

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CALIFORNIA VALLEY MIWOK TRIBE,)
formerly SHEEP RANCH RANCHERIA)
OF ME-WUK INDIANS OF CALIFORNIA,)

CASE NO. CIV.1:04CV1794 RWR

Plaintiff,)

v.)

UNITED STATES OF AMERICA,)
UNITED STATES DEPARTMENT OF)
THE INTERIOR, GAIL NORTON,)
Secretary of Interior, DAVID W.)
ANDERSON, Assistant Secretary - Indian)
Affairs,)

Defendants.)

DECLARATION OF CAROL ROGERS-DAVIS

IN SUPPORT OF DEFENDANTS'

MOTION TO TRANSFER

I, CAROL B. ROGERS-DAVIS, declare:

1. I am a Tribal Operations Specialist at the Central California Agency of the Bureau of Indian Affairs ("BIA"), who temporarily is serving as the Acting Tribal Operations Officer at the present time. I have been employed with the Central California Agency continuously since 1976, and I have been in the Branch of Tribal Operations since 1991. The Central California Agency provides BIA services to tribes located in the Central California area, including the California Valley Miwok Tribe. My duties include providing information and assistance to tribes in such areas as forming tribal governments; conducting tribal elections; drafting of tribal constitutions, ordinances, resolutions and other governing documents; preparing tribal membership rolls; assisting with various grants available from the Bureau of Indian Affairs, including Aid to Tribal Governments grants; etc. I have personal knowledge of all facts set forth in this declaration.

2. Tribal Operations, which is part of Tribal Services, provides assistance to individual Indians and federally-recognized tribes in Northern and Central California: We provide genealogy services and, at the request of the tribes, we assist in conducting tribal elections, drafting governing documents, establishing or changing the structure of tribal governments, resolving intratribal disputes, etc. We also maintain historical records that pertain to the tribes that our office serves.

3. The California Valley Miwok Tribe, formerly known as the Sheep Ranch Rancheria of Me-Wuk Indians (hereafter "the Tribe"), is one of the tribes within the geographic area served by the Central California Agency. According to the records of this office, the United States purchased a parcel of land in Calaveras County, California, for the Indians in that area. This land, consisting of 0.92 acre, became known as the Sheep Ranch Rancheria and is located in Sheep Ranch, California. Since its purchase by the United States, the Rancheria has always been held in trust status for Indians,

first as tribal land and, currently, as individual trust lands for the heirs of Mabel Hodge Dixie.

According to the probate records for Ms. Dixie's estate, her heirs were her husband and her four sons, Yakima Dixie, Melvin Dixie, Richard Dixie, and Tommy Dixie.

4. In 1998 or 1999, it is the understanding of this office that Silvia Burley contacted Yakima Dixie about formally organizing the Tribe with a tribal government, governing documents, a membership roll, etc. At that time, BIA recognized Yakima Dixie as the representative of the Tribe. It is BIA's understanding that an interim tribal government was formed with Mr. Dixie as the chairperson and Ms. Burley as vice chairperson.

5. In 1998, the Tribe submitted its first application to BIA for financial assistance under the "Aid to Tribal Governments" program. These funds are available to tribes as "start up" money for, *e.g.*, organizing an unorganized tribe (*i.e.*, a tribe that exists as a community of Indians but without a formal government structure or governing documents). The funds are available to be used to contact the tribal community to engage the individual members in the organization process, to define the tribal government structure, draft governing documents, identify short- and long-term tribal goals, etc. These are not the only uses to which the funds may be put, but BIA anticipated that the Tribe would use the funds for these purposes at the outset because, according to BIA records, there was no formal organized structure to the Tribe. Since its first grant for FY 1999, the Tribe has received annual amounts ranging from \$166,160 to its current annual contract of \$374,753. Attached hereto as Exhibit 1 is a true and correct copy of the Tribe's initial grant.

6. In 1999, BIA was notified that a tribal election had been held and Ms. Burley had been elected as the new tribal chairperson. BIA accepted this notice and began to communicate with Ms. Burley on tribal matters as the "tribal chairperson." Apparently, Yakima Dixie did not, and still

does not, agree with this change, insisting, *e.g.*, that he and not Ms. Burley has always been the chairperson of the tribe.

7. In February 2004, my office received a tribal Constitution purportedly adopted by the California Valley Miwok Tribe in 2001. Exhibit 2 hereto. We reviewed it and found it to be alarming for a number of reasons, including the establishment of an ancestral or base roll of the tribe consisting only of five living persons: Yakima Dixie, born in 1940; Silvia Burley, born in 1960; Rashel Reznor, born in 1979; Anjelica Paulk, born in 1983; and Tristian Wallace, born in 1996. BIA already is aware that John and Tillie Jeff, the common ancestors of Yakima Dixie and Silvia Burley, have been acknowledged as ancestral members appropriate for inclusion on the tribal base roll. In addition, BIA is unaware of any efforts that may have been made to include the tribal community in the Tribe's organization process, including Ms. Burley's own three siblings who are believed to live in the West Point area (which is in Calaveras County, CA) and Mr. Dixie's one living sibling.

8. In addition to the Constitution, BIA also reviewed a document purporting to be a tribal enrollment ordinance for the California Valley Miwok Tribe. A true and correct copy of this document is attached hereto as Exhibit 3. According to this document, only direct lineal descendants and lineal ancestors of Silvia Burley and Yakima Dixie may be full voting members of the Tribe. Since it is BIA's understanding that Mr. Dixie has no children, this office is troubled by the apparent creation of this Tribe solely for Ms. Burley's family. While other persons may, subject to strict criteria, be adopted into the Tribe, the enrollment ordinance provides that they cannot have voting rights, which means that the Tribe remains subject to the control of Ms. Burley and her family.

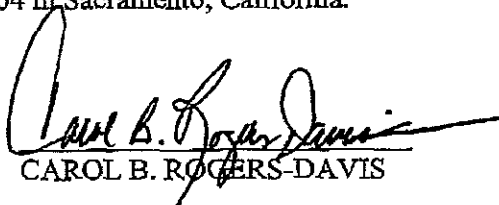
9. Based on what BIA has seen in the purported constitution and enrollment ordinance submitted to BIA, this office determined that it was inappropriate to continue to acknowledge

Ms. Burley as a tribal chairperson who leads an organized tribe or to acknowledge a governing council for the Tribe. This office notified Ms. Burley of its decisions and concerns by certified letter dated March 26, 2004, which is attached as Exhibit 4. When this letter was returned, undelivered, to this office by the Postal Service, the letter was re-sent on or about May 13, 2004. At Exhibit 5 is a true and correct copy of the May 13th letter that accompanied the second mailing of the March 26th letter.

10. To the best of my knowledge, Ms. Burley has not appealed any matter contained in the BIA's letter of March 26, 2004.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 10th day of November 2004 in Sacramento, California.


CAROL B. ROGERS-DAVIS