	
	her
	Subscribed and sworn to Louisa X
	before me this 7th day of mark
	January 1890
	J.R. Smith
	Justice of the Peace
	J. Buklert after being duly
	sworn testified as follows.
Ques	What is your name residence &
	occupation
Ans	Julius Buklert, West Point
	Notary Public
Ques	Did you take the depositions of
	Jeff before he died
Ans	Yes, I took it on the 2nd of January
	1890
Que	Have you got the deposition now
	I have here it is
	deposition filed schedule A.
	Subscribed and sworn to Julius Buklert
	before me this 7th day
	of January 1890
	J. R. Smith
	Justice of the Peace
	<i>initial 9</i>

9	
	Dr. Frank S. Burleigh being
	duly sworn testifies as follows:
Que.	What is your name, residence & occupation.
Ans	Frank S. Burleigh, West Point, M.D.
Ques	Did you hold an autopsy
	on the body of Indian Jeff?
Ans	Yes.
Ques	State the result of your examination
Ans	On last Sun. Morn. Jan. 5th, 1890,
	I opened the body of Indian Jeff to
	ascertain the extend of the gunshot
	wound received by the said Indian
	Jeff. I found on opening the
	body, that the ball struck the fifth
	rib glanced upward entered
	the pleural cavity between the fourth
	and fifth ribs pierced the lung tissue
	and came out between
	the third and fourth ribs. I also
	found the <u>right lung</u> entirely
	gone an opening through this diaphragm,
	and the liver con- taining pus.
Ques	Do you suppose the ball pierced or
	passed thorough the lungs.
Ans	To the best of my belief, from the course of
	<i>initial 10</i>

Transcript from Calaveras Archives - Chadd Everone Sr. & Jr. June 19, 2018

10	
	the ball it must have pierced
	the lungs.
Ques	Do you consider the wound necessary
	fatal under proper medical treatment
Ans	To the best of my belief, with
	proper medical treatment, there
	was a possibility of his recovery.
Ques	Do you believe the gunshot wound to
	be the primary cause of his death?
Ans	Yes.
	F.L. Burleigh, M.D.
	Subscribed and sworn to
	before me this 7th day of
	January 1890
	J. R. Smith
	Justsice of the Peace
	<i>initial</i> 11

11	
58	State of California
	County of Calaveras
Schedule A	Indian Jeff being first duly sworn deposes
	and says: That he is an Indian that his
	name is Indian Jeff, that he is a resident
	of West Point County of Calaveras State of
	California, that he feels that he is dying
	and that this is his dying statement.
	That he and his family were attending an
	Indian dance near Murph'ys Camp Cala
	veras Count State of California, that where?
	there a white man pointed a pistol at
	his son, that the told the white man to?
	put the pistol away and at the same
	time took two steps towards the man
	when the white man shot off the pistol
	the ball striking me in the right side.
	Witnesses his
	John W. Shutte, Jr Indian X Jeff
	F.L. Burleigh, M.D mark
	Subscribed and sworn to
	before me this second day
	of January A.D. 1890
	Julius Buklert
	Notary Public
	12

	State of California }
	County of Calaveras }
	Before J.r. Smith J.P.
	Acting coroner in the matter
	of the inquisition upon the
	body of Indian Jeff deceased,
	We the undersigned the jurors
	summoned to appear before
	J.R. Smith, J.P. acting coroner
	in the County of Calaveras on
	the Seventh day of January 1890
	to inquire into the cause of the
	death of Indian Jeff having been duly sworn
	according to law and having
	made such inquisition, after
	inspecting the body and hearing
	the testimony adduced, upon
	our oath each and all do say
	that we find the deceased
	was named Indian Jeff, a
	native of California, about
	forty years old that he came to
	his death by being shot near
	the town of Murphys Calaveras Co,
	State of California - on Sunday Evening
	September 29, 1889. And we further find
	that we believe Wm McLaughlin
	to be the person, by whose act
	<i>initial 13</i>

Transcript from Calaveras Archives - Chadd Everone Sr. & Jr. June 19, 2018

	the death of the said
	Indian Jeff was occasioned.
	His death being caused by
	a gunshot wound, inflicted
	upon the body of the said Indian
	Jeff by Wm McLaughlin.
	All of which we duly certify
	by this inquisition, in writing,
	by us signed, this 7th day of
	Jan. 1890.
	} T, ? Severn
	} James Gormly
	} A.J. Field
	} W.M. Young
	} George Eberhardt
	} Wm ? Cook
	} W.L. Smith, Jr.
	} E.M. Prince
	<i>initial 14</i>

Transcript from Calaveras Archives - Chadd Everone Sr. & Jr. June 19, 2018

State of California
County of Calaveras

I hereby certify the foregoing to
be a full true and correct transcript
of the testimony and proceedings
taken in the matter of the inquisition
on the body of Indian Jeff held
at West Point on the 7th day of
January 1890 before me

J.R. Smith
Justice of the Peace
Mokelumne Township
acting Coroner

initial 15

FAMILY GROUP NO.

Husband's Full Name

Indian Jeff (West Point Jeff)

This information Obtained From _____ Case 2:19-ar-00268 Document 1 Filed 04/09/19 Page 105 of 242

Birth							
Chr'nd							
Marr.							
Death	29 Sept. 1889	Murdered by Wm McLaughlin					
Burial							

Places of Residence

Occupation

Church Affiliation

Military Rec.

Other wives, if any. No. (1) (2) etc.
Make separate sheet for each marr.

His Father

Mother's Maiden Name

Wife's Full Maiden Name

Lavinia Jeff / Susana Jeff

Wife's Data	Day	Month	Year	City, Town or Place	County or Province, etc	State or Country	Add. Info. on Wife
Birth	16	Sep	1844				
Chr'nd							
Death	9	May	1939				
Burial							

Compiler

Places of Residence

Address

Occupation

Church Affiliation

Military Rec.

City, State

Other husbands, if any. No. (1) (2) etc.
Make separate sheet for each marr.

Date

Her Father

Mother's Maiden Name

(2) Jeff Davis

Lepsona Hodge

Sex	Children's Names in Full (Arrange in order of birth)	Children's Data	Day	Month	Year	City, Town or Place	County or Province, etc.	State or Country	Add. info. on Children
M	1 John Jeff	Birth	25	10	1867				
		Marr.							
	Full Name of Spouse	Death	13	Dec	1938				
	Tillie Sam	Burial							
F	2 Emma	Birth							
		Marr.							
	Full Name of Spouse	Death							
	Frank Fisher	Burial							
	3	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	4	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	5	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	6	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	7	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	8	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	9	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	10	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							

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More forms are available FREE online at
<http://www.genrecords.com>

Family Group Sheet	Husband's Full Name <u>John Jeff</u>							
	Date of:	Day	Month	Year	Town	County	State or Country	Additional Info.
Information Obtained From:	Birth:							
	Marriage:							
	Death:							
	Burial:							
Places of Residence:								
Occupation:			Religion:			Military Record:		
Other wives:								
His father: <u>Indian Jeff / West Point Jeff</u> His mother:								
Wife's Full Maiden Name: <u>Tillie</u>								
	Date of:	Day	Month	Year	Town	County	State or Country	Additional Info.
	Birth:							
	Marriage:							
Compiler:	Death:							
	Burial:							
Address:								
City:	Occupation, if other than Housewife:						Religion:	
State:	Other husbands:							
Date:	Her father:				Her mother:			

Sex:	Children's Full Names:	Date of:	Day	Month	Year	Town	County	State or Country	Additional Info.
1	<u>Hattie</u> Full Name of Spouse: <u>Mabel Hodge</u>	Birth:			1900				Mabel Hodge Tex Hodge
		Marriage:							
		Death:							
		Burial:							
2	<u>Laura</u> Full Name of Spouse: <u>Joe Hodge</u>	Birth:			1903				
		Marriage:							
		Death:			5 Aug 1957			Indian Cem.	
		Burial:						Vallecito	
3	<u>Mannie</u> Full Name of Spouse: <u>Eval. Mose</u>	Birth:			10 Apr 1906				Frances Mildred Gladys David
		Marriage:			23 May 1962			Cal. Co.	
		Death:			12 Aug 1998				
		Burial:							
4	<u>"Tillie" Carrie</u> Full Name of Spouse:	Birth:			1911				
		Marriage:							
		Death:			1 May 1922				
		Burial:							
5	<u>Ray</u> Full Name of Spouse:	Birth:			1915				
		Marriage:							
		Death:							
		Burial:							
6	<u>Hamby</u> Full Name of Spouse:	Birth:			1917				
		Marriage:							
		Death:			4 Sep 1998				
		Burial:						Sandy Gulch CA	
7	<u>Lennie</u> Full Name of Spouse:	Birth:			18 Jul 1918				
		Marriage:							
		Death:			11 Dec 1977			Murphys	
		Burial:							
8	<u>Tessie</u> Full Name of Spouse:	Birth:			1920				
		Marriage:							
		Death:							
		Burial:							

Additional Children

Children's Full Names:	Date of:	Day	Month	Year	Town	County	State or Country	Additional Info.
9. <i>Walter</i>	Birth:							
	Marriage:							
	Death:							
Full Name of Spouse: <i>Virginia Eaph</i>	Burial:							
10.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
11.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
12.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
13.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
14.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
15.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
16.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							

Additional Sources

Exhibit F

To

Complaint for Declaratory and Injunctive Relief



United States Senate

March 6, 2019

The Honorable Tara Katuk Mac Lean Sweeney
Assistant Secretary, Bureau of Indian Affairs
Department of the Interior
1849 C Street, N.W. MS-4660-MIB
Washington, D.C. 20240

Amy Dutschke
Pacific Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Dear Assistant Secretary Sweeney and Regional Director Dutschke:

I write regarding the Secretarial Election to organize the California Valley Miwok Tribe. The Bureau of Indian Affairs has been substantially involved in ensuring that the organization of the tribe includes all properly eligible members. Given this history, I respectfully ask that you verify whether the claimed descendants of Jeff Davis qualify for the Eligible Group before proceeding with the election to organize the Tribe. I also ask that you meet with any Tribal representatives who want to discuss this issue with you.

I want to emphasize that I have no position on who should be eligible for the election. I simply believe that it is appropriate for the Bureau to verify who is eligible.

I have attached letters from Arlo Smith and Leon Mendibles regarding this fundamental factual issue of who is eligible to vote in the election.

This is a time-sensitive matter, because it is my understanding that preparatory steps for the election are already underway. I request that you stay the election until you have resolved this pivotal issue. Thank you for considering my request.

Sincerely,

A handwritten signature in blue ink that reads "Dianne Feinstein".

Dianne Feinstein
United States Senator

DF:jw

Enclosures: Letters from Arlo Smith and Leon Mendibles

ARLO E. SMITH
2211 Castro St.
San Francisco, California 94131
(415) 244-4509

TO: Senator Dianne Feinstein
U.S. Senate
Washington, DC

RE: California Valley Miwok Tribe (Sheep Ranch)

Dear Dianne:

This is a request to assist the California Valley Miwok Tribe (Sheep Ranch) in having the Assistant Secretary - Indian Affairs require the Regional Director to verify the genealogy of one particular person (Jeff Davis) as qualifying for the Eligible Group to organize the Tribe via a Secretarial Election. This matter is addressed in the enclosed letter to the Assistant Secretary which has been sent to all parties involved in the final determination. As you can see, the evidence appears that Jeff Davis does not have any lineal descendants to the Eligible Group. If the voter list is loaded with members who are not legitimate, then it could be a catastrophic situation for all parties concerned - the legitimate descendants, the Tribe as a whole, the Federal government and the BIA, as well as others.

In brief, the Determination of Kevin Washburn of December 2015 defines the Eligible Group for organizing the Tribe and that Determination has been judged to be legal and definite in both District Court and the Court of Appeals. It is absolutely final. Thus, the Assistant Secretary and the Regional Director are bound to abide by that 2015 Determination and the criteria for being in the Eligible Group to organize the tribe. Once that is finally established by the BIA, then that group can admit the rest of the community into the Tribe, and the Federal government is finished with membership disputes.

The Tribe greatly appreciates your assistance of 2007 in having the PL93-638 funds withheld from the Tribe; and as a result, millions of dollars to the Tribe remain frozen for the recognized authority.

Congratulation on your re-election.

Thanks,



ARLO E. SMITH

Leon Mata Mendibles
877 Valley Crest Dr.
Carson City, Nevada 89705

Tara Katuk Mac Lean Sweeney
Assistant Secretary – Indian Affairs
Department of the Interior
1849 C Street, N.W. MS-4660-MIB
Washington, D.C. 20240

January 18, 2019

Regarding the Eligible Group for organizing the California Valley Miwok Tribe.

Hon. Assistant Secretary:

This letter is to confirm that I, together with my other relatives in the Lena Hodge line of descent, are members of the Eligible Group for organizing the California Valley Miwok Tribe, being that that great grandmother Lena Hodge is listed in the original 1915 census for the Tribe. I am one of the senior members. We are willing to forward our genealogical information if and when appropriate to your consideration.

Originally called the "Sheep Ranch Indians" in that census, Tribe became known later as the "Sheep Ranch Rancheria of Me-wuk Indians" and then around 2002 the name was changed in the Federal Register to "California Valley Miwok Tribe". My family still owns a small section of the original land at Sheep Ranch, California with Lena's original house a historic land-mark for the tribe.

I am receipt of the enclosed analysis by Chadd Everone who has served as the Tribe's Deputy since about 2000. I understand that the Washburn Determination of 2015 has recently been confirmed by the Court as the final definition for which group of people is eligible to organize the Tribe and that there is some dispute and uncertainty about whether or not Jeff Davis, one of my relatives on the 1915 census, had any children. I do not recall my grandmother, Dora Hodge Mata the daughter of Lena Hodge, ever mentioning any relatives associated with Jeff Davis.

Clearly, the initial organizing group is an extremely important matter in terms of the long-range prospects for what will be a sovereign nation. And I urge you to have the genealogy of Jeff Davis verified before going forward with the secretarial election.

Sincerely,

Leon Mendibles



California Valley Miwok Tribe, California
(formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)
2140 Shattuck Ave. #602, Berkeley, Calif. 94704
{ www.californiavalleymiwok.com }

January 24, 2019

Chadd Everone, Deputy
510-486-1314

Tara Katuk Mac Lean Sweeney
Assistant Secretary – Indian Affairs
Department of the Interior
1849 C Street, N.W. MS-4660-MIB
Washington, D.C. 20240
Telephone: (202) 208-7163

A challenge to the Secretarial Election for the California Valley Miwok Tribe
(formerly the Sheep Ranch Rancheria of Me-wuk Indians of California). ^[1]

Honorable Assistant Secretary Sweeney:

The purpose of this communication is to bring to your attention a critical issue regarding the conduct of the Secretarial Election for this Tribe, who really constitutes the Eligible Group for organizing the Tribe, and to contest the Voter's List for that Election. The Election has recently been initiated, but it is inherently flawed in a manner which could cause serious damage to the Bureau of Indian Affairs and its administration, the Tribe and its community, and other interested parties - if this issue is not considered by your office and if appropriate administrative intervention is not taken by the Bureau. The fundamental defect resides in the genealogy of one particular individual, Jeff Davis, who is taken by the BIA to be the progenitor of some 200 individuals that are classified in the Regional Director's Determination of 2017 as being in the "Eligible Group" for participation in the Election. That would represent some 85% + of the Eligible Voters. This is

¹ Access to this document, with active links to some documents, may be given to individuals who have a relevant interest. Please use this link for sending an e-mail.
<http://www.californiavalleymiwok.com/challenge>

34 in error because Jeff Davis had only one child who died without issue, as is
36 explained more fully in this cover letter and the Relevant Facts & Comments
38 section. If the genealogy of Jeff Davis does not lead to the Eligible Group, as I
believe it to be so and can prove, then the election process is fundamentally
flawed and invalid.

I (the Petitioner) am asking that your office to issue to the Regional Direc-
40 tor and Agency Superintendent a stay in the Election proceedings until the geneal-
ogy of Jeff Davis, which is in question, is verified to be consistent with the criteria
42 for the Eligible Group as defined by the Assistant Secretary's Determination of
2015 and which is the only legally valid, organizing platform for this Tribe. This
44 should be a simple matter to resolve - given the BIA's and this Petitioner's
documentation and/or an analysis of an independent, professional genealogist.
46 To proceed as presently intended could give complete control of the Tribal
authority to those who do not legally qualify as the Eligible Group; and therefore,
48 that would nullify any election process.

A Secretarial Election would ordinarily be a local BIA matter. However,
50 the Secretarial election for the California Valley Miwok Tribe is being urgently
brought to your attention at this early stage for the reasons that the local BIA
52 officials seem to be actively and willfully mis-applying the secretarial election
laws and the applicable administrative and federal court decisions. Even though
54 election results may be challenged after the secretarial election is held, and there
will be a challenge if the current voters' list is used without verification of the Jeff
56 Davis genealogy, federal laws will have been deliberately ignored and the finan-
cial and personnel resources of the BIA which are used in the election will have
58 been squandered. Further, most of the voters' expectations in the election results
will be upset. These financial, personal, and psychological losses can be avoided.
60 Also, as a general rule, any new information that affects, in a substantial way, the
fundamentals of any judicial or administrative process should be admissible at any
62 stage in the proceedings. The situation is exigent, and I am directing the matter to
officials at Central, Region, and Agency, concurrently.

64 Given the long and tortuous history of getting this Tribe organized over
the course of some 18+ years, the Determination of AS-IA Washburn and a
66 resolution by Secretarial Election (within 25 CFR Parts 81) require that very close
adherence to be given to conducting the procedures in a strictly legal manner to
68 avoid back-firing, causing a collapse in the process, and continued complications
and irreparable harm.

70 Being that there may be a challenge to my standing to file this Petition, it
must be noted that from 2003 to the present, I have served as Deputy for this
72 Federally Recognized Indian Tribe known as the California Valley Miwok Tribe
(a.k.a. Sheep Ranch Rancheria of Me-wuk Indians); and I am well known to the
74 BIA and all interested parties. Appointed by the hereditary Chief, Yakima Dixie,
and ratified by subsequent resolution and deeds, I have been a principal agent for
76 the Tribe - being active in virtually all aspects of its organization including but not
limited to: bringing together its dispersed community, appealing the usurpation of
78 authority, representing the group before the BIA and in pleadings to the IBIA,
writing its constitution, recruiting lawyers and funding extensive litigation of both
80 Federal and State cases, and being the archivist of documents and keeper of the
genealogies. The latter is the most important for the purpose here. Further, the
82 Opposition, Silvia Burley, filed suit against this Petitioner in California Superior
Court of San Diego (Super. Ct. No. 37-2015-00031738) for numerous charges of
84 representing the Tribe and "intentional interference with prospective economic
advantage against Everone, and a separate "cause of action" against him and the
86 [Gambling Control] Commission for conspiracy to do so." The Court found that
all of those actions and representations were constitutionally "Protected
88 Activities" and the Court sanctioned Burley \$30,000. That was Affirmed in the
Court of Appeal, Fourth Appellate District Division One (D072141) on July 16,
90 2018 with further sanctions, allowed. Thus, it is my duty and legal obligation to
deal with the issue that is presented here.

92 Although the Tribe has been federally recognized since 1915, voted for
the IRA in 1935, and the rancheria land deeded in trust to the family of the

hereditary Chief, the Tribe remains Unorganized at this time. Further, it needs to be emphasized that, at this time, there is no Federally Recognized Authority and consequently there can be no Federally Recognized membership. The sole obstacle to organization has been one family of four persons (the Burleys) who claim to be the only, legitimate members of the Tribe, having been "enrolled" in 1998 by the Chief. After extensive litigation and the resultant Determination of December 30, 2015 by the Assistant Secretary - Indian Affairs (AS-IA), the Regional Director effectively mandated that the Federally Recognized Authority be resolved by a Secretarial Election; and that process was initiated in November 2018. However, there is a mistake in how the Regional BIA is to recognize the Eligible Group for organizing the Tribe, pursuant to the AS-IA Determination of 2015 - a mistake which is illegal and, I believe, could cause the entire process to collapse and the damages to which I referred - including bad publicity all around. To avoid that, it is imperative that the organization of the Tribe be done on a strictly legal basis as mandated by the AS-IA in the Determination of December 2015. As I see it, there is a straight-forward administrative remedy to the problem that would be legal and practical, and would avoid such damages; but it is best to do it early in the process rather than during or after the Election.

I am attaching here a summary of the essential points, which are as follows: **I)** The December 2015 Determination of the AS-IA which legally and correctly defines the Eligible Group for organizing the Tribe; **II)** The Determination of the Regional Director of September 2017, which incorrectly designates one person (Jeff Davis) as being the progenitor of the some 85% of the Eligible Group but Davis had only one child who was without progeny himself; and, therefore, Jeff Davis could not be the derivation of anyone in the Eligible Group.; **III)** Federal law that requires, under criminal penalty, the disclosure of this error; and **IV)** Requested actions and remedy and incidental issues. Full documentation will be provided if the Bureau so desires.

I request an appointment with you and/or appropriate staff at the earliest possible date to speed up the process for understanding the evidence and the need

124 for a quick response. I warrant that the statements in this letter are based upon my
126 personal knowledge and have been made in good faith. If asked to do so, I will
affirm the information in the form of an affidavit.

128 Thank you for your attention and consideration. Our compliments on your
appointment and best wishes for a successful administration.

130 
132

In respect for Indian Jeff and John Jeff.

134
136 c.c. Michael Mendibles, Spokesperson for the California Valley Miwok Petitioners;
James F. Rusk, Sheppard Mullin;
138 Carol Rogers-Davis, Tribal Operations Officer, Central California Agency;
Dale Risling, Acting Regional Director, Pacific Regional Office BIA;
140 Silvia Burley and attorney as mandated by the Regional Director.

142
144 **Relevant Facts & Comments**
146

Relevant Facts & Comments

I

The December 2015 Determination of the AS-IA which legally and correctly defines the Eligible Group for organizing the Tribe.

On December 30, 2015, Assistant Secretary - Indian Affairs Kevin Washburn issued his Determination pursuant to the December 2013 Order from the United States District Court for the District of Columbia, regarding the tribal membership, authority, and organization of this Tribe. This Washburn Determination is the platform for organizing the Federally Recognize Authority for this Federally Recognized Tribe and for conducting the current Secretarial Election to adopt a Constitution that would define both its membership and its authority.

<http://www.californiavalleyemiwok.com/2015-12-30-BIA-Determination-full.pdf>

The definitive paragraph in the Washburn Determination is on page 4:

"With this understanding of the Department's dealings with the California Rancherias and in light of the rulings in *CVMT I, II* and *III*, I conclude that the Tribe's membership is not properly limited to Mr. Dixie and the Burley family. Given Agent Terrell's 1915 census of the "Indians designated 'Sheep Ranch Indians,'" and the 1916 acquisition of land by the United States for the benefit of the Mewuk Indians residing in the Sheep Ranch area of Calaveras County, California, I find that for purposes of reorganization, the Tribe's membership is properly drawn from the Mewuk Indians for whom the Rancheria was acquired and their descendants. The history of the Rancheria, supported by the administrative record, demonstrates that this group consists of: **(1) the individuals listed on the 1915 Terrell Census and their descendants; (2) the descendants of Rancheria resident Jeff Davis (who was the only person on the 1935 IRA voters list for the Rancheria); and (3) the heirs of Mabel Dixie (the sole Indian resident of the Rancheria eligible to vote on its termination in 1967) as identified by OHA in 1971 and their descendants (Dixie Heirs) (all three groups collectively identified herein as the Eligible Groups).**" (*Emphasis is added.*)

It is well established that his group is comprised of the following 13 persons:

Peter Hodge	Tom Hodge	Mrs. Limpey (Rose Davis)	Mabel Hodge Dixie
Annie Hodge	Andy Hodge	John Tecumchey	
Malinda Hodge	Jeff Davis	Pinkey Tecumchey	
Lena Hodge	Betsey Davis	Mamy Duncan	

These are the only historically recognized members of the Tribe with whom the Federal Government had conducted official government-to-government relations since the recognition of the Tribe in 1915. The lineal descendants of these individuals are defined as the "Eligible Groups" for the purpose of organizing the Tribe. There is no controversy on that; and there should be no controversy on those lineal descendants being the only organizing

Relevant Facts & Comments

186 persons who are eligible for any Secretarial Election to be legally valid. Otherwise, the BIA
187 would be guilty of being in violation of the Administrative Procedures Act 5 U.S.C.
188 §706(2)(A) " ... arbitrary, capricious, an abuse of discretion, or otherwise not in accordance
with law."

190 On page 6 of the Washburn Determination, the AS-IA instructs on how to legally incor-
porate the broader community:

192 "At the discretion of the Eligible Groups, the Miwok Indians named on the 1929
193 Census and their descendants may be given that opportunity to participate in the
194 reorganization of CVMT."

196 The criteria for the "Eligible Groups" in the Washburn Determination of December 2015
are exactly the same individuals as defined 11 years before in the 2007 BIA Determination
197 for organizing the Tribe and who were called the "Putative Members". The "Putative
198 Members", then, are exactly the same as the "Eligible Groups" are, now. Thus, as far as the
Federal Government is concerned, the absolute criteria for organizing the Tribe and identify-
200 ing the Tribe's authority are the lineal descendants from the above cited 13 historic persons.
In other words, having dealt specifically with the above mentioned individuals, by that fact,
202 they had to be recognized as the only Federally Recognized members; and the Tribe never
having been terminated, that membership and their descendants continue in force. This is not
204 fungible, cannot be modified or loosely interpreted, and is fixed. Indeed, the BIA could not
have used any other criteria such as the 1929 Census of Indians of Calaveras County because
206 to do so would be a violation of the prohibition against the Federal government determining
tribal membership, arbitrarily.

208 In January 2016, the Opposition Party (the Burleys) challenged the Washburn Determina-
tion in the United States District Court Eastern District of California in case # civ no.
210 2:16-01345. The Washburn Determination was judged to be legal and NOT a violation of
the Administrative Procedures Act, and Burley's case was dismissed on July 1, 2016. Soon
212 thereafter, the Burleys filed an Appeal in the United States Court of Appeals for the Ninth
Circuit case No. 17-16321; and that Court Affirmed the District Court's Order on December
214 11, 2018. Thus the Washburn Determination of 2015 is the absolute and only legal platform
for organizing this Tribe. The Washburn Determination is settled law. The Assistant Secre-
216 tary Washburn referred the matter to the Regional Director to evaluate if a 2013 Constitution
was adopted by the above Eligible Group and if not, then to conduct a Secretarial Election by
218 the Eligible Group - See II, below.

Relevant Facts & Comments

II

220 **The Determination of the Regional Director of September 2017, which**
222 **incorrectly designates one person (Jeff Davis) as being the progenitor of**
224 **the some 85% of the Eligible Group; but Davis had only one child who**
was without progeny himself; and, therefore, Jeff Davis could not be the
derivation of anyone in the Eligible Group.

226 After the Washburn Determination, the representatives of the Tribe requested the Director
of the Bureau of Indian Affairs - Pacific Region to accept the Tribe's Constitution of 2013.
228 However, in a Determination of September 11, 2017, the Regional Director rejected that -
thereby leaving the Secretarial Election process (25 C.F.R. §81) as the only means for organ-
230 izing the Tribe. The Director said:

232 "As authorized by the 2015 AS-IA Decision and following their March 9, 2016,
meeting with me and my staff, the Dixie Group chose not to request a Secretarial
Election, and on April 18, 2016, submitted a detailed report (Election Report)
234 outlining the modified Secretarial Election process they utilized to ratify the 2013
Constitution. My staff reviewed the Dixie Group's files of those individuals who
236 were provided the opportunity to vote on the 2013 Constitution. In addition, this
Office reviewed the family history of the Burley Group. It appears that a
238 majority of those who participated in the 2013 constitutional election and all
of the Burley Group descend from Rancheria resident Jeff Davis. Following
240 a review of the Election Report, it appears the Dixie Group notified 183
individuals who qualify as members of the Eligible Groups, and 17 individuals
242 who descend from the 1929 Census of Calaveras County. The 2013 Constitution
extended membership eligibility to the Eligible Groups and, in addition, the
244 descendants of the 1929 Census of Calaveras County." (*Emphasis is added.*)

<http://www.californiavalleymiwok.com/2017-09-11-Region-Decision.pdf>

246 There are various mistakes in the Region's Determination; but the critical error is in the
statement: "It appears that a majority of those who participated in the 2013 constitutional
248 election and all of the Burley Group descend from Rancheria resident **Jeff Davis**." In a
matter of such importance as establishing the authority for a sovereign nation which will
250 determine if fate for generations to come, the Director's term "It appears" cannot be adequate.

252 What is required is solid proof. Jeff Davis is, in fact, one of the historic members as cited in
I, above; however, he had effectively no children. That is to say his only recorded child
254 was Ike Davis (July 1, 1883 - December 10, 1919), and Ike Davis died during the influenza
epidemic without any progeny. If this assertion is true (i.e., that Jeff Davis had no children
256 that can be linked to the Eligible Group for organizing the Tribe), as can be documented, then
none of the Eligible Group could have been derived from Jeff Davis. So this is drastic
258 mistake. And it is this point which the BIA needs to verify if the Secretarial Election is to be
legally valid. The following is some evidence in support of that assertion.

Relevant Facts & Comments

In all of the genealogies that have been filed by prospective members (some 300+), not one identified Jeff Davis as an ancestor. Recently, in June 2018, the BIA ran public notices in related counties and listed the historic members, soliciting people who believed oneself to be related to one of them to notify the Tribe's representative (this Petitioner); but not a single response was received. The Calaveras Archives, the repository of documents related to Indians of Calaveras County, did research on Jeff Davis and found that he had only one child who died without issue and that he could not be the father of John Jeff. Also, in the data-base of 1,300 Indians of Calaveras County ("Calaveras-Archives-Copy of Native American data aug 30.xls"), no descendants of Jeff Davis were listed except Ike Davis as mentioned above. Finally, Jeff Davis is not the father of John Jeff as the BIA may have erroneously assumed from an unsubstantiated and false genealogy which the BIA constructed for Silvia Burley on September 22, 1995. That John Jeff was the son of a completely different person (i.e., Indian Jeff a.k.a. Westpoint Jeff), which can be well substantiated from the "Inquest on the Body of Indian Jeff" at which John Jeff says: "Yes. He is my father". Indian Jeff, father of John Jeff died 50 years before the death of Jeff Davis, so they cannot be the same. Because the Regional Director did not specify how the connection was made between Jeff Davis and the Eligible Group, the illegality of the Burley genealogy of 1995, and connecting John Jeff to Jeff Davis will not be argued at this point but is reviewed in the Appendix.

Relevant Facts & Comments

III

Federal law requires, under criminal penalty, the disclosure of this error.

Given the Determination of the Regional Director ("It appears that a majority of those who participated in the 2013 constitutional election and all of the Burley Group descend from Rancheria resident Jeff Davis."), I personally (and in conjunction with others) proceeded to re-construct the majority of the people's genealogies in the voter list to make them conform with the Regional Directors statement, above - that is, to be a descendant of Jeff Davis and thereby include them as Eligible Group. Midway into the process and upon further research, I came to the realization that I/we were actually changing those genealogies without the consent or knowledge of the individuals and contrary to the facts of the situation. And being that with those genealogies the Tribe will be the recipient of large sums of federal money, if organized under false pretenses, it would be a violation of U.S. laws, as cited below, including conspiracy.

USCODE TITLE 18 — CRIMES AND CRIMINAL PROCEDURE

§ 1001. Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully— (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. (b) Subsection (a) does not apply to a party to a judicial proceeding, or that party' counsel,

for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

§ 1002. Possession of false papers to defraud United States

Whoever, knowingly and with intent to defraud the United States, or any agency thereof, possesses any false, altered, forged, or counterfeited writing or document for the purpose of enabling another to obtain from the United States, or from any agency, officer or agent thereof, any sum of money, shall be fined under this title or imprisoned not more than five years, or both.

Title 18 — Section 371-Conspiracy

§371. Conspiracy to commit offense or to defraud United States

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any

manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

There is a traditional saying in jurisprudence that goes something like this: "When the words of a law are clear about their meaning then the meaning of the law is its words". The above does not need much interpretation. Is the true genealogy of John Jeff a "material fact"? Yes, a very material fact. Did I and others falsify, conceal, and attempt to cover up the fact that John Jeff was the son of Indian Jeff rather than Jeff Davis? Yes! If left undiscovered, would this falsification lead to Federal money being released to illegal entities?

Relevant Facts & Comments

Yes. And did more than one individual participate in this falsification? Yes. It seems obvious that we could be charged on all three counts of the above, if this falsification were not disclosed now. By making this disclosure to the BIA in advance, its should exonerate us from any such liability. Note §1001 (b) Subsection (a) in which attorneys are not exempt unless they are involved in a judicial proceeding which entails the disclosure of the relevant material, which is not the case here.

IV**Requested actions and remedy and incidental issues.**

The preceding three points constitute the main items in this Notice. 1) The Washburn Determination of December 2015 is the legal platform for organizing this Tribe and the definition of the Eligible Group of people for doing so - as affirmed by the District Court and Court of Appeals. 2) The Regional Director improperly identified some 200 people as progeny of Jeff Davis and therefore not belonging in the Eligible Group. 3) To not disclose the errors in this matter and allow the Bureau to correct them could constitute a violation of criminal law.

In filing this Notice, the Petitioner asks that the AS-IA order a stay in the Secretarial Election until such time as an examination of the Regional Director's Determination of September 11, 2017 is made with respect the genealogy of Jeff Davis and him being the progenitor of some 200 members of the Eligible Group. Enlisting the expertise of an independent genealogist would be helpful and lend credibility to the results. This appears more difficult than it probably is - all one needs to do is to verify that John Jeff cannot be the son of Jeff Davis. If, as my research finds, Jeff Davis had no progeny that lead to the Eligible Group, then all of those who have such attribution can be removed from the voter list; and those who are confirmed to be in the Eligible Group may proceed accordingly. Subsequently, the organized tribal authority can enroll the expanded community, as the Washburn Determination indicates. If the BIA can prove that Jeff Davis did have progeny that link to the Eligible Group, then my claim is nullified in whole or in part and adjustments in the voter list can be made.

In 2007, the BIA made an attempt to organize the Tribe. The Bureau publicly solicited genealogies from those who believed that they are related to the Eligible Group. We were told that about 200 submittals were received. The BIA (not the Tribe) independently verified which ones can be linked to the Eligible Group and constructed letters of acceptance or rejection. That would seem to be the correct method for determining the Eligible Group for an unorganized tribe, as in this case, rather than allowing the tribal community to verify itself as in the current situation. It would be helpful to have a copy of that list from the BIA of those who qualified in 2007 and those who did not qualify so that our records can be compared. (That 2007 process was derailed by Burley's IBIA filing and then the Echo Hawk

Relevant Facts & Comments

Determination of December 2010 which cost millions of dollars in court actions to have declared illegal.)

This effort, over some 18 years, has entailed the integration and harmonization of 4 primary Parties with a vested interest: 1 - Governments (BIA, IBIA, DOJ, Solicitors, Federal Courts and various State Agencies and Courts - their time, effort, expertise, and money); 2 - the Tribe (its hereditary members and broader community); 3 - Lenders, who financed the extensive costs; and 4 - the legal teams who have prosecuted matters. All such Parties are best served by a strictly legal rendering of the Washburn Determination of December 2015 and its definition of the Eligible Group to organize the Tribe. If it turns out that only a smaller number of people qualify as Eligible Group, then it is up to them to enroll additional members within the jurisdiction of the Tribe, itself; thus relieving the BIA and the Federal Government from dealing with intra-tribal membership issues, in which the Bureau should not be involved beyond the recognition of the initial organizing members. Also, I believe that this action is timely filed within the guidelines of 25 C.F.R. §81 and because, as a general rule, any new and significant information may be raised at any time during a proceeding. Also, the cessation of government functions from December 21, 2018 to this date would be a factor in tolling. Further, for emphasis, being that no Federal money has been allocated at this time, it can be assumed that issuing this Notice obviates a violation of the criminal law for non-disclosure.

Because the Regional Director's Determination of Jeff Davis as being the progenitor of some 200 Eligible Group members was probably made on the unverified 1995 genealogy of Silvia Burley which links John Jeff to Jeff Davis, then this issue will be reviewed in the Appendix II; and the Petitioner requests leave to submit additional documentation regarding the genealogy of John Jeff, who really was the son of Indian Jeff (a.k.a. Westpoint Jeff) who is a completely different person than Jeff Davis.

In the Appendix I, some legal points from one of my advisors are included; and in Appendix II, there is an analysis of the Burley Genealogy regarding Jeff Davis and John Jeff.

Appendix 1 - Opinions of legal experts

This Petition has been reviewed by a number of legal experts in Indian and administrative law. Although not rendering an opinion about the substance of the allegations (that is mostly up to the BIA given subsequent documentation and proof of Jeff Davis as the ancestor of Eligible Group members), they have offered the opinion that I both can and should take the action of notifying the BIA about this situation. Rather than paraphrase one such expert, I will quote the informal, cursory analysis that was provided, from which certain technical and procedural points may be drawn.

"To: "Chadd Everone" <administration@californiavalleymiwok.com>
Subject: Re: Answers

The challenge is to the conduct of the entire secretarial election that the local BIA officials set into motion on October 27, 2018. The election must be conducted before 180 days. The basis of the challenge rests on the recent decision of the US Ninth Circuit Court of Appeals that upheld the decision in *Cal. Valley Miwok Tribe v. Zinke*, 2017 U.S. Dist. LEXIS 84282; 2017 WL 2379945 (E.D. Cal. 2017) that confirmed the methodology for determining the identity of persons who are eligible to vote in the secretarial election.

The 2017 district court decision upheld the 2015 decision of the predecessor to the current AS-IA that stated that the Tribe's membership consists of: "(1) the individuals listed on the 1915 Terrell Census and their descendants; (2) the descendants of Rancheria resident Jeff Davis (who was the only person on the 1935 IRA voters list for the Rancheria); and (3) the heirs of Mabel Dixie (the sole Indian resident of the Rancheria eligible to vote on its termination in 1967)." That court held that in light of the record, the Assistant Secretary "was not arbitrary and capricious in finding that the 1998 Resolution and General Council did not 'sufficiently reflect[] the will of the [Tribe] in order to warrant the acknowledgement of the federal government.'" That court further stated, "Plaintiffs have failed to show how the Assistant Secretary was arbitrary and capricious in issuing the December 2015 Decision."

On December 11, 2018, the Ninth Circuit Court of Appeals summarily affirmed that district court's decision in *California Valley Miwok Tribe v. Zinke*, 745 Fed. Appx. 46, 2018 U.S. App. LEXIS 34800 (decided Dec. 11, 2018).

Thus, the local election officials are required by law and by obedience to the order of their superior officer, to apply the criteria of the Assistant Secretary's December 2010 Decision.

Wrongful Procedures Are Being Deployed by BIA

The eligibility of a person to vote in this secretarial election is determined by his or her status as a descendant of a person on the 1915 Terrell Census, or as a descendant of Jeff Davis, or as a descendant Mabel Dixie. Instead, the agency and regional BIA officials have used the regional director's September 2017 determination that includes more than

Appendix 1 - Opinions of legal experts

150 persons over what the 2015 December Determination recognizes. This is because the September 2017 Determination wrongly recognizes Jeff Davis as having descendants after his son Ike. If the local BIA officials would have used the Assistant Secretary's 2015 Determination they would have identified 13 individuals as eligible voters for this secretarial election. The Ninth Circuit opinion must be accepted and applied in this secretarial election.

BIA officials knew that its 2017 list did not conform to the December 2015 Decision. Carefully researched genealogical information had been provided to agency and regional BIA officials.

The extensive genealogical research based on the December 2015 Determination has identified thirteen living persons on the list of eligible voters who comply with that legal requirement; thus, all other persons are not eligible to vote in this election.

Also, be aware that the election board has acted hastily to post the erroneous list of 200+ names at the beginning of election process and then limiting the challenge period to only 30 calendar days, which is now long past. The posting and ending the challenge period so early in the process effectively precluded challenges to be meaningfully filed.

This Secretarial Election is Fatally Flawed

This secretarial election is fatally flawed because: (1) the list of eligible voters does not follow the December 2015 directive from the local officials' superior official, the Assistant Secretary; (2) local officials attempted to skirt the December 2015 directive by requiring challenges to persons on the local officials' list to be submitted within a 30 day period very early in the election process; and (3) local officials wrongfully concluded that Jeff Davis's son, Ike Davis, had descendants when they have been provided evidence that Ike Davis had no descendants.

Authority in Secretarial Elections

The Secretary has ultimate responsibility for the management of all Indian affairs and of all matters arising out of Indian relations. *Cal. Valley Miwok Tribe v. Salazar*, 967 F. Supp. 2d 84 (D. D.C. 2013). The Secretary has empowered AS-IA to conduct secretarial elections of this type. Even though AS-IA may delegate certain of those powers to lower ranking BIA officials, the AS-IA retains the responsibility and supervisory authority to prevent those BIA officials from continuing with this seriously tainted process and from continuing to violate the Ninth Circuit's decision that upheld the December 2015 Determination.

Justification for Intervention

As has been noted by the federal and state courts that have adjudicated the numerous disputes concerning tribal membership, the Secretary "must ensure that [tribal] leadership

Appendix I - Opinions of legal experts

consists of valid representatives of the Tribe as a whole,” which requires ‘a process open to the whole tribal community.’ Cal. Valley Miwok Tribe v. Zinke, 2017 U.S. Dist. LEXIS 84282; 2017 WL 2379945 (E.D. Cal 2017), decided June 1, 2017, affirmed Case No. 17-16321, D.C. No. 2:16-cv-01345-WBS-CDK, (decided Dec. 11, 2018). Those court decisions and Cal. Valley Miwok Tribe v. US, 515 F.3d 1262, 380 U.S. App. D.C. 39 (D.C. Cir. 2008) (“Miwok II”), were concerned about whether a proposed constitution from a five-member faction enjoyed sufficient support from [the T]ribe’s membership” and whether “an antimajoritarian gambit [that] deserve[d] no stamp of approval from the Secretary.” The 2017 federal district court decision construed Miwok I and Miwok II as having decided that the Tribe consisted of more than five members while confirming that the Assistant Secretary’s 2015 Decision fulfilled his obligation to “ensure that [tribal] leadership consists of valid representatives of the Tribe as a whole.” The 2015 Decision did not decide who is a tribal member or how many persons are eligible to be a member, or even how many persons constitute a “majoritarian” number, but his December 2015 decision did establish the method for determining who is a member, regardless of how many persons that is.

Relief Requested from the Assistant Secretary

The descendants of the 1915 Terrell Census and the heirs of Mabel Dixie should request prompt intervention into the secretarial process to prevent further financial, personnel and emotional losses that would result from the continued implementation of these wrongful procedures. Further, intervention is required to prevent persons from wrongfully attaining tribal membership, e.g. alleged heirs of Jeff Davis’ only son, Ike, when there are no such heirs.

Due to the complexity of the evidence and the importance of timely intervention by the office of the AS the heirs of the Terrell Census and heirs of Mabel Dixie, and evidentiary personnel request an appointment with the AS and/or appropriate staff at the earliest possible date to speed up the process for understanding the evidence and the need for quick response.

Appendix II

The Burley Genealogy, Jeff Davis and John Jeff

In the Determination of September 11, 2017, the Regional Director said:

"... It appears that a majority of those who participated in the 2013 constitutional election and all of the Burley Group descend from Rancheria resident Jeff Davis. Following a review of the Election Report, it appears the Dixie Group notified 183 individuals who qualify as members of the Eligible Groups..."

The Regional Director did not say the source for that determination; however, we took it to mean the genealogy that the BIA constructed for Silvia Burley which she requested in September 6, 1995. The cover letter notes that the 1995 genealogy is to replace the one which the BIA issued to her on October 6, 1986. From the letter, it appears that Burley was attempting to link her heritage to Yakima Dixie in preparation for asking him to enroll her in the tribe. In that document on the second page, note that Superintendent Bafford takes her genealogy out to Johnnie Jeff but does not link Johnny Jeff to Jeff Davis. Then, in the third page, there is a listing at Generation No 3, which links John Jeff to Jefferson Davis. It is not clear who constructed this listing (it may not have been the BIA) and if one takes the birth-date of John Jeff (October 25, 1867) and subtracts the birth-date of Jefferson Davis (June 20, 1855), then Jefferson Davis would have been 12 years old when he sired John Jeff (highly improbably!). In other records, various dates of birth are given for Jeff Davis which take the calculation down to him having been 8 year when he would have sired, John Jeff (impossible!). And if Davis sired Jeff, why was John Jeff not named "John Davis"? In any event, this issue need to be clarified by a genealogist.

This unverified genealogy is the only document that the Petitioner has ever seen in which John Jeff is linked to Jeff Davis. But more compelling will be the Inquest document which follows.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Central California Agency
1824 Tribute Road, Suite J
Sacramento, CA 95815-4308

IN REPLY REFER TO:

SC 0910

SEP 22 1995

Ms. Silvia Burley
P. O. Box 238
Wilseyville, California 95257


Dear Ms. Burley:

This is in response to your most recent correspondence dated September 6, 1995, requesting our assistance in establishing your true Indian heritage as reflected in your family tree. Specifically, you are requesting that correction is made to your family tree issued by the Bureau of Indian Affairs, dated October 6, 1986, to reflect the correct information that your biological great-grandmother is Minnie Eaph, and not Angie (Fisher) Mose. Angie (Fisher) Mose was married at one time to Dewey Mose, therefore, stepmother to your grandmother, Eva L. (Mose) Jeff. Additionally, you are requesting information which would reveal that a sibling relationship exists between your grandfather, Manuel Jeff, and Hattie Jeff Hernandez Hodge.

In accordance with your request, we have concluded our research on your family background reflecting your Indian heritage, and we are providing you with both a revised Certificate of Degree of Indian Blood, dated September 22, 1995, and your Family Tree Chart, dated September 20, 1995, which reflects the information you are seeking along with supporting documentation. The 1928 applications for enrollment with the Indians of the State of California under the Act of May 18, 1928 (45 Stat. L. 602) for Tillie Jeff and Hattie Hernandez Hodge indicate that the parents of Manuel Jeff and Hattie Jeff Hernandez Hodge are John Jeff and Tillie (Billy) Jeff, which establishes the fact that they are brother and sister. I apologize for the delay in responding to your request. Hopefully, this will assist you in your future endeavors.

Please contact Ms. Carol Rogers-Davis, Acting Tribal Operations Officer, at (916) 566-7124 should you require additional information pertaining to this matter.

Sincerely,


Harold M. Brafford
Superintendent

Enclosures

CERTIFY APPLICANT TO BE 1/2

DEGREE INDIAN BLOOD.

Haver M. Bufford 9-20-95
SUPERINTENDENT DATE

Non-Indian

1972 Roll No. 08829
 1950 Roll No. 015533
 DOB: 07/15/1960
 Silvia Fawn Burley

1/2 Miwok

1972 Roll No. 8827
 1950 Roll No. 15533
 DOB: 04/25/1937
 Mildred F. (Jeff) Burley

4/4 Miwok

Sister: Hattie Jeff Hernandez Hodge
 : DOB: 04/08/1900
 : 1933 Roll No. 8045
 :

1972 Roll No. 30740
 1950 Roll No. 15531
 1933 Roll No. 9216
 DOB: 04/04/1906
 Manuel Jeff

4/4 Miwok

1972 Roll No. 30719
 1950 Roll No. 15517
 1933 Roll No. 13640
 DOB: 06/22/1911
 Eva L. (Mose) Jeff

4/4 Miwok

1933 Roll No. 9214
 DOB: 10/25/1867
 Johnnie Jeff

4/4 Miwok

1933 Roll No. 9215
 DOB: 05/14/1889
 Tillie (Billy) Jeff

4/4 Miwok

1933 Roll No. 13638
 DOB: 05/14/1885
 Dewey Mose

4/4 Miwok

Minnie Eaph
 4/4 Miwok

Descendants of Charles Jeff

Generation No. 1

1. CHARLES¹ JEFF was born 1830 in Calaveras County, California. He married LIMPY (AKA ROSE DAVIS). She was born May 14, 1830 in California.

Child of CHARLES JEFF and LIMPY DAVIS is:

2. i. JEFFERSON DAVIS (INDIAN² JEFF), b. June 20, 1855, Calaveras County, California.

Generation No. 2

2. JEFFERSON DAVIS (INDIAN² JEFF) (CHARLES¹ JEFF) was born June 20, 1855 in Calaveras County, California. He married SUSIE SUSNER. She was born May 14, 1848 in California.

Child of JEFFERSON JEFF and SUSIE SUSNER is:

3. i. JOHN³ JEFF, b. October 25, 1867, Calaveras County, California.

Generation No. 3

3. JOHN³ JEFF (JEFFERSON DAVIS (INDIAN² JEFF), CHARLES¹ JEFF) was born October 25, 1867 in Calaveras County, California. He married TILLIE (BILLIE) SAM. She was born March 25, 1876 in Altaville, Calaveras County, California, and died July 12, 1945 in Hathaway Pines, Calaveras County, California.

More About TILLIE (BILLIE) SAM:

Burial: July 16, 1945, Vallecito, Calaveras County, California

Child of JOHN JEFF and TILLIE SAM is:

4. i. MANUEL⁴ JEFF, b. April 04, 1906, Vallecito, California; d. August 12, 1998.

Generation No. 4

4. MANUEL⁴ JEFF (JOHN³, JEFFERSON DAVIS (INDIAN² JEFF), CHARLES¹ JEFF) was born April 04, 1906 in Vallecito, California, and died August 12, 1998. He married EVA LOUISE MOSE May 23, 1973 in Murphys, Calaveras Co. California, daughter of DEWEY MOSE and MINNIE EAPH. She was born June 22, 1911 in California, and died October 19, 1999 in Residence, West Point, Calaveras Co. California.

More About MANUEL JEFF:

Burial: Eaph Family Cemetery, West Point, Calaveras Co. California

More About EVA LOUISE MOSE:

Burial: October 23, 1999, Eaph Family Cemetery, West Point, Calaveras Co. California

Social Security Number: 554-24-5147

Child of MANUEL JEFF and EVA MOSE is:

i. MILDRED FERN⁵ JEFF, b. April 25, 1937, Vallecito, California; m. WILLIAM DAVID BURLEY JR.; b. August 13, 1939, Blair County, Pennsylvania; d. January 24, 1965, Sonora, Tuolumne County, California.

Additional Exhibits

The archivist at the Calaveras County Archives researched the genealogy Jeff Davis both in 2007 and 2016, finding that he had only one son (Ike Davis) who died in 1919 without progeny. Therefore, Jeff Davis cannot be the father of John Jeff and that would exclude him from being one of the Eligible Groups.

This is also supported by the entries in the database of 1,300 historic Indian of Calaveras County.

This invalidates essentially all of the voter list as being from the Eligible Group.

Further, the father of John Jeff was really Indian Jeff from West Point, who was murdered in 1890 and his memory lost to virtually all of his relatives until recently recovered by the discover of the Inquest on the body of Indian Jeff, which is included here and where among other witnesses, his son, John Jeff, and daughter, Emma Jeff, identify the deceased as their father. Both the original document and a transcription are included as well as some fragmentary documents.



CALAVERAS COUNTY ARCHIVES

46 N. Main St, PO Box 1281
San Andreas, CA 95249
(209) 754-3918
archives@goldrush.com

May 11, 2007

Dear Sheep Ranch Rancheria of Me-Wuk Indians of California:

Researching the Jeff Davis family proved anything but easy. As you know most Me-Wuk history was not recorded with the county and so pulling information from various sources becomes essential. What is fairly certain is that Jeff Davis was the oldest child of Limpy "Rose Davis." In the 1880 US federal census it shows Limpy as being the wife of Charley and Ina, Frank and "a girl" as Charleys children. Jeff Davis is also listed but no relation shows to Charley, the census only lists Jeff as the head of household at the age of 20. Therefore it is difficult to say conclusively whether or not Charley was Jeff's father. In the 1880 census Lavina is listed as Jeff Davis' wife, and from all accounts I would venture to say that this is his first wife. Lavina is also listed on another page of the same census living with Emma and Johnny ages 8 and 6 respectively. I assume these are her children, from a previous marriage. Emma and Johnny, later testify in an inquest hearing that Indian Jeff (West Point Jeff) is there father. Another interesting note on the 1880 census: Jeff Davis' sister Pinky is living with a Jeff. Is this the Indian Jeff that fathered Emma and Johnny?

In the 1900 census Jeff Davis is listed as living with his mother, Limpy and son Ike and is listed as widowed. In 1910 he is listed living with a wife Chuella. Jeff claims that this is his second marriage and her third. Interestingly, Jeff also claims to be living in polygamy, as does Chuella. Jeff states the his wives are not sisters. In 1910 Lavinia Jeff (Virginia) is living with Sally Charley (her aunt) and Angie Fisher.

In 1920 Jeff Davis is living with Betsy Davis as his wife and his mother Rose. Jeff is listed as 62 and Betsy as 70, and his mother Rose as 80. In 1920, Liviana Jeff (Jeff Davis' first wife) is living with Frank Fisher as his mother-in-law. In 1930, Jeff Davis is living alone next door to Jess and Maime Duncan, Pinkey Davis and her husband John Tecumseh.


Other interesting notes: Indian Jeff (West Point Jeff) the father of Emma and Johnny Jeff was shot in 1889 and died 97 days later. Ike Davis died in 1919 after jumping from a window in an Angels Camp hospital. He became demented from a high fever. Limpy died in 1930 and her obituary lists her surviving children as "Jeff Davis, chief of the dwindling tribe located at Sheep Ranch and two daughters, Pinky Tecumseh and Mrs. Potter Hodge." Jeff Davis dies 10 years later in 1940. His obituary incorrectly lists him as the "chief of the Piute Indian tribe in Sheep Ranch and vicinity for the past 30 years." He was survived by two sisters Ina Hodge and Pinkey Tecumseh.

From these records the only things that are clear is the Limpy is Jeff Davis' mother as well as Pinkey Tecumseh and Ina Hodge. Jeff Davis had multiple wives but only mention of one son Ike is ever

Case 2:19-at-00268 Document 1 Filed 04/09/19 Page 133 of 242
made. From the federal census it is also clear that Jeff Davis and his family members lived in or around the Murphys area and are usually recorded in that township.

If there is anything else I can do for you, please let me know.

Thank you,

A handwritten signature in black ink, appearing to read "Shannon Van Zant". The signature is fluid and cursive, with the first name "Shannon" written in a larger, more prominent script than the last name "Van Zant".

Shannon Van Zant
Calaveras County Archivist



Shannon Van Zant
Archivist

891 Mountain Ranch Rd
San Andreas, CA 95249
209.754.3918 ♦ calaverasarchives@att.net

May 26, 2016

Dear Sheep Ranch Rancheria of Me-Wuk Indians of California:

Further research into the Sheep Ranch tribe has revealed very little new information. In an 1885 newspaper article in the *Calaveras Prospect*, the death of Captain Charley is noted. In the article Jeff Davis is listed as son of Captain Charley. In an 1890 newspaper article the death of Indian Jeff was noted. In the article John Jeff claims to be the son of Indian Jeff. Since Jeff Davis lived until 1940, Jeff Davis cannot be the father of John Jeff as John Jeff claims his father was Indian Jeff who was shot and killed in 1890.

Indian Jeff had two children: John Jeff (married Tillie Sam) and Emma Jeff (married Frank Fischer). It is believed that Lavinia Jeff was the mother of John and Emma and is living with Frank Fischer as his mother-in-law in the 1920 federal census.

Captain Charley had three known children with Rose "Limpy" Davis: Jeff Davis, Pinky (married John Tecumseh) and Ina (married Potter Hodge).

John and Tille Jeff's oldest daughter Hattie married Joe Hodge. They had Mabel and Tex Hodge. Mabel married Romie Dixie and had five children (Maxine, Richard, Yakima, Melvin and Thomas).

Jeff Davis had numerous wives: Lavinia (no children - she later marries Indian Jeff and they have John and Emma Jeff), Chuella (they have Ike Davis together), and Betsy Duncan (or Susie Susner/Cissner). He did not have any children with Betsy, although she had one son Jesse with her first husband, Thomas Duncan.

Jeff Davis' son, Ike dies in the influenza epidemic of 1918 as does Ike's wife (name unknown). It is unknown whether or not Ike Davis had any children.

If there is anything else I can do for you, please let me know.

Thank you,


Shannon Van Zant

Inquest on
Body of
Indian Jeff

Given Jan 9 1890
G L Myllie
Clerk

Depositions of Witness at an inquest
held in the body of Indian Jeff
before J. R. Smith Justice of the
Peace (acting Coroner) this 7th day of
January 1890

Frank Jack after being duly sworn
testifies as follows

Ques. What is your name residence
and occupation

Ans. Frank Jack. residence West Point
Calaveras County Cal. occupation
wood cutter

Ques. Were you at Murphys Camp
last fall when the Indians held
a fandango there

Ans. Yes

Ques. Were you acquainted with Jeff
the Indian that was shot there

Ans. Yes

Ques. Did you see him when he was
shot if so state what you know
about it

Ans. That man William McLaughlin
shot Jeff. McLaughlin was fooling
around with the women there a
few hours. Johnny Jeff told him
to stay away and let the women
sit down there. McLaughlin

for my own safety. I then pulled out my
 and threatened to shoot Jeff
 as soon as he got up he
 pulled out his pistol. Jeff was
 cooking beef he stepped back a
 few steps and told him to stop
 and not shoot the boy. he then
 pulled up his pistol and shot Jeff.
 Jeff had nothing in his hands at
 the time. he never put the pistol
 out of his hands after threatening to
 shoot the boy till he shot Jeff.

Frank & Jack

Subscribed and sworn to before me this
 7th day of January 1890

J. B. Smith

Judge of the Peace

Indian Eph after being duly
 sworn testified as follows

Q. What is your name and residence

A. Eph. - Wat Point, Colaruss County

Q. Were you at Murphy's Camp
 when Jeff got shot

A. Yes

Q. State if you know what time
 it was

A. Jeff lived 27 days after he was
 shot and he died Saturday January

4th, he was shot on Sunday night, at Murphy Creek, on the 29th day of September 1859

Que Did you keep the record of your own record or did some one do it for you

Ans I kept it myself I wanted to know how long he would live

Que Were you acquainted with Jeff before he got shot

Ans Yes I heard the shot but did not see it

Que Did you see Jeff immediately after he was shot

Ans Yes

Que Have you seen him frequently since he was shot, and since he died

Ans Yes I was with him when he died and know he is the same person

Subscribed and sworn to me
before me this 7th day of January
1890

J. R. Smith
Justice of the Peace

4.

young man.
Jeff after being sworn
testifies as follows

Ques. What is your name and where do you live?

Ans. Emma Jack. West Point.

Ques. Were you acquainted with Jeff the man who was shot?

Ans. Yes. He is my father.

Ques. Were you at Murphy's Camp on Sept. 29, '89, when Jeff was shot?

Ans. Yes.

Ques. Did you see McLaughlin shoot Jeff?

Ans. Yes.

Ques. What was the trouble between the parties, which caused him to shoot Jeff?

Ans. He was fooling around among the women, one or two hours. He called Johnny Jeff a s- of a b-, and he threatened to shoot Johnny, pulling out a pistol. Jeff told him to stop and not shoot the boy. He then shot Jeff.

Ques. Did Jeff have anything in his hand at the time?

Ans. He had nothing in his hand. 5

Emma Jack ^{her}
X
mark

Subscribed and sworn to before me
this 7th day of January 1890

J. B. Smith
Justice of the Peace

Ques. Johnny Jeff after being duly
sworn Testifies as follows
What is your name, residence, &
occupation.

Ans. Johnny Jeff. West Point
Sabador.

Ques. Were you at Murphy's last fall when
the Indians held a Pandango
there?

Ans. Yes.

Ques. Was it on a Sunday Even'g when
Jeff was shot?

Ans. Yes.

Ques. You were acquainted with Jeff

Ans. Yes. He was my father.

Ques. I take what you saw in reference
to the shooting of Jeff.

Ans. I was there and I saw the shooting
Some squaws told me to make that
man move and let them get
down.

told him to move back.
He called me a S- of a B—,
He got up and took out his
pistol. My father saw
the pistol and he got up and
told him to stop. My father
was cooking meat, and he
took about two steps toward
the man, when ~~he~~ ^{my father} shot ~~him~~.
My father had nothing in his
hands!

Johnny Jeff + his
mark

Subscribed and sworn to before me
this 7th day of January 1890

J. B. Smith
Justice of the Peace

Louisa after being duly sworn
testified as follows.

Ques. What is your name & where do you
live?

Ans. Louisa, Sandy Gulch.

Ques. Were you at Murphys when Jeff was shot?

Ans. Yes

Ques. Were you acquainted with Jeff?

Ans. Yes

L.

25

Ques. Do you know the name of the man who shot Jeff?

Ans. Yes, ~~Mr.~~ McLaughlin.

Ques. Did you see him shoot Jeff?

Ans. Yes.

Ques. How near were you to Jeff when he was shot?

Ans. I was sitting on the other side of the fire about 3 feet from Jeff.

Ques. What was the trouble between them, that caused him to shoot Jeff?

Ans. McLaughlin was fooling around with the women. He told the women to get out of the way, he wanted to sit down himself. He called Johnny a S- of a b- when Johnny told him to get out of the way.

Ques. Did he then pull a pistol and threaten to shoot Johnny?

Ans. Yes.

Ques. Did Jeff then try to stop him from shooting the boy?

Ans. Yes. He then shot Jeff. Jeff had nothing in his hand.

before me this 7th day
January 1890

J. R. Smith
Justice of the Peace

J. Burkert after being duly
sworn testifies as follows

Que What is your name residence &
Occupation

Ans Julius Burkert West Point
Notary Public

Que Did you take the deposition of
Jeff before he died

Ans Yes I took it on the 2^d of January
1890

Que Have you got the deposition now
I have here it is

Deposition filed Schedule A.
Subscribed and sworn to Julius Burkert
before me this 7th day
of January 1890

J. R. Smith
Justice of the Peace

9.

Sr. Frank S. Burleigh. being
duly sworn testifies as follows:

Ques. What is your name, residence &
occupation.

Ans. Frank S. Burleigh, West Point, M.D.

Ques. Did you hold an autopsy on
the body of Indian Jeff?

Ans. Yes.

Ques. State the result of your examination.

On last Sun. Morn. Jan. 5th, 1896.
I opened the body of Indian Jeff to
ascertain the ~~extent~~^{extent} of the gunshot
wound received by the said Indian
Jeff. I found on opening the
body, that the ball struck the fifth
rib glanced upward entered the
pleural cavity between the fourth
and fifth ribs, ^{pierced the lung lying} and came out between
the third and fourth ribs. I also
found the right lung entirely
gone, on opening through the
diaphragm, and the liver con-
taining pus.

Ques. Do you suppose the ball pierced or
passed through the lungs.

Ans. To the best of my belief, from the course of

the ball it must have pierced
the lungs.

Ques. Do you consider the wound necessary
fatal under proper medical treatment?

Ans. To the best of my belief, with
proper medical treatment, there
was a possibility of his recovery.

Ques. Do you believe the gunshot wound to
be the primary cause of his death?

Ans. Yes.

T. L. Burleigh M.D.

Subscribed and sworn to
before me this 9th day of
January 1890

J. R. Smith
Justice of the Peace

58

State of California }
County of Calaveras }

Indian Jeff being first duly sworn deposes and says: That he is an Indian that his name is Indian Jeff, that he is a resident of West Point County of Calaveras State of California, that he feels that he is dying and that this is his dying statement. That he and his family were attending an Indian dance near Murphy's Camp Calaveras County State of California, that when there a white man pointed a pistol at his son, that he told the white man to put the pistol away and at the same time took two steps towards the man when the white man shot off the pistol the ball striking me in the right side.

Witnesses

J. W. Shute Jr. Indian ^{his} Jeff.
H. L. Burleigh M.D. Mark

Subscribed and sworn to
before me this second day
of January A. D. 1890.

Julius Buckner
Notary Public

State of California }
 County of Calaveras }

Before J. R. Smith J. P.
 acting coroner in the matter
 of the inquisition upon the
 body of Indian Jeff deceased,
 We the undersigned the jurors
 summoned to appear before

J. R. Smith J. P. acting coroner
 in the County of Calaveras on
 the Seventh day of January, 1888.
 to inquire into the cause of the
 death of Indian Jeff.
 having been duly sworn
 according to law and having
 made such inquisition, after
 inspecting the body, and hearing
 the testimony adduced, upon
 our oath each and all do say
 that we find the deceased
 was named Indian Jeff, a
 native of California, about
 forty years old that he came to
 his death by being shot near
 the town of Murphy's Calaveras Co,
 State of California; on Sunday Evening
 Sept. 29, 1887. and we further find
 that we believe Mr. McLaughlin
 to be the person, by whose act

the death of the said
 Indian Jeff was occasioned.
 His death being caused by
 a gunshot wound, inflicted
 upon the body of the said Indian
 Jeff. by Wm. McLaughlin.

All of which we duly certify
 by this inquiry, in writing,
 by us signed, this 7th day of
 Jan. 1890.

J. Severus
 James Gormley
 A. J. Field
 W. M. Gang
 George Elhardt
 Wm. Cook
 W. Smith Jr
 E. M. Rice

State of California
County of Calaveras

I hereby certify the foregoing to
be a full true and correct transcript
of the testimony and proceedings
taken in the matter of the inquisition
on the body of Indian Jeff held
at West Point on the 7th day of
January 1890 before me

J. R. Smith
Justice of the Peace
Mokelumne Township
acting Coroner

Transcript from Calaveras Archives - Chadd Everone Sr. & Jr. June 19, 2018

	Inquest on
	Body of
	<u>Indian Jeff</u>
	Filed Jan 9 1890
	A L Nyllie
	Clerk
	1

1	
	Depositions of Witnesses at an inquest
	held on the body of Indian Jeff
	before J R Smith Justice of the
	Peace (acting Coroner) that 7th day of
	January 1890
	Frank Jack after being duly sworn
	testifies as follows
Que	What is your name residence and occupation.
Ans	Frank Jack residence West Point
	Calaveras County Cal. occupation
	wood cutter.
Que.	Were you at Murphys Camp
	last Fall when the indians held
	a fandango there
Ans	Yes
Que	Were you acquainted with Jeff
	the indian that was shot there
Ans.	Yes.
Que	Did you see him when he was
	shot if so state what you know
	about it
Ans	That man William McLaughlin
	shot Jeff. McLaughlin was fooling
	around with the women two or
	three hours, Johnny Jeff told him
	to stay away and let the women
	sit down there. McLaughlin
	2

2	got up and called Johnny a son of
	bitch, and threatened to shoot Johnny
	as soon as he got up he
	pulled out his pistol. Jeff was
	cooking beef he stepped back a
	few steps and told him to stop
	and not shoot the boy. He then
	pulled up his pistol and shot Jeff.
	Jeff had nothing in his hands at
	the time. he never put? the pistol
	out of his hands after threatening to
	shoot the boy till he shot Jeff
	Frank X Jack
	Subscribed and sworn to before me this
	7th day of January 1890
	J R Smith
	Justice of the
	Peace
	Indian Eph, after being duly.
	sworn testifies as follows
Que	What is your name and residence
Ans	Eph. West point. Calaveras County
Que	Were you at Murphys Camp
	when Jeff got shot
Ans	Yes
Que	State if you know what time
	it was
Ans	Jeff lived 97 days after he was
	shot and he died Saturday January
	3

3	4th, he was shot on Sunday
	night, at Murphys Camp, on the
	29th day of September 1889
Que	Did you keep the record of your
	own accord or did someone do it
	for you
Ans	I kept it myself. I wanted to
	know how long he would live
Que	Were you acquainted with
	Jeff before he got shot
Ans	Yes. I heard the shot but did
	not see it
Que	Did you see Jeff immediately
	after he was shot
Ans	Yes
Que	Have you seen him frequently
	since he was shot, and since he
	died
Ans	Yes. I was with him when
	he died and know he is the same
	person
	his
	Eph X
	Subscribed and sworn to mark
	before me this 7th day of January
	1,890
	J R Smith
	Justice of the Peace
	<i>initial</i> 4

4	
	Emma Jack after being duly sworn testifies as follows
Ques	What is your name and where
	do you live?
Ans	Emma Jack. West Point.
Ques.	Were you acquainted with Jeff
	the man who was shot.
Ans	Yes. He is my father.
Ques	Were you at Murphys Camp on
	Sept. 29, '89, when Jeff was
	shot?
Ans	yes.
Ques	Did you see McLaughlin shoot Jeff?
Ans	Yes.
Ques	What was the trouble between the parties
	which caused him
	to shoot Jeff.
Ans	We was fooling around
	among the women, one or two
	hours. He call Johnny Jeff
	a s-of a b-, and he threat-
	ened to shoot Johnny pulling out
	a pistol. Jeff told him to
	stop and not shoot the boy. .
	He then shot Jeff
Ques	Did Jeff have anything in
	his hand at the time?
Ans	He had nothing in his hand.
	<i>initial 5</i>

5	her
	Emma Jack X
	mark
	Subscribed and sworn to before me
	this 7th day of January 1890
	J.R. Smith
	Justice of the Peace
	Johnny Jeff after being duly sworn
	testified as follows.
Ques.	What is your name, residence, &
	occupation.
Ans.	Johnny Jeff. West Point
	Laborer
Ques	Were you at Murphy's last fall when
	the Indians held a Fandango
	there?
Ans	Yes.
Ques.	Was it on a Sunday Even'g when
	Jeff was shot?
Ans	Yes
Ques.	You were acquainted with Jeff
Ans.	Yes. He was my father.
Ques	State what you saw in reference
	to the shooting of Jeff.
Ans.	I was there and I saw the shooting
	Some squaws told me to make that
	man move and let them.
	sit down
	<i>initial 6</i>

Transcript from Calaveras Archives - Chadd Everone Sr. & Jr. June 19, 2018

6	I told him to move over
	He called me a S-of a b-,
	He got up and took out his
	pistol. My father saw
	the pistol and he got up and
	told him to stop. My father
	was cooking meat. and he
	took about two steps toward
	the man, when he shot my father.
	My father had nothing in his
	hands. his
	Johnny Jeff X
	mark
	Subscribed and sworn to before me
	this 7th day of January 1890
	J.R. Smith
	Justice of the Peace
	Louisa after being duly sworn
	testified as follows.
Ques	What is your name & where do you
	live?
Ans	Louisa, Sandy Gulch.
Ques	Were you at Murphy's when Jeff was shot?
Ans.	Yes
Ques	Were you acquainted with Jeff?
Ans	Yes
	<i>initial 7</i>

7	
Ques	Do you know the name of the man who shot Jeff.
Ans	Yes, Wm. McLaughlin.
Ques	Did you see him shoot Jeff.
Ans	Yes.
Ques	How near were you to Jeff when he was shot.
Ans	I was sitting on the other side of the fire about 8 feet from Jeff
Ques	What was the trouble between them, that caused him to shoot Jeff?
Ans	McLaughlin was following around with the women. He told the women to get out of the way, he wanted to sit down himself. He call Johnny a S-of a b- when Johnny told him to get out of the way
Ques	Did he then pull a pistol and threaten to shoot Johnny?
Ans	Yes
Ques	Did Jeff then try to stop him from shooting the boy?
Ans	Yes. He then shot Jeff. Jeff had nothing in his hand.
	<i>initial 8</i>

8	
	her
	Subscribed and sworn to Louisa X
	before me this 7th day of mark
	January 1890
	J.R. Smith
	Justice of the Peace
	J. Buklert after being duly
	sworn testified as follows.
Ques	What is your name residence &
	occupation
Ans	Julius Buklert, West Point
	Notary Public
Ques	Did you take the depositions of
	Jeff before he died
Ans	Yes, I took it on the 2nd of January
	1890
Que	Have you got the deposition now
	I have here it is
	deposition filed schedule A.
	Subscribed and sworn to Julius Buklert
	before me this 7th day
	of January 1890
	J. R. Smith
	Justice of the Peace
	<i>initial 9</i>

9	
	Dr. Frank S. Burleigh being
	duly sworn testifies as follows:
Que.	What is your name, residence & occupation.
Ans	Frank S. Burleigh, West Point, M.D.
Ques	Did you hold an autopsy
	on the body of Indian Jeff?
Ans	Yes.
Ques	State the result of your examination
Ans	On last Sun. Morn. Jan. 5th, 1890,
	I opened the body of Indian Jeff to
	ascertain the extend of the gunshot
	wound received by the said Indian
	Jeff. I found on opening the
	body, that the ball struck the fifth
	rib glanced upward entered
	the pleural cavity between the fourth
	and fifth ribs pierced the lung tissue
	and came out between
	the third and fourth ribs. I also
	found the <u>right lung</u> entirely
	gone an opening through this diaphragm,
	and the liver con- taining pus.
Ques	Do you suppose the ball pierced or
	passed thorough the lungs.
Ans	To the best of my belief, from the course of
	<i>initial 10</i>

Transcript from Calaveras Archives - Chadd Everone Sr. & Jr. June 19, 2018

10	
	the ball it must have pierced
	the lungs.
Ques	Do you consider the wound necessary
	fatal under proper medical treatment
Ans	To the best of my belief, with
	proper medical treatment, there
	was a possibility of his recovery.
Ques	Do you believe the gunshot wound to
	be the primary cause of his death?
Ans	Yes.
	F.L. Burleigh, M.D.
	Subscribed and sworn to
	before me this 7th day of
	January 1890
	J. R. Smith
	Justsice of the Peace
	<i>initial</i> 11

11	
58	State of California
	County of Calaveras
Schedule A	Indian Jeff being first duly sworn deposes
	and says: That he is an Indian that his
	name is Indian Jeff, that he is a resident
	of West Point County of Calaveras State of
	California, that he feels that he is dying
	and that this is his dying statement.
	That he and his family were attending an
	Indian dance near Murph'ys Camp Cala
	veras Count State of California, that where?
	there a white man pointed a pistol at
	his son, that the told the white man to?
	put the pistol away and at the same
	time took two steps towards the man
	when the white man shot off the pistol
	the ball striking me in the right side.
	Witnesses his
	John W. Shutte, Jr Indian X Jeff
	F.L. Burleigh, M.D mark
	Subscribed and sworn to
	before me this second day
	of January A.D. 1890
	Julius Buklert
	Notary Public
	12

	State of California }
	County of Calaveras }
	Before J.r. Smith J.P.
	Acting coroner in the matter
	of the inquisition upon the
	body of Indian Jeff deceased,
	We the undersigned the jurors
	summoned to appear before
	J.R. Smith, J.P. acting coroner
	in the County of Calaveras on
	the Seventh day of January 1890
	to inquire into the cause of the
	death of Indian Jeff having been duly sworn
	according to law and having
	made such inquisition, after
	inspecting the body and hearing
	the testimony adduced, upon
	our oath each and all do say
	that we find the deceased
	was named Indian Jeff, a
	native of California, about
	forty years old that he came to
	his death by being shot near
	the town of Murphys Calaveras Co,
	State of California - on Sunday Evening
	September 29, 1889. And we further find
	that we believe Wm McLaughlin
	to be the person, by whose act
	<i>initial 13</i>

Transcript from Calaveras Archives - Chadd Everone Sr. & Jr. June 19, 2018

	the death of the said
	Indian Jeff was occasioned.
	His death being caused by
	a gunshot wound, inflicted
	upon the body of the said Indian
	Jeff by Wm McLaughlin.
	All of which we duly certify
	by this inquisition, in writing,
	by us signed, this 7th day of
	Jan. 1890.
	} T, ? Severn
	} James Gormly
	} A.J. Field
	} W.M. Young
	} George Eberhardt
	} Wm ? Cook
	} W.L. Smith, Jr.
	} E.M. Prince
	<i>initial</i> 14

Transcript from Calaveras Archives - Chadd Everone Sr. & Jr. June 19, 2018

State of California
County of Calaveras

I hereby certify the foregoing to
be a full true and correct transcript
of the testimony and proceedings
taken in the matter of the inquisition
on the body of Indian Jeff held
at West Point on the 7th day of
January 1890 before me

J.R. Smith
Justice of the Peace
Mokelumne Township
acting Coroner

initial 15

FAMILY GROUP NO.

Husband's Full Name

Indian Jeff (West Point Jeff)

This information Obtained From _____

Case 2:19-ar-00268 Document 1 Filed 04/09/19 Page 165 of 242

Birth	Day	Month	Year	City, Town or Place	County or Province, etc.	State or Country	Add. Info. on Husband	
Chr'nd								
Marr.								
Death	29 Sept.	1889		Murdered by Wm McLaughlin				
Burial								
Places of Residence								
Occupation		Church Affiliation			Military Rec.			
Other wives, if any. No. (1) (2) etc. Make separate sheet for each marr.								
His Father				Mother's Maiden Name				
Wife's Full Maiden Name Lavinia Jeff / Susana Jeff								
Wife's Data	Day	Month	Year	City, Town or Place	County or Province, etc.	State or Country	Add. Info. on Wife	
Birth	16 Sep	1844						
Chr'nd								
Death	9 May	1939						
Burial								
Compiler								
Places of Residence								
Address		Occupation			Church Affiliation			Military Rec.
Other husbands, if any. No. (1) (2) etc. Make separate sheet for each marr.								
City, State				(2) Jeff Davis				
Date				Her Father Lepsana Hodge				
				Mother's Maiden Name				

Form A1, Family Group Sheet by The Everton Publishers,
P.O. Box 368, Logan, UT 84321. Publishers of The
Genealogical Helper. Send for a complete catalog with list
and full descriptions of many genealogical aids.

Sex	Children's Names in Full (Arrange in order of birth)	Children's Data	Day	Month	Year	City, Town or Place	County or Province, etc.	State or Country	Add. info. on Children
M	1 John Jeff	Birth	25	10	1867				
		Marr.							
	Full Name of Spouse	Death	13	Dec	1938				
	Tillie Sam	Burial							
F	2 Emma	Birth							
		Marr.							
	Full Name of Spouse	Death							
	Frank Fisher	Burial							
	3	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	4	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	5	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	6	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	7	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	8	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	9	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	10	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							

Please distribute freely! Courtesy of Genealogy Records Service.
More forms are available FREE online at
<http://www.genrecords.com>

Family Group Sheet	Husband's Full Name <u>John Jeff</u>							
	Date of:	Day	Month	Year	Town	County	State or Country	Additional Info.
Information Obtained From:	Birth:							
	Marriage:							
	Death:							
	Burial:							
Places of Residence:								
Occupation:			Religion:			Military Record:		
Other wives:								
His father: <u>Indian Jeff / West Point Jeff</u> His mother:								
Wife's Full Maiden Name: <u>Tillie</u>								
	Date of:	Day	Month	Year	Town	County	State or Country	Additional Info.
	Birth:							
	Marriage:							
Compiler:	Death:							
	Burial:							
Address:								
Places of Residence:								
City:	Occupation, if other than Housewife:						Religion:	
State:	Other husbands:							
Date:	Her father:				Her mother:			

Sex:	Children's Full Names:	Date of:	Day	Month	Year	Town	County	State or Country	Additional Info.
1	<u>Hattie</u> Full Name of Spouse: <u>Mabel Hodge</u>	Birth:			1900				Mabel Hodge Tex Hodge
		Marriage:							
		Death:							
		Burial:							
2	<u>Laura</u> Full Name of Spouse: <u>Joe Hodge</u>	Birth:			1903				
		Marriage:							
		Death:			5 Aug 1957			Indian Cem.	
		Burial:						Vallecito	
3	<u>Mannie</u> Full Name of Spouse: <u>Eval. Mose</u>	Birth:			10 Apr 1906				Frances Mildred Gladys David
		Marriage:			23 May 1962			Cal. Co.	
		Death:			12 Aug 1998				
		Burial:							
4	<u>"Tillie" Carrie</u> Full Name of Spouse:	Birth:			1911				
		Marriage:							
		Death:			1 May 1922				
		Burial:							
5	<u>Ray</u> Full Name of Spouse:	Birth:			1915				
		Marriage:							
		Death:							
		Burial:							
6	<u>Hamby</u> Full Name of Spouse:	Birth:			1917				
		Marriage:							
		Death:			4 Sep 1998				
		Burial:						Sandy Gulch CA	
7	<u>Lennie</u> Full Name of Spouse:	Birth:			18 Jul 1918				
		Marriage:							
		Death:			11 Dec 1977			Murphys	
		Burial:							
8	<u>Tessie</u> Full Name of Spouse:	Birth:			1920				
		Marriage:							
		Death:							
		Burial:							

Additional Children

Children's Full Names:	Date of:	Day	Month	Year	Town	County	State or Country	Additional Info.
9. <i>Walter</i>	Birth:							
	Marriage:							
	Death:							
Full Name of Spouse: <i>Virginia Eaph</i>	Burial:							
10.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
11.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
12.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
13.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
14.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
15.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
16.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							

Additional Sources

Exhibit G

To

Complaint for Declaratory and Injunctive Relief



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Central California Agency
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814-4710

Case 2:19-at-00268 Document 1 Filed 04/09/19 Page 169 of 242

IN REPLY REFER TO

MAR 18 2019

OFFICIAL REGISTERED VOTERS LIST OF THE CALIFORNIA VALLEY MIWOK TRIBE

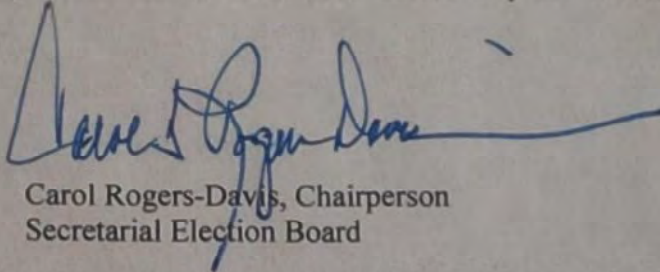
TO: ELIGIBLE VOTERS OF THE CALIFORNIA VALLEY MIWOK TRIBE

The individuals whose names are listed here have submitted their registration form to the Secretarial Election Board by the established deadline. Therefore, as registered voters, they are entitled to vote in the forthcoming Secretarial election scheduled to be held on April 15, 2019, to adopt or reject the proposed Constitution of the California Valley Miwok Tribe (also known as the Sheep Ranch Rancheria of Me-Wuk Indians of California).

Shiann V. Ahmed	Rodney W. Alaway	Lamont E. Allen, Jr.	Laquan T. Allen
Latazia C. Allen	Montray D. Allen	Antonia Amestoy-Wilson	Alicia M.A. Amial
Joe R. Amial, Jr.	Joe R. Amial III	Katelyn M. Arnett	Sanquella M. Augustus
Cecilia R. Azevedo	Monica D. Banuelos	Alejandro Barron, Sr.	Tina Azevedo Barron
Ruby M. Bazar	Julianna M. Bobian	Michael A. Bobian	Harvey M. Brabbin Jr.
Ramona L. Brabbin	Anjona T. Brooks	Jonathan C. Brooks III	Daniel R. Calderon
Tina A. Carsoner	Patrick Chavez, Jr.	Stephen A. Chavez	Donnell E. Clark
Kathryn D. Cort-Yates	Galadrial Day (Wilson)	Kathryn Delgado (Wilson)	Arvada M. Fisher
Joseph L. Fisher	Waite N. Fisher	Andrea J. Flores	Lucille Gemmill (Lopez)
Louis R. Geto	Vanessa M. Geto	Yolanda L. Geto	Laura Geto-Hernandez
Samantha Geto-Treadway	Andrew S. Gonzalez	Barbara A. Gonzalez	Candace M. Gonzalez
Darlene A. Gonzalez	Demitri A. Gonzalez	John Gonzalez, Jr.	Mario Gonzalez, Jr.
Tommie J. Gonzalez	Ezell L. Grant	James A. Grow	James M. Grow, Jr.
Tammy E. Grow	Timothy N. Grow	Cynthia L. Grow-Maines	Marge M. Grow-Eppard
Shawnee Haver (O'Grady)	Cornelius Humphrey III	Gerald J. Humphrey, Jr.	Gerald J. Humphrey, Sr.
Kay'One D. Humphrey	Lytosha R. Humphrey	Marcheska N. Humphrey	Nicole T. Humphrey
Myeisha Humphrey	Vallencia M. Humphrey	Coo-ya-ka D. Jack	Harold Jack, Jr.
Harold Jack, Sr.	Harriet I. Jack	Harry Jack, Jr.	Helen G. Jack
Shamona L. Jack	Teresa M. Jack	Robert A. Jarell, Jr.	Kathleen L. Jeff
Mary E. Jeff	Gail I. Jeff-Manney	Angralina V. Jimenez	Cynthia C. Jimenez
Tara N. Jimenez	Jonathan A. Kollen	Kristi M. Kollen-Asplund	Natalie I. Lemos
Macey L. Leslie	Jonathan R. Lind	Antoinette C. Lopez	Antonia Lopez
Lisa M. Lopez	Angelica Lopstain	Manuel Lopstain	Taniya M. Lozano
Sophia L. Luna	Barbara A. Magana	Felicia Magana	Jose R. Magana
Lisa A. Magana	Melissa M. Martinez	Marina Martinez-Gonzalez	Donald R. Moody III
Marcell D. Moody	Tatiana E. Navarrette	Christopher R. O'Grady	Alice Orozco
Daniel Orozco	Elsa R. Orozco	Roberto Orozco	Julian D. Ortega
Denise Ortega (Sandoval)	Connie D. Panag	Jordan M. Pangelinan	Joshua D. Pangelinan, Sr. +
Kandy S. Pangelinan	Gonzalo Perez, Jr.	Steven A. Perez	Alyssa M. Perez (Urias)
Roxanne A. Phillips	Daijonique C. Powell	Dominique C. Powell	Marquis D. Powell
Sharnell V. Powell	Rosemarie Queen	Gilbert J. Ramirez, Jr.	Gilberto J. Ramirez, Sr.
Joseph J. Ramirez, Jr.	Pete Ramirez	Vanessa M. Ramirez	Felicia M. Ramirez-White
Dora A. Rodriguez	Mere J. Rodriguez	Ruby A. Rodriguez	Briana L. Sanchez
Shani T. Sanders	Alicia I. Sandoval	Daniel S. Sandoval	Elias F. Sandoval
Esther A. Sandoval, Jr.	Esther A. Sandoval, Sr.	Juan F. Sandoval	Raina S. Sandoval
Solomon F. Sandoval	Carolyn I. Sayers	Jeffrey L. Sayers, Sr.	Shelby M. Sayers
Michael R. Sheffield, Jr.	Renee E. Shoaf	Mark A. Slaff II	Paul D. Smith, Jr.
Teresa M. Smith	Roger Vargas	Edith Velazquez-Cuellar	Teresa Velazquez Nava Reyes
Marilyn E. Ward	Velma D. WhiteBear	Joshua W. Wiley	Lois L. Williams

Roberta Williams (Ramirez)	Angela S. Wilson	Arlene J. Wilson	Edward S. Wilson, Jr.
Ellen L. Wilson	Evelyn F. Wilson	Jacob L. Wilson	Jade B. Wilson
Jahanna L. Wilson	John E. Wilson	Justin C. Wilson	Lauren E. Wilson
Lawrence E. Wilson, Jr.	Lee R. Wilson, Jr.	Lee R. Wilson, Sr.	Mary A. Wilson
Melisa J. Wilson-Dorso	Michael W. Wilson, Sr.	Mechelle Wilson-Cardenas	Ronald L. Wilson
Tami R. Wilson-Mora	Tina Barron Zavala	Sherrie Zuniga-Wilson	

Any eligible voter may challenge in writing the inclusion or omission of names on the official List of Registered Voters of the California Valley Miwok Tribe. Written challenges shall be filed with the Chairperson of the Secretarial Election Board, at the Bureau of Indian Affairs, Central California Agency. Challenges must be received by the Secretarial Election Board by March 25, 2019. Challenges will not be considered unless they are accompanied by supporting evidence in writing.



Carol Rogers-Davis, Chairperson
Secretarial Election Board

Exhibit H

To

Complaint for Declaratory and Injunctive Relief

MARIE DIANE ARANDA & YOLANDA LISA FONTANILLA
119 KEALOHILANI ST.
KAHULUI, HAWAII 96732

Secretarial Election Board
c/o Carol Rogers-Davis, Chairperson
Bureau of Indian Affairs
Central California Agency
650 Capitol Mall Suite 8-500
Sacramento, California 95814
916-930-3794

March 20, 2019

Regarding the pending Secretarial Election for this Tribe.

We, Marie Aranda and Yolanda Lisa Fontanilla - Aranda, are lineal descendants of persons who are listed in the 1915 Census designated as the "Sheepranch-Indians" - later known as Sheep Rancheria of Me-wuk Indians and now known as California Valley Miwok Tribe. Our line of descent is as follows: Rose Davis (a.k.a. Mrs. Limpey) → Potter & Annite (Ina) Hodge → Lena Hodge (Shelton) (all are on the 1915 Census) → Dora Shelton (Mata) → Josephine Marie Mata Aranda



Marie Aranda & Yolanda Lisa Fontanilla - Aranda

Therefore, pursuant to the Determination of Assistant Secretary - Indian Affairs Kevin Washburn of December 30, 2015, we are of the Eligible Groups to organize the Tribe along with our relatives from the similar line of descent.

Here, we are introducing, into your deliberations with regard to the pending Secretarial Election, our comments and the enclosed documents. These are as follows. 1) A tally of the voter roster with each person's most senior ancestor as listed on their original genealogy as submitted to the Tribe; and 2) the letter from Senator Feinstein to the current Assistant Secretarial - Indian Affairs requesting a stay in the election process until the genealogy of Jeff Davis can be verified - together with supporting documents.

All parties to this situation have a vested interest in the Secretarial Election being conducted on a strictly legal basis according to the Determination of Assistant Secretarial - Indian Affairs, Kevin Washburn, of December 30, 2015. Otherwise the whole process collapses. Washburn said regarding the organizing people: "The history of the Rancheria, supported by the administrative record, demonstrates that this group consists of: (1) the individuals listed on the 1915 Terrell Census and their descendants; (2) the descendants of Rancheria resident Jeff Davis (who was the only person on the 1935 IRA voters list for the (Rancheria); and (3) the heirs of Mabel Dixie (the sole Indian resident of the Rancheria eligible to vote on its termination in 1967) as identified by OHA in 1971 and their descendants (Dixie Heirs) (all three groups collectively identified herein as the Eligible Groups)." See page 4

<http://www.californiavalleymiwok.com/2015-12-30-BIA-Determination.pdf>

He goes on to say: "At the discretion of the Eligible Groups, the Miwok Indians named on the 1929 Census and their descendants may be given that opportunity to participate in the reorganization of CVMT." There is no controversy about the Washburn Determine being the platform for organizing the Tribe. The Determination was sent to the Regional Director to implement, where it was interpreted, incorrectly, as follows: "It appears that a majority of those who participated in the 2013 constitutional election and all of the Burley Group descend from Rancheria resident Jeff Davis... 183 individuals who qualify as members of the Eligible Groups...." See page 2:

<http://www.californiavalleymiwok.com/2017-09-11-Region-Decision.pdf>

We are informed that Jeff Davis had only 1 son (Ike Davis) who died in 1919 without progeny. Consequently, there could not be any of his lineal descendants to the Eligible Group for organizing the Tribe. Further, John Jeff is not the son of Jeff Davis as may have been supposed. Rather John Jeff is the son of Indian Jeff of West Point, a completely different person. Neither John Jeff nor Indian Jeff are on the 1915 census and therefore their progeny cannot be one of the Eligible Groups.

The enclosed documents explain this in detail; and they indicate that the Secretarial Election should be stayed and the validity of the Jeff Davis genealogy verified before moving forward as indicated.

Thank you for your consideration.

/ S /

Marie Aranda

/ S /

Yolanda Lisa Fontanilla - Aranda

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Voter List of March 18, 2019

Letter of Senator Feinstein to Assistant Secretary - Indian Affairs
which included letters of transmittal and Challenge of January 24, 2019
with supporting documents

Exhibit 1

Voter List for Secretarial Election

Published March 18, 2019

Official Registered voters List of California Valley Miwok Tribe

Note

Virtually all of the registered voters are derived from John Jeff as their Senior Ancestor on one's original, unmodified genealogy. Also, not one of the genealogies listed Jeff Davis as his or her ancestor. There is not one voter from the established Eligible Group of the 1915 Census from this line of descent.

Rose Davis (a.k.a. Mrs. Limpey)

↓

Potter & Annite (Ina) Hodge Lena Hodge (Shelton)

↓

Dora Shelton (Mata)

↓

Valerie Mata Mendibles & Josephine Marie Mata Aranda

	Voter list March 18, 2019 Official Registered voters List of California Valley Miwok Tribe				Senior Ancestor on one's unmodified genealogy. Note, not one individual reference Jeff Davis as an ancestor.
1	Shiann	Victoria	Ahmed		John Jeff June 15, 1963
2	Rodney	W.	Alaway		John Jeff June 15, 1963
3	LaQuan	Trayvon	Allen		John Jeff June 15, 1963
4	Latazia	C	Allen		John Jeff June 15, 1963
5	Montray	Dijo	Allen		John Jeff June 15, 1963
6	Lamont	Eugene	Allen, Jr.		John Jeff June 15, 1963
7	Antonia	Marie	Amestoy - Wilson		Violette Eve Mose May 17, 1921
8	Alicia	Marie Antoinette	Amial		John Jeff June 15, 1963
9	Joe	Rudy	Amial, Jr.		John Jeff June 15, 1963
10	Joe	Rudy	Amial, III		John Jeff June 15, 1963
11	Katelyn	Marie	Arnett		John Jeff June 15, 1963
12	Sanquella	Monique	Augustus		John Jeff June 15, 1963
13	Cecelia	Rae	Azevedo		John Jeff June 15, 1963
14	Monica	Dawn	Banuelos		Emma Jeff sister of John Jeff
15	Alejandro	A.	Barron, Sr.		John Jeff June 15, 1963
16	Tina		Barron, Sr.		John Jeff June 15, 1963
17	Ruby	M	Bazar		Emma Jeff sister of John Jeff
18	Julianna	Monet	Bobian		John Jeff June 15, 1963
19	Michael		Bobian		John Jeff June 15, 1963
20	Harvey	M.	Brabbin, Jr.		John Jeff June 15, 1963
21	Ramona	L.	Brabbin		John Jeff June 15, 1963
22	Anjonae	Taprice	Brooks		John Jeff June 15, 1963
23	Johnathan	c	Brooks, III		John Jeff June 15, 1963
24	Daniel	Ray	Calderon		John Jeff June 15, 1963
25	Tina	Ann	Carsoner		John Jeff June 15, 1963
26	Patrick		Chavez, Jr.		Mary Mose November 12, 1928
27	Stephen	Andrew	Chavez		Mary Mose November 12, 1928
28	Donell	Emily	Clark		John Jeff June 15, 1963
29	Kathryn	Diane	Cort - Yates		John Jeff June 15, 1963
30	Galadrial		Day (Wilson)		John Jeff June 15, 1963

	Voter list March 18, 2019 Official Registered voters List of California Valley Miwok Tribe				Senior Ancestor on one's unmodified genealogy. Note, not one individual reference Jeff Davis as an ancestor.
31	Kathryn	M.	Delgado - Wilson		John Jeff June 15, 1963
32	Arvada	Marie	Fisher		John Jeff June 15, 1963
33	Joseph	Lee	Fisher		John Jeff June 15, 1963
34	Waite	Nathan	Fisher		John Jeff June 15, 1963
35	Andrea	J.	Flores		John Jeff June 15, 1963
36	Lucille		Gemmill (Lopez)		John Jeff June 15, 1963
37	Laura	Reneé	Geto - Hernandez		John Jeff June 15, 1963
38	Louis	Robert	Geto, III		John Jeff June 15, 1963
39	Samantha	Faye	Geto - Treadway		?
40	Vanessa	Marie	Geto		John Jeff June 15, 1963
41	Yolanda	L.	Geto		John Jeff June 15, 1963
42	Andrew	Steven	Gonzalez		John Jeff June 15, 1963
43	Barbara	Ann (Azevedo)	Gonzalez		John Jeff June 15, 1963
44	Candace	Marie	Gonzalez		John Jeff June 15, 1963
45	Darlene	Anne - Alaway Wiley	Gonzalez		John Jeff June 15, 1963
46	Demitri	Angelo	Gonzalez		John Jeff June 15, 1963
47	John	Noel	Gonzalez, Jr.		John Jeff June 15, 1963
48	Mario		Gonzalez, Jr.		John Jeff June 15, 1963
49	Tommie	John	Gonzalez		John Jeff June 15, 1963
50	Ezell	Lee	Grant		John Jeff June 15, 1963
51	Cynthia	Lee	Grow - Maines		Indian Jeff Father of John Jeff
52	James	Alan	Grow		John Jeff June 15, 1963
53	James	Mark	Grow, Jr.		John Jeff June 15, 1963
54	Margie	M.	Grow - Eppard		John Jeff June 15, 1963
55	Tammy	Elaine	Grow		John Jeff June 15, 1963
56	Timothy	Nicholas	Grow		John Jeff June 15, 1963
57	Shawnee	Utona	Haver - O'Grady		?
58	Cornelius	Jonathan	Humphrey, Jr.		John Jeff June 15, 1963
59	Gerald	James	Humphrey, Sr.		John Jeff June 15, 1963

	Voter list March 18, 2019 Official Registered voters List of California Valley Miwok Tribe				Senior Ancestor on one's unmodified genealogy. Note, not one individual reference Jeff Davis as an ancestor.
60	Gerald	James	Humphrey, Jr.		John Jeff June 15, 1963
61	Kay-One	Donte Taray	Humphrey		John Jeff June 15, 1963
62	Lytosha	Rochell - Lynett	Humphrey		John Jeff June 15, 1963
63	Myeisha	Channelle Nicole	Humphrey		John Jeff June 15, 1963
64	Marchesha	Nicole Vallianca	Humphrey		John Jeff June 15, 1963
65	Nicole	Trishaun	Humphrey		John Jeff June 15, 1963
66	Valencia	Mae	Humphrey		John Jeff June 15, 1963
67	Coo-ya-ka	Dominique	Jack		John Jeff June 15, 1963
68	Harold		Jack, Sr.		John Jeff June 15, 1963
69	Harold		Jack, Jr.		John Jeff June 15, 1963
70	Harriet	Ione	Jack, Sr.		John Jeff June 15, 1963
71	Harry		Jack, Jr.		John Jeff June 15, 1963
72	Helen	Gail	Jack		John Jeff June 15, 1963
73	Shamona	Laura	Jack		John Jeff June 15, 1963
74	Robert	Allen	Jarrell, Jr.		John Jeff June 15, 1963
75	Gail	I.	Jeff - Manney		John Jeff June 15, 1963
76	Kathleen	Lois	Jeff		John Jeff June 15, 1963
77	Mary	E.	Jeff		John Jeff June 15, 1963
78	Cynthia Ann	Cristina	Jimenez		John Jeff June 15, 1963
79	Angralina	Valeria	Jimenez		John Jeff June 15, 1963
80	Tara	Nicole Sandoval	Jimenez		John Jeff June 15, 1963
81	Jonathan	Andrew	Kollen		John Jeff June 15, 1963
82	Kristi	Marie	Kollen - Asplund		John Jeff June 15, 1963
83	Natalie		Lemos		John Jeff June 15, 1963
84	Macy	L.	Leslie		Emma Jeff sister of John Jeff
85	Jonathan	R.L	Lind		John Jeff June 15, 1963
86	Antoinette	Christina Amparo	Lopez		John Jeff June 15, 1963
87	Antonia		Lopez		John Jeff June 15, 1963
88	Lisa	Marie	Lopez		John Jeff June 15, 1963
89	Angelica		Lopstain		John Jeff June 15, 1963

	Voter list March 18, 2019 Official Registered voters List of California Valley Miwok Tribe				Senior Ancestor on one's unmodified genealogy. Note, not one individual reference Jeff Davis as an ancestor.
90	Manuel		Lopstain		John Jeff June 15, 1963
91	Taniya	Marie	Lozano		John Jeff June 15, 1963
92	Sophia		Luna		John Jeff June 15, 1963
93	Barbara	Ann	Magana		John Jeff June 15, 1963
94	Felicia		Magaña		John Jeff June 15, 1963
95	Jose	Refugio	Magaña		John Jeff June 15, 1963
96	Lisa	Ann	Magaña		John Jeff June 15, 1963
97	Marina		Martinez - Gonzales		John Jeff June 15, 1963
98	Melissa	Marie	Martinez		John Jeff June 15, 1963
99	Donald	R.	Moody, III		John Jeff June 15, 1963
100	Marcell	D.	Moody		John Jeff June 15, 1963
101	Tatiana	Elise	Navarrette		Emma Jeff sister of John Jeff
102	Christopher	Ryon	O'Grady		John Jeff June 15, 1963
103	Alice		Orozco		John Jeff June 15, 1963
104	Daniel		Orozco		John Jeff June 15, 1963
105	Elsa	R.	Orozco		John Jeff June 15, 1963
106	Roberto		Orozco, Jr.		John Jeff June 15, 1963
107	Denise	Carsoner	Ortega - Sandoval		John Jeff June 15, 1963
108	Julian	David	Ortega		John Jeff June 15, 1963
109	Connie	D.	Panag - Wilson		Mary Mose November 12, 1928
110	Jordan	M.	Pangelinan		John Jeff June 15, 1963
111	Joshua	Delgado	Pangelinan		John Jeff June 15, 1963
112	Kandy	Sue	Pangelinan - Carsoner		John Jeff June 15, 1963
113	Alyssa	Marie	Perez - Urias		John Jeff June 15, 1963
114	Steven	Anthony	Perez		John Jeff June 15, 1963
115	Gonzalo		Perez, Jr.		John Jeff June 15, 1963
116	Roxanne		Phillips		?
117	Daijonnique	Charmaine	Powell		John Jeff June 15, 1963
118	Dominique	Chanelle	Powell		John Jeff June 15, 1963

	Voter list March 18, 2019 Official Registered voters List of California Valley Miwok Tribe				Senior Ancestor on one's unmodified genealogy. Note, not one individual reference Jeff Davis as an ancestor.
119	Marquis	D.	Powell		John Jeff June 15, 1963
120	Sharnell	V.	Powell		John Jeff June 15, 1963
121	Rosemarie	Marie Alaway	Queen		John Jeff June 15, 1963
122	Felicia	M.	Ramirez - White		John Jeff June 15, 1963
123	Gilbert	Juan	Ramirez, Jr.		John Jeff June 15, 1963
124	Gilberto	Juan	Ramirez, Sr.		John Jeff June 15, 1963
125	Joseph	Jeffery	Ramirez, Jr.		John Jeff June 15, 1963
126	Pete		Ramirez		John Jeff June 15, 1963
127	Vanessa	Mariah	Ramirez		John Jeff June 15, 1963
128	Dora	A.	Rodriguez		John Jeff June 15, 1963
129	Mere		Rodriguez, Jr.		John Jeff June 15, 1963
130	Ruby	A.	Rodriguez		John Jeff June 15, 1963
131	Briana	L.	Sanchez		John Jeff June 15, 1963
132	Shani	T.	Sanders		?
133	Alicia	Irene	Sandoval		John Jeff June 15, 1963
134	Daniel	Solomon	Sandoval		John Jeff June 15, 1963
135	Elias	Frenandez	Sandoval		John Jeff June 15, 1963
136	Esther	A.	Sandoval, Sr.		John Jeff June 15, 1963
137	Esther	Ann	Sandoval, Jr.		John Jeff June 15, 1963
138	Juan		Sandoval		John Jeff June 15, 1963
139	Raina	Seretha	Sandoval		John Jeff June 15, 1963
140	Solomon		Sandoval		John Jeff June 15, 1963
141	Carolyn	Irene	Sayers		Emma Jeff sister of John Jeff
142	Jeffrey	Lyle	Sayers		Emma Jeff sister of John Jeff
143	Shelby	Mercedes	Sayers		Emma Jeff sister of John Jeff
144	Michael	R.	Sheffield, Jr.		John Jeff June 15, 1963
145	Renee	Elizabeth	Shoaf		John Jeff June 15, 1963
146	Mark	Alan	Slaff, II		John Jeff June 15, 1963
147	Paul	Duane	Smith, Jr.		John Jeff June 15, 1963
148	Teresa	M.	Smith		John Jeff June 15, 1963

	Voter list March 18, 2019 Official Registered voters List of California Valley Miwok Tribe				Senior Ancestor on one's unmodified genealogy. Note, not one individual reference Jeff Davis as an ancestor.
149	Roger		Vargas		John Jeff June 15, 1963
150	Edith		Velazquez - Cuellar		John Jeff June 15, 1963
151	Teresa	Marie Cort	Velazquez - Nava		John Jeff June 15, 1963
152	Marilyn	Edith	Ward		John Jeff June 15, 1963
153	Velma	Darlene	WhiteBear		John Jeff June 15, 1963
154	Joshua		Wiley		John Jeff June 15, 1963
155	Lois	Lorraine Wilson	Williams		John Jeff June 15, 1963
156	Roberta		Williams (Ramirez)		John Jeff June 15, 1963
157	Angela	Sue	Wilson		Emma Jeff sister of John Jeff
158	Arlene	Joan	Wilson		Emma Jeff sister of John Jeff
159	Edward	Stephen	Wilson, Jr.		Emma Jeff sister of John Jeff
160	Ellen	Lee	Wilson		John Jeff June 15, 1963
161	Evelyn	Frances	Wilson		John Jeff June 15, 1963
162	Jacob	Lee	Wilson		John Jeff June 15, 1963
163	Jade	Butterfli	Wilson		John Jeff June 15, 1963
164	Jahanna	Lee	Wilson		John Jeff June 15, 1963
165	John	Elsworth	Wilson		John Jeff June 15, 1963
166	Justin	Cody	Wilson		Emma Jeff sister of John Jeff
167	Lauren	Elizabeth	Wilson		John Jeff June 15, 1963
168	Lawrence	Edwin	Wilson, Jr.		John Jeff June 15, 1963
169	Lee	Rod	Wilson, Sr.		John Jeff June 15, 1963
170	Lee	Rod	Wilson, Jr.		John Jeff June 15, 1963
171	Mary	Anne	Wilson		Emma Jeff sister of John Jeff
172	Melisa	Jean	Wilson - Dorso		John Jeff June 15, 1963
173	Mechelle	Leann	Wilson - Cardenas		Emma Jeff sister of John Jeff
174	Michael	Wapi-Nayati	Wilson		Emma Jeff sister of John Jeff
175	Ronald	Lee	Wilson		Emma Jeff sister of John Jeff
176	Sherrie	Lynn	Wilson - Zuñiga		Emma Jeff sister of John Jeff
177	Tami	Renee	Wilson - Mora		Emma Jeff sister of John Jeff
178	Tina	Barron	Zavala		John Jeff June 15, 1963

Exhibit 2

Letter from Senator Feinstein of March 6, 2019
requesting that the BIA meet with tribal representatives
and Verify the Jeff Davis genealogy.
Included is the Challenge letter with supporting documents.



United States Senate

March 6, 2019

The Honorable Tara Katuk Mac Lean Sweeney
Assistant Secretary, Bureau of Indian Affairs
Department of the Interior
1849 C Street, N.W. MS-4660-MIB
Washington, D.C. 20240

Amy Dutschke
Pacific Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Dear Assistant Secretary Sweeney and Regional Director Dutschke:

I write regarding the Secretarial Election to organize the California Valley Miwok Tribe. The Bureau of Indian Affairs has been substantially involved in ensuring that the organization of the tribe includes all properly eligible members. Given this history, I respectfully ask that you verify whether the claimed descendants of Jeff Davis qualify for the Eligible Group before proceeding with the election to organize the Tribe. I also ask that you meet with any Tribal representatives who want to discuss this issue with you.

I want to emphasize that I have no position on who should be eligible for the election. I simply believe that it is appropriate for the Bureau to verify who is eligible.

I have attached letters from Arlo Smith and Leon Mendibles regarding this fundamental factual issue of who is eligible to vote in the election.

This is a time-sensitive matter, because it is my understanding that preparatory steps for the election are already underway. I request that you stay the election until you have resolved this pivotal issue. Thank you for considering my request.

Sincerely,

A handwritten signature in blue ink that reads "Dianne Feinstein".

Dianne Feinstein
United States Senator

DF:jw

Enclosures: Letters from Arlo Smith and Leon Mendibles

ARLO E. SMITH
2211 Castro St.
San Francisco, California 94131
(415) 244-4509

TO: Senator Dianne Feinstein
U.S. Senate
Washington, DC

RE: California Valley Miwok Tribe (Sheep Ranch)

Dear Dianne:

This is a request to assist the California Valley Miwok Tribe (Sheep Ranch) in having the Assistant Secretary - Indian Affairs require the Regional Director to verify the genealogy of one particular person (Jeff Davis) as qualifying for the Eligible Group to organize the Tribe via a Secretarial Election. This matter is addressed in the enclosed letter to the Assistant Secretary which has been sent to all parties involved in the final determination. As you can see, the evidence appears that Jeff Davis does not have any lineal descendants to the Eligible Group. If the voter list is loaded with members who are not legitimate, then it could be a catastrophic situation for all parties concerned - the legitimate descendants, the Tribe as a whole, the Federal government and the BIA, as well as others.

In brief, the Determination of Kevin Washburn of December 2015 defines the Eligible Group for organizing the Tribe and that Determination has been judged to be legal and definite in both District Court and the Court of Appeals. It is absolutely final. Thus, the Assistant Secretary and the Regional Director are bound to abide by that 2015 Determination and the criteria for being in the Eligible Group to organize the tribe. Once that is finally established by the BIA, then that group can admit the rest of the community into the Tribe, and the Federal government is finished with membership disputes.

The Tribe greatly appreciates your assistance of 2007 in having the PL93-638 funds withheld from the Tribe; and as a result, millions of dollars to the Tribe remain frozen for the recognized authority.

Congratulation on your re-election.

Thanks,



ARLO E. SMITH

Leon Mata Mendibles
877 Valley Crest Dr.
Carson City, Nevada 89705

Tara Katuk Mac Lean Sweeney
Assistant Secretary – Indian Affairs
Department of the Interior
1849 C Street, N.W. MS-4660-MIB
Washington, D.C. 20240

January 18, 2019

Regarding the Eligible Group for organizing the California Valley Miwok Tribe.

Hon. Assistant Secretary:

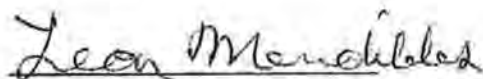
This letter is to confirm that I, together with my other relatives in the Lena Hodge line of descent, are members of the Eligible Group for organizing the California Valley Miwok Tribe, being that that great grandmother Lena Hodge is listed in the original 1915 census for the Tribe. I am one of the senior members. We are willing to forward our genealogical information if and when appropriate to your consideration.

Originally called the "Sheep Ranch Indians" in that census, Tribe became known later as the "Sheep Ranch Rancheria of Me-wuk Indians" and then around 2002 the name was changed in the Federal Register to "California Valley Miwok Tribe". My family still owns a small section of the original land at Sheep Ranch, California with Lena's original house a historic land-mark for the tribe.

I am receipt of the enclosed analysis by Chadd Everone who has served as the Tribe's Deputy since about 2000. I understand that the Washburn Determination of 2015 has recently been confirmed by the Court as the final definition for which group of people is eligible to organize the Tribe and that there is some dispute and uncertainty about whether or not Jeff Davis, one of my relatives on the 1915 census, had any children. I do not recall my grandmother, Dora Hodge Mata the daughter of Lena Hodge, ever mentioning any relatives associated with Jeff Davis.

Clearly, the initial organizing group is an extremely important matter in terms of the long-range prospects for what will be a sovereign nation. And I urge you to have the genealogy of Jeff Davis verified before going forward with the secretarial election.

Sincerely,





California Valley Miwok Tribe, California
(formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)
2140 Shattuck Ave. #602, Berkeley, Calif. 94704
{ www.californiavalleymiwok.com }

January 24, 2019

Chadd Everone, Deputy
510-486-1314

Tara Katuk Mac Lean Sweeney
Assistant Secretary – Indian Affairs
Department of the Interior
1849 C Street, N.W. MS-4660-MIB
Washington, D.C. 20240
Telephone: (202) 208-7163

A challenge to the Secretarial Election for the California Valley Miwok Tribe
(formerly the Sheep Ranch Rancheria of Me-wuk Indians of California). ^[1]

Honorable Assistant Secretary Sweeney:

The purpose of this communication is to bring to your attention a critical issue regarding the conduct of the Secretarial Election for this Tribe, who really constitutes the Eligible Group for organizing the Tribe, and to contest the Voter's List for that Election. The Election has recently been initiated, but it is inherently flawed in a manner which could cause serious damage to the Bureau of Indian Affairs and its administration, the Tribe and its community, and other interested parties - if this issue is not considered by your office and if appropriate administrative intervention is not taken by the Bureau. The fundamental defect resides in the genealogy of one particular individual, Jeff Davis, who is taken by the BIA to be the progenitor of some 200 individuals that are classified in the Regional Director's Determination of 2017 as being in the "Eligible Group" for participation in the Election. That would represent some 85% + of the Eligible Voters. This is

¹ Access to this document, with active links to some documents, may be given to individuals who have a relevant interest. Please use this link for sending an e-mail.
<http://www.californiavalleymiwok.com/challenge>

34 in error because Jeff Davis had only one child who died without issue, as is
36 explained more fully in this cover letter and the Relevant Facts & Comments
38 section. If the genealogy of Jeff Davis does not lead to the Eligible Group, as I
believe it to be so and can prove, then the election process is fundamentally
flawed and invalid.

I (the Petitioner) am asking that your office to issue to the Regional Direc-
40 tor and Agency Superintendent a stay in the Election proceedings until the geneal-
ogy of Jeff Davis, which is in question, is verified to be consistent with the criteria
42 for the Eligible Group as defined by the Assistant Secretary's Determination of
2015 and which is the only legally valid, organizing platform for this Tribe. This
44 should be a simple matter to resolve - given the BIA's and this Petitioner's
documentation and/or an analysis of an independent, professional genealogist.
46 To proceed as presently intended could give complete control of the Tribal
authority to those who do not legally qualify as the Eligible Group; and therefore,
48 that would nullify any election process.

A Secretarial Election would ordinarily be a local BIA matter. However,
50 the Secretarial election for the California Valley Miwok Tribe is being urgently
brought to your attention at this early stage for the reasons that the local BIA
52 officials seem to be actively and willfully mis-applying the secretarial election
laws and the applicable administrative and federal court decisions. Even though
54 election results may be challenged after the secretarial election is held, and there
will be a challenge if the current voters' list is used without verification of the Jeff
56 Davis genealogy, federal laws will have been deliberately ignored and the finan-
cial and personnel resources of the BIA which are used in the election will have
58 been squandered. Further, most of the voters' expectations in the election results
will be upset. These financial, personal, and psychological losses can be avoided.
60 Also, as a general rule, any new information that affects, in a substantial way, the
fundamentals of any judicial or administrative process should be admissible at any
62 stage in the proceedings. The situation is exigent, and I am directing the matter to
officials at Central, Region, and Agency, concurrently.

64 Given the long and tortuous history of getting this Tribe organized over
the course of some 18+ years, the Determination of AS-IA Washburn and a
66 resolution by Secretarial Election (within 25 CFR Parts 81) require that very close
adherence to be given to conducting the procedures in a strictly legal manner to
68 avoid back-firing, causing a collapse in the process, and continued complications
and irreparable harm.

70 Being that there may be a challenge to my standing to file this Petition, it
must be noted that from 2003 to the present, I have served as Deputy for this
72 Federally Recognized Indian Tribe known as the California Valley Miwok Tribe
(a.k.a. Sheep Ranch Rancheria of Me-wuk Indians); and I am well known to the
74 BIA and all interested parties. Appointed by the hereditary Chief, Yakima Dixie,
and ratified by subsequent resolution and deeds, I have been a principal agent for
76 the Tribe - being active in virtually all aspects of its organization including but not
limited to: bringing together its dispersed community, appealing the usurpation of
78 authority, representing the group before the BIA and in pleadings to the IBIA,
writing its constitution, recruiting lawyers and funding extensive litigation of both
80 Federal and State cases, and being the archivist of documents and keeper of the
genealogies. The latter is the most important for the purpose here. Further, the
82 Opposition, Silvia Burley, filed suit against this Petitioner in California Superior
Court of San Diego (Super. Ct. No. 37-2015-00031738) for numerous charges of
84 representing the Tribe and "intentional interference with prospective economic
advantage against Everone, and a separate "cause of action" against him and the
86 [Gambling Control] Commission for conspiracy to do so." The Court found that
all of those actions and representations were constitutionally "Protected
88 Activities" and the Court sanctioned Burley \$30,000. That was Affirmed in the
Court of Appeal, Fourth Appellate District Division One (D072141) on July 16,
90 2018 with further sanctions, allowed. Thus, it is my duty and legal obligation to
deal with the issue that is presented here.

92 Although the Tribe has been federally recognized since 1915, voted for
the IRA in 1935, and the rancheria land deeded in trust to the family of the

hereditary Chief, the Tribe remains Unorganized at this time. Further, it needs to be emphasized that, at this time, there is no Federally Recognized Authority and consequently there can be no Federally Recognized membership. The sole obstacle to organization has been one family of four persons (the Burleys) who claim to be the only, legitimate members of the Tribe, having been "enrolled" in 1998 by the Chief. After extensive litigation and the resultant Determination of December 30, 2015 by the Assistant Secretary - Indian Affairs (AS-IA), the Regional Director effectively mandated that the Federally Recognized Authority be resolved by a Secretarial Election; and that process was initiated in November 2018. However, there is a mistake in how the Regional BIA is to recognize the Eligible Group for organizing the Tribe, pursuant to the AS-IA Determination of 2015 - a mistake which is illegal and, I believe, could cause the entire process to collapse and the damages to which I referred - including bad publicity all around. To avoid that, it is imperative that the organization of the Tribe be done on a strictly legal basis as mandated by the AS-IA in the Determination of December 2015. As I see it, there is a straight-forward administrative remedy to the problem that would be legal and practical, and would avoid such damages; but it is best to do it early in the process rather than during or after the Election.

I am attaching here a summary of the essential points, which are as follows: **I)** The December 2015 Determination of the AS-IA which legally and correctly defines the Eligible Group for organizing the Tribe; **II)** The Determination of the Regional Director of September 2017, which incorrectly designates one person (Jeff Davis) as being the progenitor of the some 85% of the Eligible Group but Davis had only one child who was without progeny himself; and, therefore, Jeff Davis could not be the derivation of anyone in the Eligible Group.; **III)** Federal law that requires, under criminal penalty, the disclosure of this error; and **IV)** Requested actions and remedy and incidental issues. Full documentation will be provided if the Bureau so desires.

I request an appointment with you and/or appropriate staff at the earliest possible date to speed up the process for understanding the evidence and the need

for a quick response. I warrant that the statements in this letter are based upon my personal knowledge and have been made in good faith. If asked to do so, I will affirm the information in the form of an affidavit.

Thank you for your attention and consideration. Our compliments on your appointment and best wishes for a successful administration.



In respect for Indian Jeff and John Jeff.

c.c. Michael Mendibles, Spokesperson for the California Valley Miwok Petitioners;
James F. Rusk, Sheppard Mullin;
Carol Rogers-Davis, Tribal Operations Officer, Central California Agency;
Dale Risling, Acting Regional Director, Pacific Regional Office BIA;
Silvia Burley and attorney as mandated by the Regional Director.

Relevant Facts & Comments

Relevant Facts & Comments

I

The December 2015 Determination of the AS-IA which legally and correctly defines the Eligible Group for organizing the Tribe.

On December 30, 2015, Assistant Secretary - Indian Affairs Kevin Washburn issued his Determination pursuant to the December 2013 Order from the United States District Court for the District of Columbia, regarding the tribal membership, authority, and organization of this Tribe. This Washburn Determination is the platform for organizing the Federally Recognize Authority for this Federally Recognized Tribe and for conducting the current Secretarial Election to adopt a Constitution that would define both its membership and its authority.

<http://www.californiavalleyemiwok.com/2015-12-30-BIA-Determination-full.pdf>

The definitive paragraph in the Washburn Determination is on page 4:

"With this understanding of the Department's dealings with the California Rancherias and in light of the rulings in *CVMT I, II* and *III*, I conclude that the Tribe's membership is not properly limited to Mr. Dixie and the Burley family. Given Agent Terrell's 1915 census of the "Indians designated 'Sheepbranch Indians,'" and the 1916 acquisition of land by the United States for the benefit of the Mewuk Indians residing in the Sheep Ranch area of Calaveras County, California, I find that for purposes of reorganization, the Tribe's membership is properly drawn from the Mewuk Indians for whom the Rancheria was acquired and their descendants. The history of the Rancheria, supported by the administrative record, demonstrates that this group consists of: **(1) the individuals listed on the 1915 Terrell Census and their descendants; (2) the descendants of Rancheria resident Jeff Davis (who was the only person on the 1935 IRA voters list for the Rancheria); and (3) the heirs of Mabel Dixie (the sole Indian resident of the Rancheria eligible to vote on its termination in 1967) as identified by OHA in 1971 and their descendants (Dixie Heirs) (all three groups collectively identified herein as the Eligible Groups).**" (*Emphasis is added.*)

It is well established that his group is comprised of the following 13 persons:

Peter Hodge	Tom Hodge	Mrs. Limpey (Rose Davis)	Mabel Hodge Dixie
Annie Hodge	Andy Hodge	John Tecumchey	
Malinda Hodge	Jeff Davis	Pinkey Tecumchey	
Lena Hodge	Betsey Davis	Mamy Duncan	

These are the only historically recognized members of the Tribe with whom the Federal Government had conducted official government-to-government relations since the recognition of the Tribe in 1915. The lineal descendants of these individuals are defined as the "Eligible Groups" for the purpose of organizing the Tribe. There is no controversy on that; and there should be no controversy on those lineal descendants being the only organizing

Relevant Facts & Comments

186 persons who are eligible for any Secretarial Election to be legally valid. Otherwise, the BIA
187 would be guilty of being in violation of the Administrative Procedures Act 5 U.S.C.
188 §706(2)(A) " ... arbitrary, capricious, an abuse of discretion, or otherwise not in accordance
with law."

190 **On page 6 of the Washburn Determination, the AS-IA instructs on how to legally incor-**
191 **porate the broader community:**

192 "At the discretion of the Eligible Groups, the Miwok Indians named on the 1929
193 Census and their descendants may be given that opportunity to participate in the
194 reorganization of CVMT."

196 **The criteria for the "Eligible Groups" in the Washburn Determination of December 2015**
197 **are exactly the same individuals as defined 11 years before in the 2007 BIA Determination**
198 **for organizing the Tribe and who were called the "Putative Members". The "Putative**
199 **Members", then, are exactly the same as the "Eligible Groups" are, now. Thus, as far as the**
200 **Federal Government is concerned, the absolute criteria for organizing the Tribe and identify-**
201 **ing the Tribe's authority are the lineal descendants from the above cited 13 historic persons.**
202 **In other words, having dealt specifically with the above mentioned individuals, by that fact,**
203 **they had to be recognized as the only Federally Recognized members; and the Tribe never**
204 **having been terminated, that membership and their descendants continue in force. This is not**
205 **fungible, cannot be modified or loosely interpreted, and is fixed. Indeed, the BIA could not**
206 **have used any other criteria such as the 1929 Census of Indians of Calaveras County because**
207 **to do so would be a violation of the prohibition against the Federal government determining**
208 **tribal membership, arbitrarily.**

209 **In January 2016, the Opposition Party (the Burleys) challenged the Washburn Determina-**
210 **tion in the United States District Court Eastern District of California in case # civ no.**
211 **2:16-01345. The Washburn Determination was judged to be legal and NOT a violation of**
212 **the Administrative Procedures Act, and Burley's case was dismissed on July 1, 2016. Soon**
213 **thereafter, the Burleys filed an Appeal in the United States Court of Appeals for the Ninth**
214 **Circuit case No. 17-16321; and that Court Affirmed the District Court's Order on December**
215 **11, 2018. Thus the Washburn Determination of 2015 is the absolute and only legal platform**
216 **for organizing this Tribe. The Washburn Determination is settled law. The Assistant Secre-**
217 **tary Washburn referred the matter to the Regional Director to evaluate if a 2013 Constitution**
218 **was adopted by the above Eligible Group and if not, then to conduct a Secretarial Election by**
the Eligible Group - See II, below.

Relevant Facts & Comments

II

The Determination of the Regional Director of September 2017, which incorrectly designates one person (Jeff Davis) as being the progenitor of the some 85% of the Eligible Group; but Davis had only one child who was without progeny himself; and, therefore, Jeff Davis could not be the derivation of anyone in the Eligible Group.

After the Washburn Determination, the representatives of the Tribe requested the Director of the Bureau of Indian Affairs - Pacific Region to accept the Tribe's Constitution of 2013. However, in a Determination of September 11, 2017, the Regional Director rejected that - thereby leaving the Secretarial Election process (25 C.F.R. §81) as the only means for organizing the Tribe. The Director said:

"As authorized by the 2015 AS-IA Decision and following their March 9, 2016, meeting with me and my staff, the Dixie Group chose not to request a Secretarial Election, and on April 18, 2016, submitted a detailed report (Election Report) outlining the modified Secretarial Election process they utilized to ratify the 2013 Constitution. My staff reviewed the Dixie Group's files of those individuals who were provided the opportunity to vote on the 2013 Constitution. In addition, this Office reviewed the family history of the Burley Group. It appears that a majority of those who participated in the 2013 constitutional election and all of the Burley Group descend from Rancheria resident Jeff Davis. Following a review of the Election Report, it appears the Dixie Group notified 183 individuals who qualify as members of the Eligible Groups, and 17 individuals who descend from the 1929 Census of Calaveras County. The 2013 Constitution extended membership eligibility to the Eligible Groups and, in addition, the descendants of the 1929 Census of Calaveras County." (*Emphasis is added.*)

<http://www.californiavalleymiwok.com/2017-09-11-Region-Decision.pdf>

There are various mistakes in the Region's Determination; but the critical error is in the statement: "It appears that a majority of those who participated in the 2013 constitutional election and all of the Burley Group descend from Rancheria resident Jeff Davis." In a matter of such importance as establishing the authority for a sovereign nation which will determine if fate for generations to come, the Director's term "It appears" cannot be adequate.

What is required is solid proof. Jeff Davis is, in fact, one of the historic members as cited in # I, above; however, he had effectively no children. That is to say his only recorded child was Ike Davis (July 1, 1883 - December 10, 1919), and Ike Davis died during the influenza epidemic without any progeny. If this assertion is true (i.e., that Jeff Davis had no children that can be linked to the Eligible Group for organizing the Tribe), as can be documented, then none of the Eligible Group could have been derived from Jeff Davis. So this is drastic mistake. And it is this point which the BIA needs to verify if the Secretarial Election is to be legally valid. The following is some evidence in support of that assertion.

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In all of the genealogies that have been filed by prospective members (some 300+), not one identified Jeff Davis as an ancestor. Recently, in June 2018, the BIA ran public notices in related counties and listed the historic members, soliciting people who believed oneself to be related to one of them to notify the Tribe's representative (this Petitioner); but not a single response was received. The Calaveras Archives, the repository of documents related to Indians of Calaveras County, did research on Jeff Davis and found that he had only one child who died without issue and that he could not be the father of John Jeff. Also, in the data-base of 1,300 Indians of Calaveras County ("Calaveras-Archives-Copy of Native American data aug 30.xls"), no descendants of Jeff Davis were listed except Ike Davis as mentioned above. Finally, Jeff Davis is not the father of John Jeff as the BIA may have erroneously assumed from an unsubstantiated and false genealogy which the BIA constructed for Silvia Burley on September 22, 1995. That John Jeff was the son of a completely different person (i.e., Indian Jeff a.k.a. Westpoint Jeff), which can be well substantiated from the "Inquest on the Body of Indian Jeff" at which John Jeff says: "Yes. He is my father". Indian Jeff, father of John Jeff died 50 years before the death of Jeff Davis, so they cannot be the same. Because the Regional Director did not specify how the connection was made between Jeff Davis and the Eligible Group, the illegality of the Burley genealogy of 1995, and connecting John Jeff to Jeff Davis will not be argued at this point but is reviewed in the Appendix.

Relevant Facts & Comments

III

Federal law requires, under criminal penalty, the disclosure of this error.

Given the Determination of the Regional Director ("It appears that a majority of those who participated in the 2013 constitutional election and all of the Burley Group descend from Rancheria resident Jeff Davis."), I personally (and in conjunction with others) proceeded to re-construct the majority of the people's genealogies in the voter list to make them conform with the Regional Directors statement, above - that is, to be a descendant of Jeff Davis and thereby include them as Eligible Group. Midway into the process and upon further research, I came to the realization that I/we were actually changing those genealogies without the consent or knowledge of the individuals and contrary to the facts of the situation. And being that with those genealogies the Tribe will be the recipient of large sums of federal money, if organized under false pretenses, it would be a violation of U.S. laws, as cited below, including conspiracy.

USCODE TITLE 18 — CRIMES AND CRIMINAL PROCEDURE**§ 1001. Statements or entries generally**

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully— (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. (b) Subsection (a) does not apply to a party to a judicial proceeding, or that party' counsel,

for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

§ 1002. Possession of false papers to defraud United States

Whoever, knowingly and with intent to defraud the United States, or any agency thereof, possesses any false, altered, forged, or counterfeited writing or document for the purpose of enabling another to obtain from the United States, or from any agency, officer or agent thereof, any sum of money, shall be fined under this title or imprisoned not more than five years, or both.

Title 18 — Section 371-Conspiracy**§371. Conspiracy to commit offense or to defraud United States**

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any

manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

There is a traditional saying in jurisprudence that goes something like this: "When the words of a law are clear about their meaning then the meaning of the law is its words". The above does not need much interpretation. Is the true genealogy of John Jeff a "material fact"? Yes, a very material fact. Did I and others falsify, conceal, and attempt to cover up the fact that John Jeff was the son of Indian Jeff rather than Jeff Davis? Yes! If left undiscovered, would this falsification lead to Federal money being released to illegal entities?

Relevant Facts & Comments

Yes. And did more than one individual participate in this falsification? Yes. It seems obvious that we could be charged on all three counts of the above, if this falsification were not disclosed now. By making this disclosure to the BIA in advance, its should exonerate us from any such liability. Note §1001 (b) Subsection (a) in which attorneys are not exempt unless they are involved in a judicial proceeding which entails the disclosure of the relevant material, which is not the case here.

IV**Requested actions and remedy and incidental issues.**

The preceding three points constitute the main items in this Notice. 1) The Washburn Determination of December 2015 is the legal platform for organizing this Tribe and the definition of the Eligible Group of people for doing so - as affirmed by the District Court and Court of Appeals. 2) The Regional Director improperly identified some 200 people as progeny of Jeff Davis and therefore not belonging in the Eligible Group. 3) To not disclose the errors in this matter and allow the Bureau to correct them could constitute a violation of criminal law.

In filing this Notice, the Petitioner asks that the AS-IA order a stay in the Secretarial Election until such time as an examination of the Regional Director's Determination of September 11, 2017 is made with respect the genealogy of Jeff Davis and him being the progenitor of some 200 members of the Eligible Group. Enlisting the expertise of an independent genealogist would be helpful and lend credibility to the results. This appears more difficult than it probably is - all one needs to do is to verify that John Jeff cannot be the son of Jeff Davis. If, as my research finds, Jeff Davis had no progeny that lead to the Eligible Group, then all of those who have such attribution can be removed from the voter list; and those who are confirmed to be in the Eligible Group may proceed accordingly. Subsequently, the organized tribal authority can enroll the expanded community, as the Washburn Determination indicates. If the BIA can prove that Jeff Davis did have progeny that link to the Eligible Group, then my claim is nullified in whole or in part and adjustments in the voter list can be made.

In 2007, the BIA made an attempt to organize the Tribe. The Bureau publicly solicited genealogies from those who believed that they are related to the Eligible Group. We were told that about 200 submittals were received. The BIA (not the Tribe) independently verified which ones can be linked to the Eligible Group and constructed letters of acceptance or rejection. That would seem to be the correct method for determining the Eligible Group for an unorganized tribe, as in this case, rather than allowing the tribal community to verify itself as in the current situation. It would be helpful to have a copy of that list from the BIA of those who qualified in 2007 and those who did not qualify so that our records can be compared. (That 2007 process was derailed by Burley's IBIA filing and then the Echo Hawk

Relevant Facts & Comments

Determination of December 2010 which cost millions of dollars in court actions to have declared illegal.)

This effort, over some 18 years, has entailed the integration and harmonization of 4 primary Parties with a vested interest: 1 - Governments (BIA, IBIA, DOJ, Solicitors, Federal Courts and various State Agencies and Courts - their time, effort, expertise, and money); 2 - the Tribe (its hereditary members and broader community); 3 - Lenders, who financed the extensive costs; and 4 - the legal teams who have prosecuted matters. All such Parties are best served by a strictly legal rendering of the Washburn Determination of December 2015 and its definition of the Eligible Group to organize the Tribe. If it turns out that only a smaller number of people qualify as Eligible Group, then it is up to them to enroll additional members within the jurisdiction of the Tribe, itself; thus relieving the BIA and the Federal Government from dealing with intra-tribal membership issues, in which the Bureau should not be involved beyond the recognition of the initial organizing members. Also, I believe that this action is timely filed within the guidelines of 25 C.F.R. §81 and because, as a general rule, any new and significant information may be raised at any time during a proceeding. Also, the cessation of government functions from December 21, 2018 to this date would be a factor in tolling. Further, for emphasis, being that no Federal money has been allocated at this time, it can be assumed that issuing this Notice obviates a violation of the criminal law for non-disclosure.

Because the Regional Director's Determination of Jeff Davis as being the progenitor of some 200 Eligible Group members was probably made on the unverified 1995 genealogy of Silvia Burley which links John Jeff to Jeff Davis, then this issue will be reviewed in the Appendix II; and the Petitioner requests leave to submit additional documentation regarding the genealogy of John Jeff, who really was the son of Indian Jeff (a.k.a. Westpoint Jeff) who is a completely different person than Jeff Davis.

In the Appendix I, some legal points from one of my advisors are included; and in Appendix II, there is an analysis of the Burley Genealogy regarding Jeff Davis and John Jeff.

Appendix 1 - Opinions of legal experts

This Petition has been reviewed by a number of legal experts in Indian and administrative law. Although not rendering an opinion about the substance of the allegations (that is mostly up to the BIA given subsequent documentation and proof of Jeff Davis as the ancestor of Eligible Group members), they have offered the opinion that I both can and should take the action of notifying the BIA about this situation. Rather than paraphrase one such expert, I will quote the informal, cursory analysis that was provided, from which certain technical and procedural points may be drawn.

"To: "Chadd Everone" <administration@californiavalleymiwok.com>
Subject: Re: Answers

The challenge is to the conduct of the entire secretarial election that the local BIA officials set into motion on October 27, 2018. The election must be conducted before 180 days. The basis of the challenge rests on the recent decision of the US Ninth Circuit Court of Appeals that upheld the decision in *Cal. Valley Miwok Tribe v. Zinke*, 2017 U.S. Dist. LEXIS 84282; 2017 WL 2379945 (E.D. Cal. 2017) that confirmed the methodology for determining the identity of persons who are eligible to vote in the secretarial election.

The 2017 district court decision upheld the 2015 decision of the predecessor to the current AS-IA that stated that the Tribe's membership consists of: "(1) the individuals listed on the 1915 Terrell Census and their descendants; (2) the descendants of Rancheria resident Jeff Davis (who was the only person on the 1935 IRA voters list for the Rancheria); and (3) the heirs of Mabel Dixie (the sole Indian resident of the Rancheria eligible to vote on its termination in 1967)." That court held that in light of the record, the Assistant Secretary "was not arbitrary and capricious in finding that the 1998 Resolution and General Council did not 'sufficiently reflect[] the will of the [Tribe] in order to warrant the acknowledgement of the federal government.'" That court further stated, "Plaintiffs have failed to show how the Assistant Secretary was arbitrary and capricious in issuing the December 2015 Decision."

On December 11, 2018, the Ninth Circuit Court of Appeals summarily affirmed that district court's decision in *California Valley Miwok Tribe v. Zinke*, 745 Fed. Appx. 46, 2018 U.S. App. LEXIS 34800 (decided Dec. 11, 2018).

Thus, the local election officials are required by law and by obedience to the order of their superior officer, to apply the criteria of the Assistant Secretary's December 2010 Decision.

Wrongful Procedures Are Being Deployed by BIA

The eligibility of a person to vote in this secretarial election is determined by his or her status as a descendant of a person on the 1915 Terrell Census, or as a descendant of Jeff Davis, or as a descendant Mabel Dixie. Instead, the agency and regional BIA officials have used the regional director's September 2017 determination that includes more than

Appendix 1 - Opinions of legal experts

150 persons over what the 2015 December Determination recognizes. This is because the September 2017 Determination wrongly recognizes Jeff Davis as having descendants after his son Ike. If the local BIA officials would have used the Assistant Secretary's 2015 Determination they would have identified 13 individuals as eligible voters for this secretarial election. The Ninth Circuit opinion must be accepted and applied in this secretarial election.

BIA officials knew that its 2017 list did not conform to the December 2015 Decision. Carefully researched genealogical information had been provided to agency and regional BIA officials.

The extensive genealogical research based on the December 2015 Determination has identified thirteen living persons on the list of eligible voters who comply with that legal requirement; thus, all other persons are not eligible to vote in this election.

Also, be aware that the election board has acted hastily to post the erroneous list of 200+ names at the beginning of election process and then limiting the challenge period to only 30 calendar days, which is now long past. The posting and ending the challenge period so early in the process effectively precluded challenges to be meaningfully filed.

This Secretarial Election is Fatally Flawed

This secretarial election is fatally flawed because: (1) the list of eligible voters does not follow the December 2015 directive from the local officials' superior official, the Assistant Secretary; (2) local officials attempted to skirt the December 2015 directive by requiring challenges to persons on the local officials' list to be submitted within a 30 day period very early in the election process; and (3) local officials wrongfully concluded that Jeff Davis's son, Ike Davis, had descendants when they have been provided evidence that Ike Davis had no descendants.

Authority in Secretarial Elections

The Secretary has ultimate responsibility for the management of all Indian affairs and of all matters arising out of Indian relations. *Cal. Valley Miwok Tribe v. Salazar*, 967 F. Supp. 2d 84 (D. D.C. 2013). The Secretary has empowered AS-IA to conduct secretarial elections of this type. Even though AS-IA may delegate certain of those powers to lower ranking BIA officials, the AS-IA retains the responsibility and supervisory authority to prevent those BIA officials from continuing with this seriously tainted process and from continuing to violate the Ninth Circuit's decision that upheld the December 2015 Determination.

Justification for Intervention

As has been noted by the federal and state courts that have adjudicated the numerous disputes concerning tribal membership, the Secretary "must ensure that [tribal] leadership

Appendix I - Opinions of legal experts

consists of valid representatives of the Tribe as a whole,” which requires ‘a process open to the whole tribal community.’ Cal. Valley Miwok Tribe v. Zinke, 2017 U.S. Dist. LEXIS 84282; 2017 WL 2379945 (E.D. Cal 2017), decided June 1, 2017, affirmed Case No. 17-16321, D.C. No. 2:16-cv-01345-WBS-CDK, (decided Dec. 11, 2018). Those court decisions and Cal. Valley Miwok Tribe v. US, 515 F.3d 1262, 380 U.S. App. D.C. 39 (D.C. Cir. 2008) (“Miwok II”), were concerned about whether a proposed constitution from a five-member faction enjoyed sufficient support from [the T]ribe’s membership” and whether “an antimajoritarian gambit [that] deserve[d] no stamp of approval from the Secretary.” The 2017 federal district court decision construed Miwok I and Miwok II as having decided that the Tribe consisted of more than five members while confirming that the Assistant Secretary’s 2015 Decision fulfilled his obligation to “ensure that [tribal] leadership consists of valid representatives of the Tribe as a whole.” The 2015 Decision did not decide who is a tribal member or how many persons are eligible to be a member, or even how many persons constitute a “majoritarian” number, but his December 2015 decision did establish the method for determining who is a member, regardless of how many persons that is.

Relief Requested from the Assistant Secretary

The descendants of the 1915 Terrell Census and the heirs of Mabel Dixie should request prompt intervention into the secretarial process to prevent further financial, personnel and emotional losses that would result from the continued implementation of these wrongful procedures. Further, intervention is required to prevent persons from wrongfully attaining tribal membership, e.g. alleged heirs of Jeff Davis’ only son, Ike, when there are no such heirs.

Due to the complexity of the evidence and the importance of timely intervention by the office of the AS the heirs of the Terrell Census and heirs of Mabel Dixie, and evidentiary personnel request an appointment with the AS and/or appropriate staff at the earliest possible date to speed up the process for understanding the evidence and the need for quick response.

Appendix II

The Burley Genealogy, Jeff Davis and John Jeff

In the Determination of September 11, 2017, the Regional Director said:

"... It appears that a majority of those who participated in the 2013 constitutional election and all of the Burley Group descend from Rancheria resident Jeff Davis. Following a review of the Election Report, it appears the Dixie Group notified 183 individuals who qualify as members of the Eligible Groups..."

The Regional Director did not say the source for that determination; however, we took it to mean the genealogy that the BIA constructed for Silvia Burley which she requested in September 6, 1995. The cover letter notes that the 1995 genealogy is to replace the one which the BIA issued to her on October 6, 1986. From the letter, it appears that Burley was attempting to link her heritage to Yakima Dixie in preparation for asking him to enroll her in the tribe. In that document on the second page, note that Superintendent Bafford takes her genealogy out to Johnnie Jeff but does not link Johnny Jeff to Jeff Davis. Then, in the third page, there is a listing at Generation No 3, which links John Jeff to Jefferson Davis. It is not clear who constructed this listing (it may not have been the BIA) and if one takes the birth-date of John Jeff (October 25, 1867) and subtracts the birth-date of Jefferson Davis (June 20, 1855), then Jefferson Davis would have been 12 years old when he sired John Jeff (highly improbably!). In other records, various dates of birth are given for Jeff Davis which take the calculation down to him having been 8 year when he would have sired, John Jeff (impossible!). And if Davis sired Jeff, why was John Jeff not named "John Davis"? In any event, this issue need to be clarified by a genealogist.

This unverified genealogy is the only document that the Petitioner has ever seen in which John Jeff is linked to Jeff Davis. But more compelling will be the Inquest document which follows.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Central California Agency
1824 Tribute Road, Suite J
Sacramento, CA 95815-4308

IN REPLY REFER TO:

SC 0910

SEP 22 1995

Ms. Silvia Burley
P. O. Box 238
Wilseyville, California 95257


Dear Ms. Burley:

This is in response to your most recent correspondence dated September 6, 1995, requesting our assistance in establishing your true Indian heritage as reflected in your family tree. Specifically, you are requesting that correction is made to your family tree issued by the Bureau of Indian Affairs, dated October 6, 1986, to reflect the correct information that your biological great-grandmother is Minnie Eaph, and not Angie (Fisher) Mose. Angie (Fisher) Mose was married at one time to Dewey Mose, therefore, stepmother to your grandmother, Eva L. (Mose) Jeff. Additionally, you are requesting information which would reveal that a sibling relationship exists between your grandfather, Manuel Jeff, and Hattie Jeff Hernandez Hodge.

In accordance with your request, we have concluded our research on your family background reflecting your Indian heritage, and we are providing you with both a revised Certificate of Degree of Indian Blood, dated September 22, 1995, and your Family Tree Chart, dated September 20, 1995, which reflects the information you are seeking along with supporting documentation. The 1928 applications for enrollment with the Indians of the State of California under the Act of May 18, 1928 (45 Stat. L. 602) for Tillie Jeff and Hattie Hernandez Hodge indicate that the parents of Manuel Jeff and Hattie Jeff Hernandez Hodge are John Jeff and Tillie (Billy) Jeff, which establishes the fact that they are brother and sister. I apologize for the delay in responding to your request. Hopefully, this will assist you in your future endeavors.

Please contact Ms. Carol Rogers-Davis, Acting Tribal Operations Officer, at (916) 566-7124 should you require additional information pertaining to this matter.

Sincerely,


Harold M. Brafford
Superintendent

Enclosures

CERTIFY APPLICANT TO BE 1/2

DEGREE INDIAN BLOOD.

Harold M. Bufford 9-20-95
 SUPERINTENDENT DATE

1972 Roll No. 08829
 1950 Roll No. 015533
 DOB: 07/15/1960
 Silvia Fawn Burley

1/2 Miwok

Non-Indian

1972 Roll No. 8827
 1950 Roll No. 15533
 DOB: 04/25/1937
 Mildred F. (Jeff) Burley

4/4 Miwok

Sister: Hattie Jeff Hernandez Hodge
 : DOB: 04/08/1900
 : 1933 Roll No. 8045
 :

1972 Roll No. 30740
 1950 Roll No. 15531
 1933 Roll No. 9216
 DOB: 04/04/1906
 Manuel Jeff

4/4 Miwok

1972 Roll No. 30719
 1950 Roll No. 15517
 1933 Roll No. 13640
 DOB: 06/22/1911
 Eva L. (Mose) Jeff

4/4 Miwok

1933 Roll No. 9214
 DOB: 10/25/1867
 Johnnie Jeff

4/4 Miwok

1933 Roll No. 9215
 DOB: 05/14/1889
 Tillie (Billy) Jeff

4/4 Miwok

1933 Roll No. 13638
 DOB: 05/14/1885
 Dewey Mose

4/4 Miwok

Minnie Eaph
 4/4 Miwok

Additional Exhibits

The archivist at the Calaveras County Archives researched the genealogy Jeff Davis both in 2007 and 2016, finding that he had only one son (Ike Davis) who died in 1919 with progeny. Therefore, Jeff Davis cannot be the father of John Jeff and would exclude him or anyone from being one of the Eligible Groups.

This is also supported by the entries in the database of 1,300 historic Indians of Calaveras County.

This invalidates essentially all of the voter list as being from the Eligible Group.

Further, the father of John Jeff was really Indian Jeff from West Point, who was murdered in 1890 and his memory lost to virtually all of his relatives until recently recovered by the discovery of the Inquest on the body of Indian Jeff, which is included here and where among other witnesses, his son, John Jeff, and daughter, Emma Jeff, identify the deceased as their father. Both the original document and a transcription are included as well as some fragmentary documents.



CALAVERAS COUNTY ARCHIVES

46 N. Main St, PO Box 1281
San Andreas, CA 95249
(209) 754-3918
archives@goldrush.com

May 11, 2007

Dear Sheep Ranch Rancheria of Me-Wuk Indians of California:

Researching the Jeff Davis family proved anything but easy. As you know most Me-Wuk history was not recorded with the county and so pulling information from various sources becomes essential. What is fairly certain is that Jeff Davis was the oldest child of Limpy "Rose Davis." In the 1880 US federal census it shows Limpy as being the wife of Charley and Ina, Frank and "a girl" as Charleys children. Jeff Davis is also listed but no relation shows to Charley, the census only lists Jeff as the head of household at the age of 20. Therefore it is difficult to say conclusively whether or not Charley was Jeff's father. In the 1880 census Lavina is listed as Jeff Davis' wife, and from all accounts I would venture to say that this is his first wife. Lavina is also listed on another page of the same census living with Emma and Johnny ages 8 and 6 respectively. I assume these are her children, from a previous marriage. Emma and Johnny, later testify in an inquest hearing that Indian Jeff (West Point Jeff) is there father. Another interesting note on the 1880 census: Jeff Davis' sister Pinky is living with a Jeff. Is this the Indian Jeff that fathered Emma and Johnny?

In the 1900 census Jeff Davis is listed as living with his mother, Limpy and son Ike and is listed as widowed. In 1910 he is listed living with a wife Chuella. Jeff claims that this is his second marriage and her third. Interestingly, Jeff also claims to be living in polygamy, as does Chuella. Jeff states the his wives are not sisters. In 1910 Lavinia Jeff (Virginia) is living with Sally Charley (her aunt) and Angie Fisher.

In 1920 Jeff Davis is living with Betsy Davis as his wife and his mother Rose. Jeff is listed as 62 and Betsy as 70, and his mother Rose as 80. In 1920, Liviana Jeff (Jeff Davis' first wife) is living with Frank Fisher as his mother-in-law. In 1930, Jeff Davis is living alone next door to Jess and Maime Duncan, Pinkey Davis and her husband John Tecumseh.


Other interesting notes: Indian Jeff (West Point Jeff) the father of Emma and Johnny Jeff was shot in 1889 and died 97 days later. Ike Davis died in 1919 after jumping from a window in an Angels Camp hospital. He became demented from a high fever. Limpy died in 1930 and her obituary lists her surviving children as "Jeff Davis, chief of the dwindling tribe located at Sheep Ranch and two daughters, Pinky Tecumseh and Mrs. Potter Hodge." Jeff Davis dies 10 years later in 1940. His obituary incorrectly lists him as the "chief of the Piute Indian tribe in Sheep Ranch and vicinity for the past 30 years." He was survived by two sisters Ina Hodge and Pinkey Tecumseh.

From these records the only things that are clear is the Limpy is Jeff Davis' mother as well as Pinkey Tecumseh and Ina Hodge. Jeff Davis had multiple wives but only mention of one son Ike is ever

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made. From the federal census it is also clear that Jeff Davis and his family members lived in or around the Murphys area and are usually recorded in that township.

If there is anything else I can do for you, please let me know.

Thank you,

A handwritten signature in black ink, appearing to read "Shannon Van Zant". The signature is fluid and cursive, with the first name "Shannon" written in a larger, more prominent script than the last name "Van Zant".

Shannon Van Zant
Calaveras County Archivist



Shannon Van Zant
Archivist

891 Mountain Ranch Rd
San Andreas, CA 95249
209.754.3918 ♦ calaverasarchives@att.net

May 26, 2016

Dear Sheep Ranch Rancheria of Me-Wuk Indians of California:

Further research into the Sheep Ranch tribe has revealed very little new information. In an 1885 newspaper article in the *Calaveras Prospect*, the death of Captain Charley is noted. In the article Jeff Davis is listed as son of Captain Charley. In an 1890 newspaper article the death of Indian Jeff was noted. In the article John Jeff claims to be the son of Indian Jeff. Since Jeff Davis lived until 1940, Jeff Davis cannot be the father of John Jeff as John Jeff claims his father was Indian Jeff who was shot and killed in 1890.

Indian Jeff had two children: John Jeff (married Tillie Sam) and Emma Jeff (married Frank Fischer). It is believed that Lavinia Jeff was the mother of John and Emma and is living with Frank Fischer as his mother-in-law in the 1920 federal census.

Captain Charley had three known children with Rose "Limpy" Davis: Jeff Davis, Pinky (married John Tecumseh) and Ina (married Potter Hodge).

John and Tille Jeff's oldest daughter Hattie married Joe Hodge. They had Mabel and Tex Hodge. Mabel married Romie Dixie and had five children (Maxine, Richard, Yakima, Melvin and Thomas).

Jeff Davis had numerous wives: Lavinia (no children - she later marries Indian Jeff and they have John and Emma Jeff), Chuella (they have Ike Davis together), and Betsy Duncan (or Susie Susner/Cissner). He did not have any children with Betsy, although she had one son Jesse with her first husband, Thomas Duncan.

Jeff Davis' son, Ike dies in the influenza epidemic of 1918 as does Ike's wife (name unknown). It is unknown whether or not Ike Davis had any children.

If there is anything else I can do for you, please let me know.

Thank you,


Shannon Van Zant

Inquest on
Body of

Indian Jeff

Given Jan 9 1890
G L Myllie
Clerk

Depositions of Witness at an inquest
held in the body of Indian Jeff
before J. R. Smith Justice of the
Peace (acting Coroner) this 7th day of
January 1890

Frank Jack after being duly sworn
testifies as follows

Ques. What is your name residence
and occupation

Ans. Frank Jack residence West Point
Calaveras County Cal. occupation
wood cutter

Ques. Were you at Murphys Camp
last fall when the Indians held
a fandango there

Ans. Yes

Ques. Were you acquainted with Jeff
the Indian that was shot there

Ans. Yes

Ques. Did you see him when he was
shot if so state what you know
about it

Ans. That man William McLaughlin
shot Jeff. McLaughlin was fooling
around with the women there a
few hours. Johnny Jeff told him
to stay away and let the women
sit down there. McLaughlin

for my own safety. I then pulled out my
 and threatened to shoot Jeff
 Dick, as soon as he got up he
 pulled out his pistol. Jeff was
 cooking beef he stepped back a
 few steps and told him to stop
 and not shoot the boy. he then
 pulled up his pistol and shot Jeff.
 Jeff had nothing in his hands at
 the time. he never put the pistol
 out of his hands after threatening to
 shoot the boy till he shot Jeff.

Frank & Jack

Subscribed and sworn to before me this
 7th day of January 1890

J. B. Smith

Judge of the Peace

Indian Eph after being duly
 sworn testified as follows

Q. What is your name and residence

A. Eph. - Wat Point, Colaruss County

Q. Were you at Murphy's Camp
 when Jeff got shot

A. Yes

Q. State if you know what time
 it was

A. Jeff lived 27 days after he was
 shot and he died Saturday January

4th, he was shot on Sunday night, at Murphy Creek, on the 29th day of September 1859

Que Did you keep the record of your own record or did some one do it for you

Ans I kept it myself I wanted to know how long he would live

Que Were you acquainted with Jeff before he got shot

Ans Yes I heard the shot but did not see it

Que Did you see Jeff immediately after he was shot

Ans Yes

Que Have you seen him frequently since he was shot, and since he died

Ans Yes I was with him when he died and know he is the same person

Subscribed and sworn to me
before me this 7th day of January
1890

J. R. Smith
Justice of the Peace

4.

young man.
Jeff after being sworn
testifies as follows

Ques. What is your name and where do you live?

Ans. Emma Jack. West Point.

Ques. Were you acquainted with Jeff the man who was shot?

Ans. Yes. He is my father.

Ques. Were you at Murphy's Camp on Sept. 29, '89, when Jeff was shot?

Ans. Yes.

Ques. Did you see McLaughlin shoot Jeff?

Ans. Yes.

Ques. What was the trouble between the parties, which caused him to shoot Jeff?

Ans. He was fooling around among the women, one or two hours. He called Johnny Jeff a s- of a b-, and he threatened to shoot Johnny, pulling out a pistol. Jeff told him to stop and not shoot the boy. He then shot Jeff.

Ques. Did Jeff have anything in his hand at the time?

Ans. He had nothing in his hand. 5

Emma Jack ^{her}
X
mark

Subscribed and sworn to before me
this 7th day of January 1890

J. B. Smith
Justice of the Peace

Ques. Johnny Jeff after being duly
sworn Testifies as follows
What is your name, residence, &
occupation.

Ans. Johnny Jeff. West Point
Sabador.

Ques. Were you at Murphy's last fall when
the Indians held a Pandango
there?

Ans. Yes.

Ques. Was it on a Sunday Even'g when
Jeff was shot?

Ans. Yes.

Ques. You were acquainted with Jeff

Ans. Yes. He was my father.

Ques. I take what you saw in reference
to the shooting of Jeff.

Ans. I was there and I saw the shooting
Some squaws told me to make that
man move and let them get
down.

told him to move over.
He called me a S- of a B—,
He got up and took out his
pistol. My father saw
the pistol and he got up and
told him to stop. My father
was cooking meat, and he
took about two steps toward
the man, when ~~he~~ ^{my father} shot ~~him~~.
My father had nothing in his
hands!

Johnny Jeff + his
mark

Subscribed and sworn to before me
this 7th day of January 1890

J. R. Smith
Justice of the Peace

Louisa after being duly sworn
testified as follows.

Ques. What is your name & where do you
live?

Ans. Louisa, Sandy Gulch.

Ques. Were you at Murphys when Jeff was shot?

Ans. Yes

Ques. Were you acquainted with Jeff?

Ans. Yes

L.

25

Ques. Do you know the name of the man who shot Jeff?

Ans. Yes, ~~Mr.~~ McLaughlin.
Ques. Did you see him shoot Jeff?

Ans. Yes.
Ques. How near were you to Jeff when he was shot?

Ans. I was sitting on the other side of the fire about 3 feet from Jeff.

Ques. What was the trouble between them, that caused him to shoot Jeff?

Ans. McLaughlin was fooling around with the women. He told the women to get out of the way, he wanted to sit down himself. He called Johnny a S- of a b- when Johnny told him to get out of the way.

Ques. Did he then pull a pistol and threaten to shoot Johnny?

Ans. Yes.

Ques. Did Jeff then try to stop him from shooting the boy?

Ans. Yes. He then shot Jeff. Jeff had nothing in his hand.

before me this 7th day
January 1890

J. R. Smith
Justice of the Peace

J. Bukler after being duly
sworn testifies as follows

Que What is your name residence &
Occupation

Ans Julius Bukler West Point
Notary Public

Que did you take the deposition of
Jeff before he died

Ans yes I took it on the 2^d of January
1890

Que Have you got the deposition now
I have here it is

Deposition filed Schedule A.
Subscribed and sworn to Julius Bukler
before me this 7th day
of January 1890

J. R. Smith
Justice of the Peace

9.

Sr. Frank S. Burleigh. being
duly sworn testifies as follows:

Ques. What is your name, residence &
occupation.

Ans. Frank S. Burleigh, West Point, M.D.

Ques. Did you hold an autopsy on
the body of Indian Jeff?

Ans. Yes.

Ques. State the result of your examination.

On last Sun. Morn. Jan. 5th, 1896.
I opened the body of Indian Jeff to
ascertain the ~~extent~~^{extent} of the gunshot
wound received by the said Indian
Jeff. I found on opening the
body, that the ball struck the fifth
rib glanced upward entered the
pleural cavity between the fourth
and fifth ribs, ^{pierced the lung lying} and came out between
the third and fourth ribs. I also
found the right lung entirely
gone, on opening through the
diaphragm, and the liver con-
taining pus.

Ques. Do you suppose the ball pierced or
passed through the lungs.

Ans. To the best of my belief, from the course of

the ball it must have pierced
the lungs.

Ques. Do you consider the wound necessary
fatal under proper medical treatment?

Ans. To the best of my belief, with
proper medical treatment, there
was a possibility of his recovery.

Ques. Do you believe the gunshot wound to
be the primary cause of his death?

Ans. Yes.

J. L. Burleigh M.D.

Subscribed and sworn to
before me this 9th day of
January 1890

J. R. Smith
Justice of the Peace

58

State of California }
County of Calaveras }

Indian Jeff being first duly sworn deposes and says: That he is an Indian that his name is Indian Jeff, that he is a resident of West Point County of Calaveras State of California, that he feels that he is dying and that this is his dying statement. That he and his family were attending an Indian dance near Murphy's Camp Calaveras County State of California, that when there a white man pointed a pistol at his son, that he told the white man to put the pistol away and at the same time took two steps towards the man when the white man shot off the pistol the ball striking me in the right side.

Witnesses

J. W. Shute Jr. Indian ^{his} Jeff.
H. L. Burleigh M.D. Mark

Subscribed and sworn to
before me this second day
of January A. D. 1890.

Julius Buckner
Notary Public

State of California }
 County of Calaveras }

Before J. R. Smith J. P.
 acting coroner in the matter
 of the inquisition upon the
 body of Indian Jeff deceased.

That the undersigned the jurors
 summoned to appear before

J. R. Smith J. P. acting coroner
 in the County of Calaveras on
 the Seventh day of January, 1888.
 to inquire into the cause of the
 death of Indian Jeff.
 having been duly sworn
 according to law and having
 made such inquisition, after
 inspecting the body, and hearing
 the testimony adduced, upon
 our oath each and all do say
 that we find the deceased
 was named Indian Jeff, a
 native of California, about
 forty years old that he came to
 his death by being shot near
 the town of Murphy's Calaveras Co,
 State of California; on Sunday Evening
 Sept. 29, 1887. and we further find
 that we believe Mr. McLaughlin
 to be the person, by whose act

the death of the said
 Indian Jeff was occasioned.
 His death being caused by
 a gunshot wound, inflicted
 upon the body of the said Indian
 Jeff. by Wm McLaughlin.

All of which we duly certify
 by this inquiry, in writing,
 by us signed, this 7th day of
 Jan. 1890.

J. Severus
 James Gormley
 A. J. Field
 W. M. Gang
 George Elhardt
 Wm. Cook
 W. Smith Jr
 E. M. Rice

State of California
County of Calaveras

I hereby certify the foregoing to
be a full true and correct transcript
of the testimony and proceedings
taken in the matter of the inquisition
on the body of Indian Jeff held
at West Point on the 7th day of
January 1890 before me

J. R. Smith
Justice of the Peace
Mokelumne Township
acting Coroner

Transcript from Calaveras Archives - Chadd Everone Sr. & Jr. June 19, 2018

	Inquest on
	Body of
	<u>Indian Jeff</u>
	Filed Jan 9 1890
	A L Nyllie
	Clerk
	1

1	
	Depositions of Witnesses at an inquest
	held on the body of Indian Jeff
	before J R Smith Justice of the
	Peace (acting Coroner) that 7th day of
	January 1890
	Frank Jack after being duly sworn
	testifies as follows
Que	What is your name residence and occupation.
Ans	Frank Jack residence West Point
	Calaveras County Cal. occupation
	wood cutter.
Que.	Were you at Murphys Camp
	last Fall when the indians held
	a fandango there
Ans	Yes
Que	Were you acquainted with Jeff
	the indian that was shot there
Ans.	Yes.
Que	Did you see him when he was
	shot if so state what you know
	about it
Ans	That man William McLaughlin
	shot Jeff. McLaughlin was fooling
	around with the women two or
	three hours, Johnny Jeff told him
	to stay away and let the women
	sit down there. McLaughlin
	2

2	got up and called Johnny a son of
	bitch, and threatened to shoot Johnny
	as soon as he got up he
	pulled out his pistol. Jeff was
	cooking beef he stepped back a
	few steps and told him to stop
	and not shoot the boy. He then
	pulled up his pistol and shot Jeff.
	Jeff had nothing in his hands at
	the time. he never put? the pistol
	out of his hands after threatening to
	shoot the boy till he shot Jeff
	Frank X Jack
	Subscribed and sworn to before me this
	7th day of January 1890
	J R Smith
	Justice of the
	Peace
	Indian Eph, after being duly.
	sworn testifies as follows
Que	What is your name and residence
Ans	Eph. West point. Calaveras County
Que	Were you at Murphys Camp
	when Jeff got shot
Ans	Yes
Que	State if you know what time
	it was
Ans	Jeff lived 97 days after he was
	shot and he died Saturday January
	3

3	4th, he was shot on Sunday
	night, at Murphys Camp, on the
	29th day of September 1889
Que	Did you keep the record of your
	own accord or did someone do it
	for you
Ans	I kept it myself. I wanted to
	know how long he would live
Que	Were you acquainted with
	Jeff before he got shot
Ans	Yes. I heard the shot but did
	not see it
Que	Did you see Jeff immediately
	after he was shot
Ans	Yes
Que	Have you seen him frequently
	since he was shot, and since he
	died
Ans	Yes. I was with him when
	he died and know he is the same
	person
	his
	Eph X
	Subscribed and sworn to mark
	before me this 7th day of January
	1,890
	J R Smith
	Justice of the Peace
	<i>initial</i> 4

4	
	Emma Jack after being duly sworn testifies as follows
Ques	What is your name and where
	do you live?
Ans	Emma Jack. West Point.
Ques.	Were you acquainted with Jeff
	the man who was shot.
Ans	Yes. He is my father.
Ques	Were you at Murphys Camp on
	Sept. 29, '89, when Jeff was
	shot?
Ans	yes.
Ques	Did you see McLaughlin shoot Jeff?
Ans	Yes.
Ques	What was the trouble between the parties
	which caused him
	to shoot Jeff.
Ans	We was fooling around
	among the women, one or two
	hours. He call Johnny Jeff
	a s-of a b-, and he threat-
	ened to shoot Johnny pulling out
	a pistol. Jeff told him to
	stop and not shoot the boy. .
	He then shot Jeff
Ques	Did Jeff have anything in
	his hand at the time?
Ans	He had nothing in his hand.
	<i>initial 5</i>

5	her
	Emma Jack X
	mark
	Subscribed and sworn to before me
	this 7th day of January 1890
	J.R. Smith
	Justice of the Peace
	Johnny Jeff after being duly sworn
	testified as follows.
Ques.	What is your name, residence, &
	occupation.
Ans.	Johnny Jeff. West Point
	Laborer
Ques	Were you at Murphy's last fall when
	the Indians held a Fandango
	there?
Ans	Yes.
Ques.	Was it on a Sunday Even'g when
	Jeff was shot?
Ans	Yes
Ques.	You were acquainted with Jeff
Ans.	Yes. He was my father.
Ques	State what you saw in reference
	to the shooting of Jeff.
Ans.	I was there and I saw the shooting
	Some squaws told me to make that
	man move and let them.
	sit down
	<i>initial 6</i>

6	I told him to move over
	He called me a S-of a b-,
	He got up and took out his
	pistol. My father saw
	the pistol and he got up and
	told him to stop. My father
	was cooking meat. and he
	took about two steps toward
	the man, when he shot my father.
	My father had nothing in his
	hands. his
	Johnny Jeff X
	mark
	Subscribed and sworn to before me
	this 7th day of January 1890
	J.R. Smith
	Justice of the Peace
	Louisa after being duly sworn
	testified as follows.
Ques	What is your name & where do you
	live?
Ans	Louisa, Sandy Gulch.
Ques	Were you at Murphy's when Jeff was shot?
Ans.	Yes
Ques	Were you acquainted with Jeff?
Ans	Yes
	<i>initial 7</i>

7	
Ques	Do you know the name of the man who shot Jeff.
Ans	Yes, Wm. McLaughlin.
Ques	Did you see him shoot Jeff.
Ans	Yes.
Ques	How near were you to Jeff when he was shot.
Ans	I was sitting on the other side of the fire about 8 feet from Jeff
Ques	What was the trouble between them, that caused him to shoot Jeff?
Ans	McLaughlin was following around with the women. He told the women to get out of the way, he wanted to sit down himself. He call Johnny a S-of a b- when Johnny told him to get out of the way
Ques	Did he then pull a pistol and threaten to shoot Johnny?
Ans	Yes
Ques	Did Jeff then try to stop him from shooting the boy?
Ans	Yes. He then shot Jeff. Jeff had nothing in his hand.
	<i>initial 8</i>

8	
	her
	Subscribed and sworn to Louisa X
	before me this 7th day of mark
	January 1890
	J.R. Smith
	Justice of the Peace
	J. Buklert after being duly
	sworn testified as follows.
Ques	What is your name residence &
	occupation
Ans	Julius Buklert, West Point
	Notary Public
Ques	Did you take the depositions of
	Jeff before he died
Ans	Yes, I took it on the 2nd of January
	1890
Que	Have you got the deposition now
	I have here it is
	deposition filed schedule A.
	Subscribed and sworn to Julius Buklert
	before me this 7th day
	of January 1890
	J. R. Smith
	Justice of the Peace
	<i>initial 9</i>

9	
	Dr. Frank S. Burleigh being
	duly sworn testifies as follows:
Que.	What is your name, residence & occupation.
Ans	Frank S. Burleigh, West Point, M.D.
Ques	Did you hold an autopsy
	on the body of Indian Jeff?
Ans	Yes.
Ques	State the result of your examination
Ans	On last Sun. Morn. Jan. 5th, 1890,
	I opened the body of Indian Jeff to
	ascertain the extend of the gunshot
	wound received by the said Indian
	Jeff. I found on opening the
	body, that the ball struck the fifth
	rib glanced upward entered
	the pleural cavity between the fourth
	and fifth ribs pierced the lung tissue
	and came out between
	the third and fourth ribs. I also
	found the <u>right lung</u> entirely
	gone an opening through this diaphragm,
	and the liver con- taining pus.
Ques	Do you suppose the ball pierced or
	passed thorough the lungs.
Ans	To the best of my belief, from the course of
	<i>initial 10</i>

Transcript from Calaveras Archives - Chadd Everone Sr. & Jr. June 19, 2018

10	
	the ball it must have pierced
	the lungs.
Ques	Do you consider the wound necessary
	fatal under proper medical treatment
Ans	To the best of my belief, with
	proper medical treatment, there
	was a possibility of his recovery.
Ques	Do you believe the gunshot wound to
	be the primary cause of his death?
Ans	Yes.
	F.L. Burleigh, M.D.
	Subscribed and sworn to
	before me this 7th day of
	January 1890
	J. R. Smith
	Justsice of the Peace
	<i>initial</i> 11

11	
58	State of California
	County of Calaveras
Schedule A	Indian Jeff being first duly sworn deposes
	and says: That he is an Indian that his
	name is Indian Jeff, that he is a resident
	of West Point County of Calaveras State of
	California, that he feels that he is dying
	and that this is his dying statement.
	That he and his family were attending an
	Indian dance near Murph'ys Camp Cala
	veras Count State of California, that where?
	there a white man pointed a pistol at
	his son, that the told the white man to?
	put the pistol away and at the same
	time took two steps towards the man
	when the white man shot off the pistol
	the ball striking me in the right side.
	Witnesses his
	John W. Shutte, Jr Indian X Jeff
	F.L. Burleigh, M.D mark
	Subscribed and sworn to
	before me this second day
	of January A.D. 1890
	Julius Buklert
	Notary Public
	12

Transcript from Calaveras Archives - Chadd Everone Sr. & Jr. June 19, 2018

	State of California }
	County of Calaveras }
	Before J.r. Smith J.P.
	Acting coroner in the matter
	of the inquisition upon the
	body of Indian Jeff deceased,
	We the undersigned the jurors
	summoned to appear before
	J.R. Smith, J.P. acting coroner
	in the County of Calaveras on
	the Seventh day of January 1890
	to inquire into the cause of the
	death of Indian Jeff having been duly sworn
	according to law and having
	made such inquisition, after
	inspecting the body and hearing
	the testimony adduced, upon
	our oath each and all do say
	that we find the deceased
	was named Indian Jeff, a
	native of California, about
	forty years old that he came to
	his death by being shot near
	the town of Murphys Calaveras Co,
	State of California - on Sunday Evening
	September 29, 1889. And we further find
	that we believe Wm McLaughlin
	to be the person, by whose act
	<i>initial 13</i>

Transcript from Calaveras Archives - Chadd Everone Sr. & Jr. June 19, 2018

	the death of the said
	Indian Jeff was occasioned.
	His death being caused by
	a gunshot wound, inflicted
	upon the body of the said Indian
	Jeff by Wm McLaughlin.
	All of which we duly certify
	by this inquisition, in writing,
	by us signed, this 7th day of
	Jan. 1890.
	} T, ? Severn
	} James Gormly
	} A.J. Field
	} W.M. Young
	} George Eberhardt
	} Wm ? Cook
	} W.L. Smith, Jr.
	} E.M. Prince
	<i>initial</i> 14

Transcript from Calaveras Archives - Chadd Everone Sr. & Jr. June 19, 2018

State of California

County of Calaveras

I hereby certify the foregoing to
be a full true and correct transcript
of the testimony and proceedings
taken in the matter of the inquisition
on the body of Indian Jeff held
at West Point on the 7th day of
January 1890 before me

J.R. Smith

Justice of the Peace

Mokelumne Township

acting Coroner

initial 15

FAMILY GROUP NO.

Husband's Full Name

Indian Jeff (West Point Jeff)

This information Obtained From _____ Case 2:19-ar-00268 Document 1 Filed 04/09/19 Page 238 of 242

Birth							
Chr'nd							
Marr.							
Death	29 Sept. 1889	Murdered by Wm McLaughlin					
Burial							

Places of Residence

Occupation

Church Affiliation

Military Rec.

Other wives, if any. No. (1) (2) etc.
Make separate sheet for each marr.

His Father

Mother's Maiden Name

Wife's Full Maiden Name

Lavinia Jeff / Susana Jeff

Wife's Data	Day	Month	Year	City, Town or Place	County or Province, etc	State or Country	Add. Info. on Wife
Birth	16	Sep	1844				
Chr'nd							
Death	9	May	1939				
Burial							

Compiler

Places of Residence

Address

Occupation

Church Affiliation

Military Rec.

City, State

Other husbands, if any. No. (1) (2) etc.
Make separate sheet for each marr.

Date

Her Father

Mother's Maiden Name

(2) Jeff Davis

Lepsona Hodge

Sex	Children's Names in Full (Arrange in order of birth)	Children's Data	Day	Month	Year	City, Town or Place	County or Province, etc.	State or Country	Add. info. on Children
M	1 John Jeff	Birth	25	10	1867				
		Marr.							
	Full Name of Spouse	Death	13	Dec	1938				
	Tillie Sam	Burial							
F	2 Emma	Birth							
		Marr.							
	Full Name of Spouse	Death							
	Frank Fisher	Burial							
	3	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	4	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	5	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	6	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	7	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	8	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	9	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							
	10	Birth							
		Marr.							
	Full Name of Spouse	Death							
		Burial							

Please distribute freely! Courtesy of Genealogy Records Service.
More forms are available FREE online at
<http://www.genrecords.com>

Family Group Sheet	Husband's Full Name <u>John Jeff</u>							
	Date of:	Day	Month	Year	Town	County	State or Country	Additional Info.
Information Obtained From:	Birth:							
	Marriage:							
	Death:							
	Burial:							
Places of Residence:								
Occupation:			Religion:			Military Record:		
Other wives:								
His father: <u>Indian Jeff / West Point Jeff</u> His mother:								
Wife's Full Maiden Name: <u>Tillie</u>								
	Date of:	Day	Month	Year	Town	County	State or Country	Additional Info.
	Birth:							
	Marriage:							
Compiler:	Death:							
	Burial:							
Address:								
City:	Occupation, if other than Housewife:						Religion:	
State:	Other husbands:							
Date:	Her father:				Her mother:			

Sex:	Children's Full Names:	Date of:	Day	Month	Year	Town	County	State or Country	Additional Info.
1	<u>Hattie</u> Full Name of Spouse: <u>Mabel Hodge</u>	Birth:			1900				Mabel Hodge Tex Hodge
		Marriage:							
		Death:							
		Burial:							
2	<u>Laura</u> Full Name of Spouse: <u>Joe Hodge</u>	Birth:			1903				
		Marriage:							
		Death:			5 Aug 1957			Indian Cem.	
		Burial:						Vallecito	
3	<u>Mannie</u> Full Name of Spouse: <u>Eval. Mose</u>	Birth:			10 Apr 1906				Frances Mildred Gladys David
		Marriage:			23 May 1962			Cal. Co.	
		Death:			12 Aug 1998				
		Burial:							
4	<u>"Tillie" Carrie</u> Full Name of Spouse:	Birth:			1911				
		Marriage:							
		Death:			1 May 1922				
		Burial:							
5	<u>Ray</u> Full Name of Spouse:	Birth:			1915				
		Marriage:							
		Death:							
		Burial:							
6	<u>Hamby</u> Full Name of Spouse:	Birth:			1917				
		Marriage:							
		Death:			4 Sep 1998				
		Burial:						Sandy Gulch CA	
7	<u>Lennie</u> Full Name of Spouse:	Birth:			18 Jul 1918				
		Marriage:							
		Death:			11 Dec 1977			Murphys	
		Burial:							
8	<u>Tessie</u> Full Name of Spouse:	Birth:			1920				
		Marriage:							
		Death:							
		Burial:							

Additional Children

Children's Full Names:	Date of:	Day	Month	Year	Town	County	State or Country	Additional Info.
9. <i>Walter</i>	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
<i>Virginia Eaph</i>	Burial:							
10.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
11.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
12.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
13.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
14.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
15.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							
16.	Birth:							
	Marriage:							
Full Name of Spouse:	Death:							
	Burial:							

Additional Sources

Exhibit I

To

Complaint for Declaratory and Injunctive Relief



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Central California Agency
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814-4710

IN REPLY REFER TO

Tribal Operations
3702-P5 California Valley
Miwok Tribe

MAR 27 2019

Marie Diane Aranda
Yolanda Lisa Fontanilla
119 Kealohilani Street
Kahului, Hawaii 96732

Dear Mss. Aranda and Fontanilla:

The purpose of this correspondence is to acknowledge receipt of your letter dated March 20, 2019, regarding a challenge to the Voting List and the pending Secretarial Election for this Tribe, received at the Bureau of Indian Affairs, Central California Agency, Secretarial Election Board on March 15, 2019, hand delivered by Mr. Chadd Everone, and a duplicate copy of your letter dated March 20, 2019, received at the Bureau of Indian Affairs, Central California Agency, Secretarial Election Board on March 25, 2019, by Express Mail, U.S. Postal Service.

Your challenge was received by the Secretarial Election Board before the deadline date of March 25, 2019, 4:30 p.m. Your names appear on the Eligible Voters List submitted by Mr. Michael Mendibles, the Tribe's designated spokesperson for the petitioners requesting a Secretarial election, as eligible to participate in the Secretarial election process. As an eligible voter of the California Valley Miwok Tribe, you may challenge in writing the inclusion or exclusion or omission of a name on the Registered Voters List.

You challenged 178 names listed on the March 18, 2019, Registered Voters List, based on each individual's genealogy, noting that not one individual references Jeff Davis as an ancestor. The responsibilities of the Secretarial Election Board is to conduct the Secretarial election. The Secretarial Election Board uses the list provided in the tribal request as the basis for the Eligible Voters List. Any dispute over genealogy should have been resolved prior to the Director's authorization to the Superintendent to call and conduct a Secretarial election in response to the Petitioners request for a Secretarial election.

The Secretarial Election Board reviewed the 178 names of the challenged individuals and find that they are listed on the Tribe's approved List of Eligible Voters, and they submitted their registration form to the Secretarial Election Board by the established deadline date. Therefore, their names will remain on the Official List of Registered Voters who are entitled to vote in the forthcoming Secretarial election to vote to accept or reject the Constitution of the California Valley Miwok Tribe (also known as the Sheep Ranch Rancheria of Me-Wuk Indians of California).

Sincerely,

SECRETARIAL ELECTION BOARD

Carol Rogers-Davis
Carol Rogers-Davis, Chairperson

Antoinette L. Lopez
Antoinette L. Lopez, Tribal Representative

Gilbert J. Ramirez Jr.
Gilbert J. Ramirez Jr., Tribal Representative