

January 7, 2010

VIA FACSIMILE AND U.S. MAIL

Secretary Ken Salazar
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Re: *California Valley Miwok Tribe*

Dear Secretary Salazar:

In light of the correspondence that was submitted to you on November 12, 2009, by Elizabeth Walker regarding the California Valley Miwok Tribe ("Tribe"), I believe it is important, as counsel to the Tribe, to not only address the numerous inaccuracies in Ms. Walker's letter, but to also set forth a thorough and accurate account of this federally-recognized Tribe's encounters with government officials and their collusion with non-Indian casino developers. Because neither our firm nor the Tribe was copied on Ms. Walker's correspondence and it was only recently that we happened to discover this letter on the internet, we could not provide a response until now. As set forth below, over the course of ten years, the Bureau of Indian Affairs ("BIA") during the George W. Bush Administration, colluded with non-Indian casino developers and acted deliberately to: (1) cease all state and federal government funding and benefits to Tribal members, resulting in foreclosure of the Tribal office and residence and the impending bankruptcy of Tribal members; and, (2) manipulate the legal system with frivolous and unauthorized actions, resulting in years of wasted judicial resources at the expense of the Tribe.

I. Introduction: Brief Background

In 1979, the Sheep Ranch Rancheria of Me-Wuk Indians of California (subsequently known as the California Valley Miwok Tribe) became a federally-recognized tribe listed on the Federal Register. At the time, Yakima Dixie, son of Mabel Hodge Dixie, to whom the federal government attempted to transfer land pursuant to the California Rancheria Act, served as the sole member of the Tribe. In 1998, Dixie adopted Silvia Burley and three of her relatives into the Tribe. On September 24, 1998, the BIA provided correspondence recognizing that Dixie, Silvia Burley, and three other individuals possessed the right to organize the Tribe. Soon after, the Tribe received correspondence from the BIA formally recognizing Silvia Burley as Chairperson and Yakima Dixie as Vice-Chairperson.

In late 1999, Vice-Chairperson Dixie entered into a development contract in an effort to develop a casino on the Tribe's land with Chadd Everone, a non-Tribal member and non-Indian. This contract would give Mr. Everone fifty percent (50%) of proceeds of any casino developed on Tribal land. During the next six years, the Tribe operated with a functioning government and received federal benefits pursuant to P.L. 93-638 contracts with the federal government as well as state Revenue Sharing Trust Fund ("RSTF") benefits through the California Gaming Control Commission ("CGCC"). However, these benefits were terminated based on the BIA's determination that the Tribe was unorganized with respect to its governing body.

In a letter dated December 12, 2008, Edith Blackwell, Associate Solicitor of Indian Affairs at the Office of the Solicitor, Edith Blackwell, acknowledged the adoption of Silvia Burley into the Tribe, and stated that in this situation "the only answer is for the BIA to wait for the Tribe to organize itself." However, as elaborated below, through the deceptive, unnecessary and illegal conduct of BIA officials and non-Indians with a



monetary stake in the destruction of the Tribe, the Tribe was prevented from exercising its most fundamental right to self-governance.

II. The BIA's Fraudulent Scheme in Collusion With Chadd Everone to Destroy the Tribe

Chadd Everone recognized that a cohesive Tribal body with Silvia Burley as Chairperson would impede his efforts to take advantage of and reap financial gain from the Tribe. Thus, with the assistance of BIA officials, he created a web of deception, conspiracy and fraud for the sole purpose of destroying the identity, culture and membership of this federally-recognized Tribe and establishing a new tribe that he could control and manipulate for his own selfish benefit, with no accountability to others.

In 2000, Yakima Dixie entered into casino-related agreements with developers by the name of Bill Martin and LrRoi Chapell. After these developers discovered that the casino development process would be more complicated than they anticipated, as the Tribe had a functioning government and leadership in place, they enlisted Chadd Everone for the purpose of devising and implementing a scheme to take over the Tribe with the assistance of government officials.

Despite the outrageous actions the BIA took over the next six years, the Tribe did not sense foul play until it observed the BIA's inconsistent actions and correspondences with regard to the Tribal government and the CGCC's sudden cessation of RSTF funds. In 2006, the Tribe hired a private investigator to examine the extent of Chadd Everone's interference with Tribal affairs, as well as his involvement with government officials. During this investigation, Chadd Everone (as documented in emails and tape recordings, which are publicly available on the Tribe's website) made numerous statements outlining his scheme, which included an extensive conspiracy on the part of local BIA officials.

Specifically, from 2000 through 2006, Everone described his scheme of "turning fiction into reality [by] using the court system, [the] BIA and the [CGCC] to agree with his requests." (Exhibit A.) Everone explained he "learned the system and used it" by re-filing or appealing every decision that was adverse to his monetary position. (Exhibit A, page 2.) Further, Everone stated on numerous occasions that Arlo Smith and Pete Melnicoe, who served as former CGCC Commission Members (Smith) and CGCC Chief Legal Counsel (Melnicoe), were instrumental in convincing the CGCC to cease the Tribe's RSTF distributions, and that he had hired them to do so. (Exhibit A, page 2, Exhibit C.) Mr. Everone also seemed to take pride in the fact that he "controlled" Yakima Dixie with respect to all Tribal affairs. (Exhibit A, page 3.) At no time did Everone ever specify the needs and desires of Mr. Dixie with respect to the Tribe or how any of these deceptive activities would even benefit Mr. Dixie or the Tribe. Instead, Mr. Everone spoke of Mr. Dixie only in passing, as if he were a mere tool that Everone was using to implement his strategy.

Chadd Everone also provided details regarding the collusion and involvement of BIA officials, namely Troy Burdick of the Pacific Regional Office, in assisting Everone with his fraudulent scheme. Mr. Burdick advised Everone to not challenge Silvia Burley's P.L. 93-638 application on behalf of the Tribe, but rather, to file his own 638 application. (Exhibit B.) Mr. Burdick told Everone that the action of filing a competing 638 application would have the effect of "*pushing the BIA to make a determination on [Tribal] authority, and, therefore, who should receive [the state and federal monies].*" (Exhibit E, page 1, emphasis added) Mr. Burdick then warned Everone not to mention their meeting or his advice and labeled their meeting as a "secret or private meeting." (Exhibit B.)

Furthermore, based on assurances from BIA officials, Everone stated with certainty that the BIA would make a determination on the Tribe's leadership in his favor and that his group would be the recognized authority over the Tribe. (Exhibit C.) Most shockingly, Mr. Everone made the blunt statement that former CGCC officials Smith and Melnicoe "do not deal with Burdick -- *he is my jurisdiction,*" indicating that Burdick is not only in collusion with Mr. Everone, but that Everone has control over BIA actions through Burdick. (Exhibit E, page 1, emphasis added.)



The BIA's actions and statements, as well as those of Chadd Everone, demonstrate how easily government officials under the Bush Administration and non-Indian casino developers, can openly and overtly circumvent federal Indian law to abolish the well-established history and defined membership of a federally-recognized Indian Tribe.

III. Frivolous Legal Proceedings

In addition to colluding with government officials to ensure the cessation of Tribal benefits, Chadd Everone, without any approval or authority from Yakima Dixie, has filed countless baseless and meritless legal documents with the IBIA, forcing the Court to expend judicial resources and delay decision-making in order to respond to such nonsense. Among the numerous nonsensical filings are: filings pertaining to current events; requests for documents; a "Request for Calendal (sic) Position and Timing; and, a "Response to the IBIA's Notice of Non-Receipt of Appellant's Response to [an IBIA] Order." In addition to being wasteful of time and judicial resources, not one of these documents has ever been signed by Yakima Dixie himself. Everone claims to file them on behalf of "Interested Parties," though it is never demonstrated how these alleged individuals have any right to or claim in connection with the Tribe. The BIA and the Solicitor's Office, during the Bush Administration, have received copies of all of these filings, yet they have never questioned why a non-attorney and non-Tribal member with a financial stake in the outcome of this case was actively filing legal documents before the agencies' own legal tribunal, in violation of state and federal law.

Recognizing that the BIA would continue to ignore Chadd Everone's illegal activities, on November 25, 2009, the Tribe filed with the IBIA a Motion to Institute Disciplinary Proceedings Against Chadd Everone. Through this Motion, the Tribe seeks to have Chadd Everone prohibited from filing any additional pleadings in cases related to the Tribe before the IBIA for the unauthorized practice of law.

In July 2009, Chadd Everone, through the guise of Thomas Wolfrum, filed another frivolous legal proceeding, this time in the United States District Court for the Eastern District of California. After reviewing the pleading, the Court granted the Tribe's Motion to Dismiss, as well as its Motion for Sanctions, ordering Mr. Wolfrum to pay \$3,000 to the Tribe and requiring Mr. Wolfrum to report the sanction the California State Bar. In its order, the Court recognizes Chadd Everone's tactic as a "*frivolous lawsuit that resulted in a waste of judicial resources and unnecessary costs to Defendants.*" (emphasis added). While the Court here was able to astutely recognize the fraud and irresponsibility being perpetuated by Everone, it is disheartening and disconcerting that United States government officials from the Department of Interior, despite the abundance of supporting evidence, have not only refused to make a similar determination, but have gone so far as to recognize Chadd Everone has an authoritative figure with decision-making power over the Tribe.

In 2009, despite the efforts of the Tribe to hold a neutral mediation with Yakima Dixie, the BIA, again in complicity with Chadd Everone, thwarted any mediation opportunity. Although Elizabeth Walker sent correspondence to the Department of Interior, declining mediation on behalf of Yakima Dixie our firm later discovered that neither Ms. Walker nor Thomas Wolfrum ever represented Yakima Dixie. In fact, when asked whether he was aware of the most recent mediation opportunity, Mr. Dixie stated that he had never heard about it and had he known about it, he would have participated in such a process. Mr. Dixie also signed an acknowledgement stating such as well as his desire for a renewed mediation offer from the BIA. (Exhibit F.) Thus, one of the Tribe's most promising opportunities to date to resolve its internal dispute was once again deliberately and forcefully obstructed by the subsequent actions of a casino developer in collusion with the BIA.

IV. Conclusion: Final Request for Assistance

On December 14, 2009, the bank that owns the Tribal residence and office (the address that is listed as the Tribe's official address in the Federal Register and on all previous and recent government correspondence), served the Tribe with a notice that eviction proceedings will be initiated on January 15, 2010 and that all Tribal members must evacuate the premises on that date. Despite the fact that the two members of this federally-recognized Tribe, Yakima Dixie and Silvia Burley, were and are still ready and willing to participate in



mediation to finally resolve this long-standing and wasteful dispute, and even though government officials were well aware of this fact and were in a position to prevent the pending homelessness of the Tribal members, these government officials, including those from the local BIA, the CGCC, as well as the Department of Interior, have allowed a non-Indian casino developer with no authority whatsoever, to hijack the entire dispute resolution process, manipulate an elderly man with limited resources, and now, force the eviction and impoverishment of a federally-recognized Tribe located on American soil.

The Tribe is now just days away from eviction and the Obama Administration is now, as it has always been, in a position to prevent and/or delay this eviction in order to allow the Tribe to resolve its dispute and ultimately restore federal and state Tribal benefits. Now that the Tribe's full story has been accurately relayed and the facts of deception, manipulation and fraud have been thoroughly outlined, the future of this Tribe is now, once again, in the hands of the federal-government. The only question is, whether the federal-government will finally revive this Tribe and attempt to save it from the brink of death, or if it will continue its prejudice and provide the final nail in the coffin.

Sincerely,

ROSETTE & ASSOCIATES

Robert A. Rosette, Esq.

RAR/sb

Enclosures

c: Larry EchoHawk
Silvia Burley
Yakima Dixie
Tracie Stevens
Del Laverdure
Jerry Gidner
Pilar Thomas
Troy Burdick
Pete Melnicoe
Chadd Everone
Elizabeth Walker
Office of Inspector General