



California Valley Miwok Tribe, California

(formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)

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May 10, 2006

Chadd Everone, Deputy

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510-486-1314



Troy Burdick, Superintendent

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**California Valley Miwok Tribe,
California (formerly the Sheep Ranch
Rancheria of Me-Wuk Indians of
California), Yakima Dixie, and the
Putative Member Class**

Petitioners

Troy Burdick, Superintendent

Bureau of Indian Affairs

Central California Agency

Respondent

**Petition for Determination
Of Tribal Authority**

April 10, 2006

Mr. Burdick:

In his Determination of February 11, 2005¹, Michael Olsen (Principal Deputy, Acting Assistant Secretary - Indian Affairs) recommended to Yakima Dixie that he resolve the irreconcilable difference in tribal leadership by organizing the Tribe; and Olsen mandated

¹ **Exhibit 1 (2005-02-11) The "Olsen Determination and Mandate".**

Internet posting: {<http://www.federatedtribes.com/yakima/2005-02-11-BIA-Determination.pdf>}

that the Central California Agency of the BIA assist the Tribe¹ in doing so. As you know, we have been engaged in a rather arduous process of doing that for over a year. And to be candid, I am not sure that the Tribe is any further ahead than when Yakima Dixie first attempted to organize the Tribe by submitting a constitution on December 23, 1999. Nonetheless, certain accomplishment have been made: 1) Silvia Burley's attempt to have the court preempt the role of the BIA in tribal organization was dismissed, 2) the Revenue Sharing Trust money has been, at least temporarily, frozen, 3) a greater definition on the elements of organization have been accomplished, and 4) Silvia Burley has been given ample opportunity to participate in the organization and to demonstrate her complete willingness or unwillingness to do so. We persist in good faith; and hopefully, we can exhaust our administrative remedies before the administrative remedies exhaust us. The delay and ambiguities in organizing the Tribe are causing significant harm to both the tribal members and to the organization, itself. What comes to mind are the remarks of Judge Robertson in the recent hearing in District Court²:

"THE COURT: Well, let me -- I'm trying to find out what happens if I dismiss this case. What does the BIA do if I dismiss this case? What do you next? Anything? Or just let the Miwok set there as unorganized and keep sending them money every year and --)"

It is obvious that the central issue in the organization of the Tribe is: **who has the authority to determine how the Tribe is to be organized, in terms of its legal structure, its programs, and its membership?** Probably this should be restated as: **whom does the BIA recognized as being the legitimate authority to determine how the Tribe is to be organized, in terms of its legal structure, its programs, and its membership?**

While it is always said by representatives of the BIA that the role of the Bureau and the local Agency is to provide only "technical assistance" and that it is up to the Tribe to organize itself, this is somewhat disingenuous because the fact of the matter is that the authority for the tribe and its constitution are made legitimate (and, therefore, largely determined) by the concurrence of BIA. Without certain determinations by the Bureau, the Tribe, under its present circumstances, will remain in an endless loop of indeterminacy.

It is taken as stipulated that The Sheep Ranch Tribe is a federally recognized Indian Tribe that maintains govern-to-government relations with the United States of America.

¹ All references to "the Tribe" are to the "Sheep Ranch Tribe" or more fully: California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California).

² U.S. District Court District of Columbia (Washington, DC) CASE #: 1:05-cv-00739-JR CALIFORNIA VALLEY MIWOK TRIBE v. UNITED STATES OF AMERICA et al Assigned to: Judge James Robertson; page 25 et seq.

Internet posting:

<http://www.FederatedTribes.com/yakima/dc-suit/2006-01-19-HearingTranscript.pdf>

The Tribe was listed in the first published indexing of Indian tribes¹ and has been identified in all subsequent listings of Indian tribes in the Federal Register. Further, the Tribe has existed since 1915; and, since its inception, it has been an **unorganized** and **landless** entity.

Also, it is understood that the distinction between an "organized" versus "unorganized" tribe is that the tribe **does** or **does not**, respectively, operate under a constitution that is recognized by the government of the United States. In 1935, this Tribe voted for the Indian Reorganization Act; and therefore, it should have been organized, a long time ago, under 25 CFR Part 81; but it was not.

It is understood that Congress has supreme power over Indian tribes². However, barring an Act of Congress to extinguish the recognition of the Tribe and barring any Acts of Congress that regulate specific activities of Indian tribes, the Tribe exists as a fairly autonomous, sovereign Nation, albeit a dependent Nation. And it is understood that although the Tribe is sovereign in its internal affairs, unless the government of the Tribe is recognized by the U. S. government, the Tribe is, effectively, a *pro forma* organization.

Again, this Tribe is a **federally recognized** tribe that is **unorganized** and **landless**. When a tribe is unorganized, the rightful authority for the tribe and the form of its governance can only be determined by the tradition of that tribe. The Tradition of this Tribe is what embodies the definitive criteria for this unorganized tribe; and therefore, the history of this Tribe and the tradition of the Miwok people is determinative. The following, then, is a documentation and a review of the history of the Sheep Ranch Tribe, and this recitation should make it evident that the fundamental authority for the Tribe is Yakima Dixie, who, by his inherent traditional authority, has adopted 11 other members as the base-enrollment as defined in the Constitution which has been submitted to the Bureau.

This Petition³ requests from the BIA a formal, written confirmation from the BIA that the "putative member" class, as identified in the Constitution of February 18, 2006 and as submitted on April 7, 2006 is recognized by the BIA as the legitimate group in the

¹ Exhibit 2 - American Indians and Their Federal Relationship - United States Department of the Interior, Bureau of Indian Affairs / March 1972.
Internet posting:{<http://www.federatedtribes.com/yakima/1972-03-01-IndianTribes-Index.pdf>}

² Constitution of the United States, Article I, Section. 8.: "The Congress shall have Power ... To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;"

³ To facilitate the referral of this Petition to others, it has been posted on the Internet at: <http://www.federatedtribes.com/yakima/2006-05-10-Petition-Burdick.pdf> HTML format with active links to the documents is posted as: <http://www.federatedtribes.com/yakima/2006-05-10-Petition-Burdick.html>

organization of the Tribe. Presented here is an epistemology for determining tribal authority, one which should be acceptable, by any standard of evaluation, by the BIA, Court, or any appropriate authority. If the determinations here are in error or inadequate in any way, please notify us of the specifics so that the issues can be addressed and the Tribe may proceed interactively with the Bureau in an orderly and expedient manner. The Petition is directed to the Superintendent because that is our primary point of contact. If, however, the Superintendent cannot respond to this Petition, the please state that in writing and direct us to the appropriate authority. Because the Tribe has been requesting the acknowledgment of basic organizational criteria for over 1 year (since the inception of the organizational process with the Olsen letter of February 11, 2005) and because all of these documents and the rationale have been presented repeatedly to the representatives of the BIA at different times throughout this process, it should be possible for us to receive a formal confirmation or rejection of this Petition in a rapid manner. Further, time is of the essence because other critical actions are pending on this issue of rightful authority. If the BIA remains unresponsive within 10 days of receiving this Petition (i.e., May 23, 2006, the Tribe will begin invoking the Appeal procedures as defined in Title 25 of the Code of Federal Regulations.

Please direct any correspondence to the representative below in addition to the Sheep Ranch location.

Respectfully,

With authorization

Chadd Everone, Deputy
2054 University Ave. #407
Berkeley, California 94704
510-486-1314

Velma WhiteBear, Executive Director

INTERESTED PARTIES WHO HAVE BEEN NOTIFIED

The Bureau of Indian Affairs:

Counsels:

Peter Glick
Peter Melnicoe
Thomas Wolfrum
Elizabeth Walker & Tim Vollmann

Tribal Members:

Yakima K. Dixie
Melvin Dixie
Velma WhiteBear
Dequita Boire
Silvia Burley
Antonia Lopez
Patricia Williams
Shirley Wilson
Iva Carsoner
Evelyn Wilson
Antone Azevedo
Michael Mendibles

Exhibit Number	Explanation and URL
Exhibit 3	<p>August 1, 1914 - APPROPRIATIONS BILL. 38 Stat. 589; PL 160; (August 1, 1914) - An Act Making appropriations for ... fulfilling treaty stipulations with various Indian tribes According the Felix Cohen: "Appropriation legislation plays a peculiar role in Indian law. Not only does one find a large part of the substantive law governing Indian affairs hidden away in the interstices of appropriation acts, but frequently the actual appropriations and the conditions prescribed for the expenditure of money are given considerable weight, at least administratively, in determining the rights and powers of administrative officials."¹ It was probably this Act under which Sheep Ranch Rancheria was acquired. In particular it says: "For the purchase of lands for the <u>homeless Indians</u> in California, including improvements thereon, for the use and occupancy of said Indians" Note the term "homeless" and the terms "for the use and occupancy", something which may come to have special meaning in the "Opinions of the Solicitor", <i>ut infra</i>, and in the determination of the Area Director of BIA, Leonard Hill, in his rejection of the claim on the Sheep Ranch property Dora Mata, <i>ut infra</i>.</p> <p>Internet posting {http://www.federatedtribes.com/yakima/1914-08-01.pdf}</p>
Exhibit 4	<p>August 13, 1915 - IDENTIFICATION OF THIS TRIBE. Letter of August 13, 1915 from Special Indian Agent, John Turrell, of the Department of Interior, United States Indian Service, San Francisco, California to the Commissioner Indian Affairs, Washington, D.C. regarding Sheepranch-Indians and Land-Allotment Pur Land Calif P.B.M. This letter performs a census of 12 Indians at the town site of Sheep Ranch . It identifies the original or foundational members of the tribe; and it announces the intention to purchase land for them. These foundational Indians are:</p> <p style="padding-left: 40px;">"Peter Hodge 56, wife Annita 48, and 4 children, Malida 19, Lena 15, Tom 13 and Andy 10 (Hodge is 1/2 and his wife full blood)</p> <p style="padding-left: 40px;">_____ Jeff 58 and wife Betsey 60, full bloods,</p> <p style="padding-left: 40px;">Mrs. Limpey 80, full blood,</p> <p style="padding-left: 40px;">John Tecumchey 46 and wife Pinkey 40, full bloods,</p> <p style="padding-left: 40px;">Mary Duncan, granddaughter of Jeff 8 years old 3/4 blood."</p> <p>The letter also notes the following. "Peter Hodge, <u>the leading member</u> of this little band"; and "Hodges 160 acres was homesteaded by him 5 or 6 years since ... having only about one acre of land that is worth while to attempt to cultivate, and which he has in a splendid garden orchard and bery patch ... near a small spring of sufficient volume to water his garden, orchard and vines and domestic use. Quite a bold running creek runs through the east boundary of his 160 acres." The agent notes "the long and strong attachment of this small band to Sheepranch" with its proximity to "employment nearby for those Indians" and the availability of "old improved places</p>

¹ "Felix S. Cohen's Handbook of Federal Indian Law" by Felix S. Cohen; University of New Mexico Press, 1941, page 88. **Internet posting {<http://www.federatedtribes.com/yakima/1971-00-00.pdf>}**

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	<p>of one to two acres ..." that "... may be purchased cheap" and his plan to investigate the availability of several such places to purchase. The Hodge homestead is of interest because, in the historical memory of Yakima and other members of the Tribe, this band owned 160 acres of good land in Sheep Ranch, near the gold mine; and somehow they were move to the rancheria location (2 acres) which is effectively non-arable. Further, no effort was made by the government to make the rancheria viable for farming, even of the most menial kind. It is possible that the Indians were move from the 160 acre site to a 2 acres site because someone wanted the 160 acre site.</p> <p>Internet posting {http://www.federatedtribes.com/yakima/1915-08-13.pdf}</p> <p>Between 1915 and 1934, the occupancy of the Rancheria is undocumented. Whatever happened to the 160 acres homestead of Peter Hodge is unclear. Yakima Dixie and others recall being told of a larger property near to the mine from which they were removed, ostensibly due to safety considerations.</p>
Exhibit 5	<p>June 18, 1934 - INDIAN REORGANIZATION ACT. 73 Stat. 984 et seq.; PL383; (June 18, 1934) - To conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians This so-called "Indian Reorganization Act" or "Wheeler-Howard Act" states: "That hereafter no land of any Indian reservation, created or set apart by treaty or agreement with Indians, Act of congress, Executive order, purchase, or otherwise, shall be allotted in severalty to any Indian." This is an omnibus legislation, and how it might pertain to the tribal status of a rancheria, to membership status and to authority for the Sheep Ranch Reservation would require extensive analysis that is beyond the scope of this exposition.</p> <p>Internet posting {http://www.federatedtribes.com/yakima/1934-06-18.pdf}</p>
Exhibit 6	<p>June 6, 1936 - THE TRIBE RATIFIES THE INDIAN REORGANIZATION ACT. On June 6, 1936, on behalf of the Tribe, one individual, then age 80, who is identified as Jeff Davis (d.o.b. May 14, 1856), voted for the IRA, thus making Sheep Ranch an IRA tribe. Because the birth dates and the chronology match, this is certainly the same individual who was identified, in the original census of the tribe in 1915, as " _____ Jeff 58".</p> <p>In the supporting documents to that Act, the Assistant Commissioner, in 1934, states the following:</p> <p>"It should be made clear to all concerned that the right to vote in the referendum does not in itself give the individual any interest or right in tribal property which he did not have theretofore. In other words, the right to vote on the Indian Reorganization Act vests no property rights in such individual, if such right does not already exist. Furthermore,</p>

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	<p>the right to vote in the referendum does not in itself give the individual a right to vote on the ratification of a constitution under Section 16 or to vote for ratification of the charter under Section I7. The qualifications of eligibility of voters under Section 16 and 17 will be different from those necessary to vote under Section 18 on the acceptance of the Act.</p> <p>Although an IRA tribe, the BIA did not take any action to organize it during the subsequent years. And how the IRA sections affect the membership and right to vote has not been studied for our purposes here.</p> <p>Internet posting {http://www.federatedtribes.com/yakima/1936-06-06.pdf}</p>
Exhibit 7	<p>August 18, 1958 - RANCHERIA TERMINATION ACT. 72 Stat. 619; PL 85-671; (August 18, 1958) - To provide for the distribution of the land and assets of certain Indian rancherias and reservations in California ... This Act states: "That the lands ... of the following rancherias and reservations in the State of California shall be distributed in accordance with the provisions of this Act...." This enumerates 40 tribes and does not include Sheep Ranch Rancheria, which, later, is embraced by the Act of 1964, below.</p> <p>Internet posting {http://www.federatedtribes.com/yakima/1958-08-18a.pdf}</p>
Exhibit 8	<p>1960 - SOLICITOR'S OPINION ON RANCHERIAS. "Rancheria Act of August 18, 1958"; in Opinions of the Solicitor of the Department of the Interior Relating to Indian Affairs 1917-1974, pp. 1882-1886; US Printing Office. This is a document from the Solicitor of the BIA to the Commissioner of Indian Affairs in response to the Commissioner's request for an opinion on the "Rancheria Act" of August 18, 1958 (72 Stat. 619). Herein, we can see some of the early principles which make Rancherias unique. The Solicitor says:</p> <p>"As a result of congressional action commencing about 1893, approximately 58 small tracts of land called "rancherias" were purchased in central California by the Secretary of the Interior, who permitted Indians living nearby, generally in groups, to occupy such tracts. <u>This permissive use was referred to as an 'assignment' to such Indians.</u>"</p> <p>In this Solicitor Opinion, the following had been ruled by the Commissioner.</p> <p>"2. Tracts relinquished or abandoned should be reassigned. In case of abandonment, <u>absence of a period of two years</u> is regarded as sufficient reason for reassigning the land to another.</p> <p>3. The acquisition by individuals of additional tracts through inheritance must not be allowed, except where the survivors are landless and are entitled to land, in which cases formal reassignment should be made."</p>

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	<p>As we will see later, this notion of "assignment" will play a key role in the legal history of the Sheep Ranch Rancheria. The first such purchase of land for a Rancheria was the Jackson tract, which was acquired in 1893 ... and ... other tracts were acquired under Congressional appropriations "for the purchase of lands for the homeless Indians of California".</p> <p>Internet posting {http://www.federatedtribes.com/yakima/1960-08-01.pdf}</p>
Exhibit 9	<p>August 11, 1964 - RANCHERIA TERMINATION. 78 Stat. 390; (August 11, 1964) - To amend the Act entitled "An Act to provide for the distribution of the land and assets of certain Indian rancherias and reservations in California ... August 18, 1958 (72 Stat. 619). This extends the termination and distribution plan for the rancherias (Exhibit 7) from the original, denominated tribes to all other such tribes, and that would encompass Sheep Ranch Rancheria.</p> <p>Internet posting: {http://www.federatedtribes.com/yakima/1964-08-11.pdf}</p>
Exhibit 10	<p>1965 to 1972 - VARIOUS DOCUMENTS RELATING TO THE SHEEP RANCH RANCHERIA, SUBSEQUENT TO THE TERMINATION ACT OF 1964 THROUGH THE DEATH OF MABLE HODGE DIXIE.</p> <p>On February 12, 1965, ostensibly in preparation for the implementation of the "Rancheria Termination Act", Realty Specialist from the BIA, William H. Gianelli, writes a memo titled "Sheep Ranch Rancheria - Survey". Therein, he speaks only with Merle Butler, and he records the people living at Sheep Ranch to be: "Merle Butler, who has Mabel Dixie, and her uncle, Lenny Jeff, living with him." He observes that "No assignment has been requested by or given to any of the three people involved in this memorandum.". And he includes a survey sheet, which denominates Butler, Dixie, and Jeff with their birth dates and "Revised California Roll No". He cites the following. 1) the Rancheria was acquired by "Acts of June 21, '06 (34 Stat 325-333) & Apr 30, '08 (35 Stat. 70-76) Established April 5, 1915". Also, the deed was recorded: "January 10, 1917 Calaveras County Records - Book 62 of Deeds page 434, I.O. File #1084-65-6-14 Vol. 7, page 2. 3) The title was vested "from William R. Cunningham and May Cunningham, his wife parties of the 1st part to the U.S.A. part of the 2nd part for \$15.000, 5 April 1916. 4) The acreage is 2.00; and 5) The description is: "Lot No. 1 Block 14 of Sheep Ranch Townsite County of Calaveras, State of California.</p> <p>On December 27, 1965, Jess T. Town, BIA Tribal Operations Officer, sends a memo to Area Director "To discuss the amended Rancheria Act with the residents of the Sheep Ranch Rancheria and with the residents of the Jackson Rancheria." "Mr. Merle Butler and Mrs. Mabel Hodges Dixie were the only persons residing on the 2-acre rancheria" He notes that Mabel has been living there for some 30 years, that her half-brothers (John and Tom Hodges) moved away about 1957, that she and Merle are not legally married, and that she wanted to consult Richard Fuller of Tuolumne before she considered the "Rancheria Act". The memo also reports on the meeting with the</p>

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	<p>Daltons of Jackson, which is an indication that the two tribes (Sheep Ranch and Jackson) were considered comparable.</p>
	<p>On December 30, 1965, Dene Curtis of the United States Government issued a memo that recounts the information in the above memo from Town. It states that "... Mabel Dixie has lived at the rancheria since 1943 ... she is separated from her husband, Romie Dixie; she has four sons, Richard Bill (born in 1937), Yakima Kenneth (born in 1940),m Melvin Leroy (born in 1943) and Tommy Edward (born in 1944). The other resident of the rancheria, Merle Butler, moved to the rancheria in approximately 1960. He stays at the rancheria for short periods, then leaves to work. He is not interested in having any of the property deeded to him. A formal assignment was never made to Mabel Dixie. She has no interest in any trust allotment." The document sketches a diagram of decent for Mabel and Lennie Jeff, with the latter living in Vallicita in 1928, Sheep Ranch in 1955, and Westpoint in 1964. Finally, there is a separate page entitled: "LIST OF INDIANS OF THE SHEEP RANCH RANCHERIA" and that lists Mabel Louise Hodge Dixie, birth date of 1-18-1918 to be the "Head" of the Tribe.</p>
	<p>On January 5, 1966, Jess Town, Tribal Operations Officer, met again with Mabel Dixie. "A detailed explanation of the provisions of the amended Act was given, as was the procedures which would have to be followed in coming under the Act. Mrs. Dixie indicated a desire to have the rancheria deeded to her. " "Before I left, Mabel Dixie gave me a letter requesting our office to distribute the assets of the Sheep Ranch Rancheria in accordance with the Act.</p>
	<p>Internet postings (<i>supra</i>): http://www.federatedtribes.com/yakima/1965-SheepRanchDoc.pdf</p>
	<p>January 6-13-20, 1966, Public Notice - election on distribution of assets of Sheep Ranch Rancheria" was published.</p>
	<p>February 3, 1966, Director of the Sacramento Area Office of the BIA, Leonard Hill writes to Dora Mata and her attorney Orrin Airola. This is in response to a letter of January 27, 1966 which Mata wrote to the BIA in response to the above Public Notice. "protesting the name of Mabel Dixie as the person being eligible to vote on whether a plan should be made for the distribution of the assets of the Sheep Ranch Rancheria". Hill's letter recounts the history of the land. He notes that "the acquisition deed to this land is in the name of the United States of American and does not name any specific tribe, band or group of Indians. There have been no formal assignments or allotments made on the rancheria and it has always been considered to be an unorganized rancheria." He cites a ruling from the Secretary of the Interior as follows:</p>
	<p>"Section 242.3(a) and pertinent parts of 242.3(d) of the regulations are as follows.</p>
	<p>*(a) <u>Unorganized rancherias or reservation</u>. Upon receipt of a written request from an adult Indian or Indians of an unorganized rancheria or reservation for the distribution of the assets of the rancheria or</p>

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	<p>reservation, the (Area) Director shall prepare a list of Indians in the following categories:</p>
	<p>...</p>
	<p>(3) Those who reside on the rancheria or reservation pursuant to an informal assignment;</p>
	<p>(4) Those not in the above categories who have resided for a period of at least three consecutive years immediately preceding receipt of the request as provided for in the introductory text of this paragraph, on the rancheria or reservation not set aside for a designated group of Indians."</p>
	<p>This letter affirms that "... Mrs. Mabel Dixie has been determined eligible to vote on the issue of whether a distribution plan should be developed...." Hill makes the determination that "none of the persons named in your letter meet the requirements in any of the five categories quoted ... and therefore cannot qualify as a voter on the issue of preparing a distribution plan. Our records reveal that some of your relatives have resided on the rancheria in the past, <u>but such former residence is not a determining factor in their eligibility to vote because no vested interest was acquired by anyone for merely occupying the rancheria.</u> This letter is your official notice that Lena Hodges Shelton and Tom Hodges have been determined to be ineligible to participate in the election to decide whether a distribution plan for the Sheep Ranch Rancheria shall be developed."</p>
	<p>On February 9, 1966, Mabel Louise Dixie voted "YES (in favor)" "... to prepare a plan for the distribution of the tribal assets of the SHEEP RANCH RANCHERIA...."</p>
	<p>On February 24, 1966, Area Director, Leonard Hill, wrote to the Commissioner of Indian Affairs in Washington D.C. He forwards "... a proposed plan for the distribution of the assets of Sheep Ranch Rancheria.". And he recites the history of the distribution up to that time. .</p>
	<p>On August 9, 1966, Director Hill telegraphs a message to the Commission of Indian Affairs requesting the "... status of Jackson and Sheep Ranch Rancheria distribution plans submitted to your office May 4 and July 5, 1966 for final and conditional approval..." Again, note the association between Jackson and Sheep Ranch rancherias.</p>
	<p>On August 18, 1966, Robert Bennett, Commissioner of Indian Affairs approves the "PLAN FOR DISTRIBUTION OF THE ASSETS OF THE SHEEP RANCH RANCHERIA, IN ACCORDANCE WITH PROVISIONS OF PUBLIC LAW 85-671, APPROVED AUGUST 18, 1958, AND AMENDED BY PUBLIC LAW 88-419, APPROVED AUGUST 11, 1964. It is noted that the plans starts out by saying: "The Sheep Ranch Rancheria consists of 0.92 acres of land" What happened to the original 2 acres? It goes not to state: "Several Indian families have lived on the rancheria since it was purchased by the United States. There have been no allotments or formal assignments issued and for the past 8 years the solitary house has been</p>

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	<p>occupied by Mrs. Mabel Hodge Dixie." "Upon approval of this plan ... she (Mrs. Dixie) shall thereafter be the only Indian entitled to participate in the distribution of the assets of the Sheep Ranch Rancheria and the rights and beneficial interest of Mrs. Dixie in the property may be inherited or bequeathed, but shall not be otherwise be subject to assignment, alienation or encumbrance before the transfer by the United States of full legal title of such assets except with the approval of the Secretary." It goes on to say that: "... Mrs. Dixie shall thereafter not be entitled to any of the services performed by the United States for Indians" However, because title never fully passed to Mabel Hodge Dixie but was reabsorbed back into federal trust for her, legal ambiguities arise. Attached to this plan is a "Ballot Sheep Rancheria Distribution Plan" and the box "I Accept" is checked by Mabel L. Dixie, signed October 14, 1966.</p>
	<p>On October 27, 1966, (after duly promulgating the plan) Area Director, Leonard Hill, writes to the Commissioner of Indian Affairs: "Mrs. Mabel Hodge Dixie, the only distributee, voted to accept the plan. Therefore, the plan becomes effective as of October 14, 1966"</p>
	<p>Internet postings (<i>supra</i>): http://www.federatedtribes.com/yakima/1966a-SheepRanchDoc.pdf http://www.federatedtribes.com/yakima/1966b-SheepRanchDoc.pdf http://www.federatedtribes.com/yakima/1966c-SheepRanchDoc.pdf</p>
	<p>On January 27, 1967, Mabel Hodge Dixie writes a letter to Leonard Hill, BIA that states "Sir: I hereby request that your office take whatever action is necessary to have Mr Hayden Stevens appointed conservator under state law for me."</p>
	<p>On February 2, 1967, Hayden Stephens writes to Hill stating that "I have known Mrs. Dixie for several years and would be willing to serve as her conservator."</p>
	<p>On February 16, 1967, Jess Town of the BIA writes to the Branch of Real Estate Appraisal, asking for an appraisal of the property at Sheep Ranch: "Final approval has been given to the plan for distribution of the assets of Sheep Ranch Rancheria. A conservator is being appointed for the lone distributee"</p>
	<p>On February 17, 1967, Leonard Hill write to the Regional Solicitor advising him that the distribution plan has been approved, that Hayden Stephens, Postmaster at Sheep Ranch has consented to serve as her conservator, and requests that the necessary papers be drafted to appoint the conservator.</p>
	<p>On April 11, 1967, the U.S. government executes a deed for the property at Sheep Ranch. The deed lists Mabel Hodge Dixie as grantee.</p>
	<p>On May 2, 1967, Acting Area Director of the BIA in Sacramento send a letter to Mabel Hodge Dixie: "... there is enclosed a deed which conveys title from the United States of America to you, as grantee and distributee, for land on the Sheep Ranch Rancheria." On behalf of the BIA he says: "We wish you the best of success and trust you will derive the maximum benefit from your property."</p>

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	<p>On May 15, 1967, M.G. Ripke, Area Director of the BIA writes to Hayden Stephens, the proposed conservator for Mabel. "The grant deed to the Sheep Ranch Reservation has been recorded in the Calaveras County Recorder's Office. Although the deed has been recorded sooner than anticipated it is not intended to pass title to you until after the Conservators has been set up and made a record."</p>
	<p>Internet postings (<i>supra</i>): http://www.federatedtribes.com/yakima/ 1967a-SheepRanchDoc.pdf http://www.federatedtribes.com/yakima/ 1967b-SheepRanchDoc.pdf http://www.federatedtribes.com/yakima/ 1967c-SheepRanchDoc.pdf</p>
	<p>There is a period here of some 4 years where our record is blank.</p>
	<p>On August 12, 1971, Waldon A Rolfe of the United States Government writes to Robert Seitz, Area Realty Officer of the BIA, notifying him: "Mrs. Mabel Hodge Dixie, the sole distributee under the Distribution Plan approved August 18, 1966, died in Sonora, California, on July 11, 1971, and was buried in St. Patrick's cemetery in Sonora." the Probable heirs of Mabel are identified as Richard Dixie, Melvin Dixie, Tom Dixie, Yakima Dixie, and Merle Butler. He poses the particular issues with the situation: "the big question now is whether we should submit the case to the Hearing Examiner for probate. Under the approved Distribution Plan Mabel Hodge Dixie may be the beneficial owner of the entire Rancheria, including the new house. Incidentally, none of the probable heirs are mentioned in the Distribution Plan. Then again, should the Distribution Plan be revoked because of the death of the distributee, the complicated heirship problem, and the change in B.I.A. policy. We are all aware that the property was deeded to Mrs. Dixie on April 11, 1967, and recorded in the Calaveras County records. The deed was never delivered to her though because of the Bureau of Indian Affairs not being able to get a court appointed conservator. This transfer of title was nullified by a quit claim deed executed by Mrs. Dixie on September 6, 1967, which reverted the title of the property to the United States of America."</p>
	<p>Internet postings (<i>supra</i>): http://www.federatedtribes.com/yakima/1971-SheepRanchDoc.pdf</p>
	<p>On January 13, 1972, Robert Seitz, Area Realty Officer of the BIA in Sacramento writes to Merle Butler (husband), Richard Dixie (son born 4-17-39), Yakima Dixie (son, born 2-1-40), Melvin Dixie (son, born 11-17-43), and Tommy Dixie (son, born 10-31-44) in "... accordance with the final heirship determination contained in Order Determining Heirs of the estate of Mabel Hodge Dixie." It says that :As an heir to the estate of Mabel Hodge Dixie, you now possess an undivided interest in the following allotment(s): Sheep Ranch Rancheria." Butler was given a 1/3 interest and the sons, given 1/6 each.</p>
	<p>Internet postings (<i>supra</i>): http://www.federatedtribes.com/yakima/ 1972-73-SheepRanchDoc.pdf</p>

Exhibit Number	Explanation and URL
Exhibit 11	<p data-bbox="391 348 1427 415">IN MIWOK TRADITION OR COMMON LAW, AUTHORITY IS CARRIED THROUGH MALE OR PATERNAL DESCENT (REFERENCES BELOW *).</p> <p data-bbox="391 453 1427 1056">Upon the death of Peter Hodge, "... the leading member of this little band" (<i>supra</i> Exhibit 4), tribal authority would have passed to his eldest son; however, we have no documentation on his survivorship, except for the fact that his daughter, Mable Hodge Dixie maintained a residence on the Sheep Ranch Rancheria for much of her life. Beside the original members in 1915, there are only two members of the Tribe who have been identified by the BIA - Jess Davis, who voted for the IRA (Exhibit 6, <i>supra</i>), and Mable Hodge Dixie who voted for termination and who received into trust the historic tribal property (Exhibit 10, <i>supra</i>). Because of the fact that the title to the Sheep Ranch Rancheria was never allocated to the Tribe nor to any individual and because of the 2 year expiration of any permissive allotment that characterized the Rancherias (Exhibit 8, <i>supra</i>), the only "real" allotment would have accrued to Mable Hodge Dixie and only to her. Upon her death on July 11, 1971, authority would have passed to her eldest son, Richard Dixie, who died in about 1975, after which authority went to Yakima Dixie, who has resided at Sheep Ranch virtually all of his life. To the extent that tribal authority is linked to tribal land, Yakima Dixie would have precedence. Further, when a casual survey was done among the surround Miwok people, who were asked with whom did they associate the Sheep Ranch Rancheria, without exception, all proclaimed either "the Dixie family" or "Yakima Dixie".</p> <p data-bbox="391 1094 1427 1161">And that would be consistent with Miwok tradition as documented by early anthropologists.</p> <p data-bbox="391 1178 1427 1612">"Chieftanship was a well-defined and hereditary affair, as is shown by the passage of the title to women, in the male line. In the central division there were head chiefs, <i>toko hayapo</i>, whose authority was recognized over considerable districts; <i>echuto hayapo</i>, chiefs of villages; and <i>cuchi</i> or <i>liwape</i> (<i>liwa</i>, "speak"), who were either the heads of subsidiary villages or speakers and messengers for the more important chiefs. A born chieftainess, and the wife of a chief, were both called <i>mayenu</i>. The husband of a born chieftainess was usually her speaker; the latter had authority after her husband's death until the majority of her son." Handbook of the Indians of California; by A.L. Kroeber; Vol. 1; Washington - Government Printing Office, 1925 Smithsonian Institution Bureau of American Ethnology - Bulletin 78; page 452.</p> <p data-bbox="391 1629 1427 1661">Internet: {http://www.federatedtribes.com/yakima/1925-00-00-Kroeber.pdf}</p> <p data-bbox="391 1719 1427 1881">"The Miwok Indians of the Sierra Nevada of California are divided by anthropologists into three dialectic groups, termed Northern or Amador, Central or Tuolumne, and Souther or Mariposa. These three groups occupy the western slope of the mountains from El Dorado Count in the north to Madera County in the south. Their social</p>

Exhibit Number	Explanation and URL
	<p>organization takes the form of totemic exogamic moieties with paternal descent." Miwok Moieties; by Edward Winslow Gifford; University of California Publications in American Archaeology and Ethnology; June 24, 1916; page 139 (E51C3V.12 UCB-Main).</p> <p>Internet: http://www.federatedtribes.com/yakima/1916-06-24-Gifford-Miwok.pdf</p> <p>Further, in the recent court case (i.e., U.S. District Court District of Columbia - Washington, DC; CIVIL DOCKET FOR CASE #: 1:05-cv-00739-JR; CALIFORNIA VALLEY MIWOK TRIBE v. UNITED STATES OF AMERICA et al; Assigned to: Judge James Robertson: page 6 et seq.), the following exchange occurs between the attorney for the BIA and the Court:</p> <p>"MR. UPTON: Mr. Dixie allowed Ms. Burley to become a member of the California Valley Miwok Tribe in 1998. As a result, her daughters were admitted to membership --</p> <p>THE COURT: What do you mean, allowed her to become a member? Did he (i.e, <i>Yakima Dixie</i>) have the power to allow it or not allow it?</p> <p>MR. UPTON: As I understand it, he had the power to allow it. He had been the first -- he was also the first tribal chairperson. He became chairperson in 1998. Prior to the action of Mr. Dixie, Ms. Burley had made contact with various bands of Miwoks -- I do not know how many -- but she had no particular ties to the Sheep Branch Rancheria."</p> <p>(Note: the statement that "He became chairperson in 1998" is incorrect because he had been recognized as such by the BIA for several decades prior to that date.)</p> <p>Internet: http://www/FederatedTribes.com/yakima/dc-suit/2006-01-19-HearingTranscript.pdf</p>
Exhibit 12	<p>December 15, 1983 - REINSTATEMENT OF RANCHERIAS AND THE DETERMINATION OF THEIR AUTHORITY. Tillie Hardwick v. United States of America; U.S District Court for the Northern District of California; Order Approving Entry of Final Judgment in Action; December 15, 1983. The above terminations of the tribes and their rancherias (Exhibit 7, <i>supra</i>) had been challenged in Court; and the "Tillie Hardwick Decree" represents a settlement for the restoration of both. In so doing, the Court defined a class of persons who then came to be recognized by the BIA as the primary tribal members and organizing individuals.</p> <p>"2. The Court shall certify a class consisting of all those persons who received any of the assets of the rancherias listed and described in paragraph 1 pursuant to the California Rancheria Act and any Indian Heirs, legates or successors in interest of such persons with respect to</p>

Exhibit Number	Explanation and URL
	<p>any real property they received as a result of the implementation of the California Rancheria Act."</p>
	<p>Because the circumstances of the Sheep Ranch Rancheria and the rancherias in this consent decree are analogous (virtually identical), this case represents <i>stare decisis</i> for the Sheep Ranch Tribe; and the same criteria for tribal authority should be recognized by the BIA - i.e., that the distributee of the land (i.e., Mabel Hodge Dixie) or her lineal descendants (now extant, Yakima Dixie and Melvin Dixie) and heirs shall be recognized as the "Putative" members of the tribe and the primary organizing individuals.</p>
	<p>Internet: http://www.federatedtribes.com/yakima/1983-08-02-TillieHardwick.pdf</p>
	<p>Harold Bradford - BIA, 1980. Sonny Hendricks of the Tuolumne Tribe reported that he was involved with the Sheep Ranch Tribe in helping obtain a \$300,000 grant and the BIA Superintendent, Harold Bradford said that Yakima Dixie was the Chairperson. The grant never went through.</p>
Exhibit 13	<p>September 8, 1998 - TRIBAL ORGANIZATION MEETING - YAKIMA DIXIE, RAYMOND FRY, BRIAN GOLDING, SR., AND SILVIA BURLEY. On September 8, 1998, BIA officers, Ray Fry and Brian Golding visited Yakima Dixie at Sheep Ranch. Silvia Burley was present, also, but she said almost nothing. The purpose of the meeting was to discuss tribal organization. There is a video tape of the meeting and included here as the Exhibit is the transcript of that meeting. Of note is that Yakima Dixie is considered by all present to be the sole authority and absolute authority for the Tribe. A few excerpts are as follows. (YD = Yakima Dixie; RF = Ray Fry; and BG = Brian Golding.)</p>
	<p>Page 6</p>
	<p>YD: That's what I like about it. I mean, I've been here, what, since 1950, so that's almost fifty years.</p>
	<p>RF: Forty eight years.</p>
	<p>RF: That's right.</p>
	<p>Page 7</p>
	<p>RF: But, yeah, we're like to have the tribe work with you guys, and you know, working on who the membership is, and making it a government and maybe get you all organized and move forward and—at'at you'ke to do. <u>See, we kind of want to do what you want to do.</u></p>
	<p>YD: Well, we can sit down and discuss this and see what we come up with.</p>
	<p>RF, BG: Sure, sure.</p>
	<p>RF: I know that over the years, other than this house, there just hasn't been very much contact.</p>
	<p>YD: True.</p>
	<p>RF: Over the years. And we've done an awful lot of research on the Rancheria, or I have, and conceivably, it could be a pretty good size tribe, <u>depending on what you're comfortable with.</u> You know, we don't to say whether you should have these. It's going to be your call and what do you think. <u>You know, if you're comfortable with saying they should be directly related to my grandparents or they should be related to my uncles or aunts or whoever, you know, who</u></p>

Exhibit Number	Explanation and URL
	<p>should be considered part of the tribe because they [unintelligible] before. Or they are people who had a relationship to say tribe before they left. Say they acquired houses at one time. Well, maybe those people and their children might be the ones who would want to, you know, to live here. I can understand that. So it's all kind of up to you. We want to give you options to think about or things to help you like that. We don't to say, well, this is how it's to be. We're to say that the tribe has a certain amount of funds available to do, like we say, an office or set up, constitute your government when you're going to form your government. Have elected officials if you so choose.</p> <p>Page 8</p> <p><u>Whatever you want. Land acquisition, possibly, in the future, for the tribe as a whole. You know, it just depends where you want to go with that. Whatever you're comfortable with.</u></p> <p>YD: Actually, what you're saying is you're giving it up to me and—</p> <p>RF: Pretty much so. I don't —</p> <p>YD: [unintelligible]</p> <p>RF: Right. We don't to dictate to you. As much organization as you want to do is up to you too. See, we're comfortable if you [unintelligible] this year or I'll let the bureau to do this for me or work with me or not work with me. Or I want to hire people to do this or ... you know, I want to do this for the tribe.</p> <p>At the time of this meeting, Silvia Burley had no tribal status as any kind of a member or even representative. How Silvia Burley did become a member and how she came to be recognized as the authority for the Tribe is cloaked in obscurities; but that issue has been addressed elsewhere and is not the subject here. Let it suffice that Yakima Dixie never gave her the authority for the Tribe, that any "resignation" document is a forgery, that any resignation would be null under MiWok tradition, and that Yakima has avidly objected to the usurpation of his authority, pleading such to the BIA from the time he discovered the substitution (in December 1999) to the present.</p> <p>Internet: {http://www.federatedtribes.com/yakima/1998-09-08.pdf}</p>
Exhibit 14	<p>April - September 1999 - AFFIDAVIT OF ATTORNEY MARY WYNNE.</p> <p>Between April 30 and September 1999, Mary T. Wynne, attorney, and her husband acted as the attorney and operations officer for Yakima Dixie and the Tribe. This was on the power of attorney from Mr. Dixie and this was during the period in which Silvia Burley claims that Yakima Dixie resigned his authority for the Tribe in favor of herself. (As a side comment, if Yakima had resigned on April 20, ten days before he gave his power of attorney to Wynne, why was there any need for him to give such a power of attorney. This is one of the points, among several others, in the argument that the resignation document was forged.)</p> <p>On March 15, 2004, Mary Wynne gave a sworn and notarized affidavit, which is quoted below.</p> <p>"1. I am currently (and at all times mentioned here in have been) a licensed attorney in the State of Washington.</p>

Exhibit Number	Explanation and URL
	<p>2. On April 30, 1999, Yakima K. Dixie and I signed an agreement that gave to me the power of attorney to represent himself and his tribe (Sheep Ranch Rancheria of MiWok Indians of California). The purpose of the representation was to help in the organization of his tribe.</p> <p>3. With the assistance of my husband, Dan Gargan, we performed various functions up to September, 1999 - a period of about 5 months.</p> <p>4. At all times during this period of representation, I knew Yakima Dixie to be sole member of the Sheep Ranch Rancheria of MiWok Indians of California, the Chief and the Chairperson of that tribe, and traditional authority of the tribe as recognized by the B.I.A. at that time.</p> <p>5. Sylvia Burley and her daughter had applications for enrollment filed with the B.I.A., but, to my knowledge, the B.I.A. had given no indication whether they would accept her enrollment status or not.</p> <p>6. I recall some discussion of concerns about whether Yakima could act as chairman in matters that relate to or might relate in the future to the Tribe's ability to enter into gaming as an economic enterprise due to Yakima's alleged criminal history. As a result of that concern, I was frequently asked to draft documents for the tribal chairman and list Sylvia Burley as the chair. She frequently signed such documents as the chairperson, although I do not recall whether the Bureau of Indian did acknowledge whether such actions would be recognized or not.</p> <p>7. Although a review of the files indicates that I have a copy of a document with a signature which purports to be that of Yakima Dixie on it giving the chairmanship from Yakima Dixie to Sylvia Burley, I do not recall such a document being authored by me or anyone from Wynne Law Firm. I did find a copy of the document in a notebook of documents, most of which documents, according to my recollection, were provided to this office by Sylvia Burley."</p>
	<p>Internet: http://www.federatedtribes.com/yakima/2004-03-15-Wynne-Decl.pdf</p>
	<p>December 23, 1999 - present. PROTESTING THE SUBSTITUTION OF YAKIMA DIXIE AND ORGANIZING THE TRIBE. On December 23, 1999, Yakima Dixie together with his associates Bill Martin, LeRoi Chapelle, Rebecca Cuthill and other prospective tribal members met with agents of the BIA: Ray Fry, Brian Golding, Dale Risling, and someone in Real Estate. Having discovered in advertantly, that he had been substituted as the authority for the Tribe by Silvia Burley, Yakima called the meeting to protest and to submit a Constitution. Thus began the long and tortuous process of appealing</p>

Exhibit Number	Explanation and URL
	that substitution, which has been well documented elsewhere and will not be re-documented here.
Exhibit 15	<p data-bbox="394 443 1425 741">May 2003 - MEETING BETWEEN RAY FRY, YAKIMA DIXIE, VELMA WHITEBEAR, BILL MARTIN, LEROI CHAPPELLE, AND OTHERS TO SUBMITT DOSSIERS OF 9 MEMBERS AND REQUEST A SECRETARIAL SUPERVISED ELECTION. At a meeting with Ray Fry in May 2003, he recommended to Yakima that he bring together close relatives and people who had lived on the reservation and that with this group he call a Secretarial Supervised election and that would restore the authority back to Yakima. The dossiers were submitted to Ray Fry on September 25, 2003; and these members are the ones who have been active in the organization of the tribe since that date.</p> <p data-bbox="394 762 1425 793">Internet: {http://www.federatedtribes.com/yakima/2003-09-25.pdf}</p>
Exhibit 16	<p data-bbox="394 873 1425 1045">April 30, 2004 - Declaration of Brian Golding, Sr., In Case No. CIV.S-02-0912, California Valley Miwok Tribe v. United States of America. Brian Golding is the BIA agent who accompanied Ray Fry in the meeting, with Yakima Dixie for organizing the Tribe (Exhibit 13, <i>supra</i>). In this case he testifies as follows:</p> <p data-bbox="492 1073 1425 1612">"5. Among other things, termination would mean that tribal members would no longer be eligible to receive any services from the federal government based on their status as Indians. I have searched available records to determine whether services were ever denied to Mabel Hodge Dixie or her four sons since 1967, and found no such records. I did not discover any records demonstrating that BIA ever denied anyone any services on the grounds that the Sheep Ranch Rancheria was a terminated tribe. With respect to federally recognized tribes that are unorganized, have no formal governmental structure and/or have no formal enrollment document or list of members <u>and</u> where a distribution plan was prepared for the Tribe, such as Sheep Ranch Rancheria, it has been BIA's practice to acknowledge the distributees listed on the plan and their lineal descendants as putative members of the tribe. Pursuant to this practice, Yakima Dixie was and has been acknowledged by BIA as a putative member of the Tribe."</p> <p data-bbox="394 1629 1425 1728">Mr. Golding is clearly referencing the criteria in Tillie Hardwick as a basis for determining membership in the Tribe; and based on that, only Yakima Dixie and his brother, Melvin Dixie, and the descendent of Merle Butler would qualify as members.</p> <p data-bbox="394 1745 1425 1780">Internet: {http://www.federatedtribes.com/yakima/2004-04-30-e1-Glolding.pdf}</p>

Conclusion

The Sheep Ranch Tribe is an unorganized tribe and remains such until the BIA accepts a constitution for the Tribe. Consequently, as an unorganized tribe, the Tradition of this tribe and the Miwok culture, in more general terms, is what determines the rules of governance of the Tribe and who is the rightful authority of the Tribe. Chieftanship in the Miwoks follows lineal descent in the male line, and Yakima Dixie fulfills that criterion, all the way back to the original leader, Peter Hodge. In addition, the Miwoks in the areas adjacent to Sheep Ranch and even further in surrounding counties, have always recognized the Dixie family and Yakima Dixie being the head of the Sheep Ranch Tribe. Yakima Dixie's mother (Mable Hodge Dixie) was recognized formally by the BIA as being the only member of the Tribe capable of voting for Rancheria Termination Act of 1960; the ancestral land at Sheep Ranch was deeded to her, and only her, to be held in trust by the U.S. government; and upon her death, her interest was probated to her 4 sons and common law husband. Her eldest living son, Yakima Dixie has lived on this land virtually all of his life. Since about 1975, the BIA has formally recognized Yakima Dixie as the Chief or Chairperson; and the only one who has the right to adopt other members into the Tribe. In the process of organizing the Tribe under a constitution, Yakima Dixie has identified 11 other individuals to be members; and most of these are related to him, have lived on the ancestral land at Sheep Ranch, and are amenable to working with him to develop the Tribe along the lines which he and they believe to be in the best of themselves and the broader Indian community. And the BIA should recognize this group as being the base-enrollment for organizing the Tribe. A constitution has been submitted to the BIA which embodies these principles.



California Valley Miwok Tribe, California

(formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California)

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**California Valley Miwok Tribe,
California (formerly the Sheep Ranch
Rancheria of Me-Wuk Indians of
California), Yakima Dixie, and the
Putative Member Class**

Petitioners

**Troy Burdick, Superintendent
Bureau of Indian Affairs
Central California Agency**

Respondent

**Petition for Determination
Of Tribal Authority**

April 10, 2006

Exhibits 1 - 16