



WALKER
LAW LLC

112 South Royal Street
Alexandria, Virginia 22314

November 12, 2009

The Honorable Ken Salazar
Secretary
US Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Re: Appeal before the IBIA/California Valley Miwok Tribe

Dear Secretary Salazar:

6013

This letter is copied to the Assistant Secretary of Indian Affairs, to ensure that both you and the Assistant Secretary are aware of the stress that individuals and their families have endured waiting for the formal organization of the California Valley Miwok Tribe (CVMT). There is a long record in this matter, but to summarize here, Yakima Dixie is to date the only family line that has been formally acknowledge by the federal government as an hereditary descendents of the CVMT. He was asked by a young woman, Sylvia Burley who is not related to him, to accept her as an official member of the Tribe allowing her to share in the government benefits. She subsequently represented to the Government that Yakima Dixie had resigned as the Chief of the Tribe and delegated all leadership authority to her. As a result she alone has received both the California Revenue Sharing funds and Government program monies. Yakima Dixie has strongly protested her claims to leadership authority, and his legal protest have lead the State of California to withhold from Ms. Burley the California Indian Gaming Revenue Sharing Funds, and has stopped her from receiving contract program monies from the Bureau of Indian Affairs pending the formal organization of the Tribe.

Ms. Burley has persistently brought claims against the Department of the Interior and the Bureau of Indian Affairs in Federal Court for interfering with the sovereignty of the Tribe. She has lost those claims, and has pending in the IBIA her appeal of the BIA's right to move forward with the Tribe's formal organization of the Community. That Appeal is currently under active consideration.

The reason for this letter, is to first inform you, that Yakima Dixie legal position is that contact by Ms. Burley and her Counsel with the Assistant Secretary of Indian Affairs and his offices is inappropriate at this time as we await the IBIA decision and the future actions to be taken by the BIA. And any meetings entertained by the Assistant Secretary offices should include Yakima Dixie and/or his legal representatives. Yet there have been meetings with the newly appointed personnel in the Assistant Secretaries offices,

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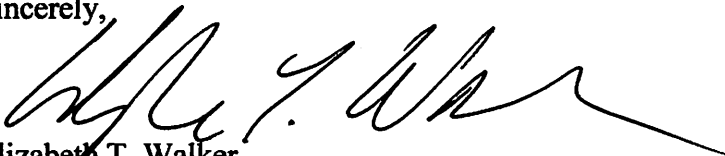
that have lead to frivolous motions filed in recent months by Ms. Burley and her attorney's disrupting the IBIA process.

Second, what we believe is an untended result of the positive attention and uninformed advice, Ms. Burley and her Attorney Robert Rosette have received from the Assistant Secretaries offices, is the belief of her Attorney Rosette that it was appropriate for him to contact Yakima Dixie directly as a tribal member. The detail of this encounter is recited in the attached letter to Attorney Rosette. It was a very unfortunate incident that has cause stress during a difficult time for Yakima Dixie and to the families that have long been in his Tribal community and advocated for the formal organization of the Tribe.

I was present when Assistant Secretary Larry Echo Hawk at the NCAI conference in Palm Springs, informed Robert Rosette and his client Sylvia Burley that he could not meet with them because he was advised he might be a decision maker in this process. I personally admire Mr. Echo Hawk and trust in his word and do not believe he has meet with Ms. Burley or her attorneys. Unfortunately after that encounter I observed his staff meeting with Mr. Rosette and Ms. Burley. And after the recent incident and conversations I have had with Mr. Rosette I am concerned that he continues to meet or converse with the staff in the Assistant Secretaries Offices advocating his client's position. And as an unfortunate result, frivolous motions have been filed with the IBIA making claims of offers to mediate the dispute by the BIA.

We would appreciate a review of the contact with the Assistant Secretaries offices by Mr. Rosette and his associates. We have waited two years for an IBIA decision and what we want is a level playing field with no unjust influencing of the process or inappropriate harassment of the parties.

Sincerely,



Elizabeth T. Walker

cc: Larry Echo Hawk
Assistant Secretary of Indian Affairs
Jane Smith
Office of the Solicitor



WALKER LAW LLC

112 South Royal Street
Alexandria, Virginia 22314

November 12, 2009

Mr. Robert A. Rosette
Rosette & Associates
565 West Chandler Boulevard, Suite 212
Chandler, Arizona 85225

Dear Mr. Rosette:

On October 21, 2009, you called me at my offices and introduced yourself as the attorney representing Ms. Sylvia Burley and the California Valley Miwok Tribe. You then asked who represented Yakima Dixie although you had contacted me as an attorney of record. I responded that I found it difficult to believe you were not aware of the extensive record in the case, that you should well know there was a team of attorney's that had collaborated on his representation; Tim Vollmann and I have represented him in US District Court in DC; Peter Melnicoe and Tom Wolfrum in California. In fact this year your firm on behalf of Sylvia Burley litigated against Attorney Wolfrum who represented Yakima Dixie in California State Court over the security of Tribal records. You did not disclose in that call that your firm intended to contact Yakima Dixie.

On November 6, 2009 Attorney Wolfrum received a call from Kevin Cochrane of your law firm informing him that Rosette & Associates was now representing Yakima Dixie and demanded to be at the meeting Attorney Wolfrum had previously arranged with Yakima Dixie on November 9, 2009 to discuss his parole hearing. Apparently, without prior notice to the any of the attorney's representing Yakima Dixie, your client Sylvia Burley wrote a letter to the Deuel Vocational Institute (DVI), where Yakima Dixie has been detain since October for the use of Alcohol in violation of his parole. This letter stated she was the authority of the California Valley Miwok Tribe, and requested a meeting between Yakima Dixie (an enrolled member of her Tribe) and the Tribe's attorney Kevin Cochrane. Attorney Cochrane in your firm was then given permission to visited Yakima Dixie and did so on November 2 and 5, 2009.

In the meeting that was held on November 9, 2009 with Attorneys Cochrane and Wolfrum and witnessed by Deputy Gamblin from the DVI and Chadd Everone, Yakima Dixie said he was never told that Attorney Cochrane's firm also represented Sylvia Burley. Yakima Dixie stated that Attorney Cochrane had promised him he could be released sooner, if your firm represented him before the parole board. However, upon learning on November 9th, that Attorney Cochrane worked for the firm that represented Sylvia Burley, Yakima Dixie made clear to Attorney Cochrane that he did not want your firm representing him and that his Attorney was Thomas Wolfrum. After a strong protest

from Attorney Cochrane, that lead to his removal from the room by Deputy Gamblin papers were then signed by Yakima Dixie revoking any agreement he had executed with your firm. Thomas Wolfrum now remains Yakima Dixie's attorney in California legal matters. He has represented Yakima Dixie since 2003 under written retainer.

This letter is to request that no further direct contact with Yakima Dixie is made by you or those attorney's associated with your firm. California State Bar rules are clear about disclosure of conflicts of interest and the avoidance of direct contact with parties represented by an attorney. It should not be necessary for me to further explain what is commonly understood as the standard of ethical practice. Yakima Dixie and Sylvia Burley have been adverse to each other in various judicial forums including the pending Appeal before the IBIA. Ms. Burley's bogus attempts to disenroll or re enroll Yakima Dixie into his own Tribe, has no bearing on whether the rules require disclosure of conflicts, or contact through attorneys.

If you wish to discuss matters related to the Appeal before the IBIA or Yakima Dixie's current circumstances at Deuel Vocational Institution in California contact me or Attorney Wolfrum.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth T. Walker', with a long horizontal flourish extending to the right.

Elizabeth T. Walker