

EXHIBIT 10

To

**Memorandum of Points and Authorities in Support of Plaintiffs' Motion for Preliminary
Injunction**

AFFIDAVIT OF GILBERT RAMIREZ

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
Civil Division

THE CALIFORNIA VALLEY MIWOK
TRIBE, *et al.*,

v.

KEN SALAZAR, in his official capacity
as Secretary of the United States
Department of the Interior, *et al.*

Case No. 1:11-cv-00160-RWR

Affidavit of Gilbert Ramirez In Support of
Plaintiffs' Motion for Preliminary
Injunction

Hon. Richard W. Roberts

AFFIDAVIT OF GILBERT RAMIREZ

I, Gilbert Ramirez, declare as follows:

1. I am over the age of 18 and a resident of Calaveras County, California. I have personal knowledge of the facts set forth herein, which are known by me to be true and correct, and if called as a witness, I could and would competently testify thereto.

2. This affidavit is submitted in support of Plaintiffs' Motion for Preliminary Injunction.

3. I am a member of the California Valley Miwok Tribe ("Tribe"). I trace my tribal lineal to Jeff Davis and Rose ("Limpy") Davis through my mother, Alice Geto, my grandmother, Laura Jeff, and her parents John and Tilly Jeff. In April 2007, the BIA published public notices requesting that individuals who asserted a claim to Tribal membership provide the BIA with documentation of their claims, such as personal genealogies showing their descent from historical members of the Tribe. I submitted my genealogy to the BIA.

1 4. I recognize Yakima Dixie as the Hereditary Chief and Traditional
2 Spokesperson of the Tribe. I recognize the Tribal Council, which consists of Yakima
3 Dixie, Velma Whitebear, Michael Mendibles, Evelyn Wilson, Antone Azevedo and
4 Antonia Lopez, as the duly appointed representatives of the Tribe.

5
6 5. I do not recognize Silvia Burley as any authority for the Tribe.

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8 6. Around 2004, Yakima Dixie appointed the members of the Tribal
9 Council and began to hold open meetings of the Tribe's entire membership. I participate
10 regularly in those meetings, which are held approximately once per month.

11
12 7. In approximately 2004, at the request of the Tribal elders, my son
13 Peter and I formed a ceremonial Indian dance and cultural preservation group to represent
14 the Tribe and carry on its cultural and religious traditions. The group is known as the
15 Sheep Ranch Rancheria Me-wuk Dancers.

16
17 8. The Me-wuk Dancers group has approximately 30 to 40 members, all
18 of whom are members of the Tribe. The group is now a part of the Tribe's Cultural
19 Preservation Committee, of which I am a member.

20
21 9. The Me-wuk Dancers participate, on behalf of the Tribe, in
22 ceremonial dances and other cultural or religious events hosted by Indian tribes throughout
23 California. These events are an important part of tribal culture, and representing the Tribe
24 in them is an honor for myself and the other members of the group. Participation in these
25 events helps to maintain and strengthen the Tribe's ties to the larger Indian community. If
26 the group ceased to participate in these events, the Tribe's ties to the Indian community
27 would be weakened. The individual members of the group also would lose their role as
28 participants in the religious traditions of the community.

1 10. The Me-wuk Dancers' participation in ceremonial events also helps to
2 perpetuate the Tribe's language, cultural traditions, and religious beliefs. The group
3 performs songs handed down by oral tradition. These songs date from at least the 1800s
4 and are specific to the Tribe and to the seasonal rituals of Indian communities in Northern
5 California. If the group ceased to perform, the Tribe's traditions could be lost.

6
7 11. Most tribal ceremonies are held during the winter holiday season
8 (Thanksgiving to Christmas) and during the spring season (beginning in April). The next
9 series of events will begin in April 2011. The Me-wuk Dancers plan to participate in those
10 events on behalf of the Tribe.

11
12 12. Even before December 22, 2010, Silvia Burley stated that the Tribe
13 did not have a dance group and that the Me-wuk Dancers did not represent the Tribe.
14 Burley tried on several occasions to prevent the Me-wuk Dancers from representing the
15 Tribe in ceremonial dance events and accused the group of fraud. However, in the absence
16 of an official Bureau of Indian Affairs ("BIA") decision recognizing Burley as the Tribe's
17 representative, the Me-wuk Dancers were able to continue representing the Tribe in those
18 events. Now that the Assistant Secretary – Indian Affairs has recognized Burley as the
19 Tribe's representative, I fear that the Me-wuk Dancers will be prevented from representing
20 the Tribe at upcoming events, including the Spring 2011 events beginning in April. I also
21 fear that Burley will sue the group if it continues to represent the Tribe at upcoming
22 events.

23
24 13. I and other members of the Tribe wish to collect certain materials,
25 such as raptor feathers, that can only be legally possessed by members of Indian tribes.
26 These materials are needed for the regalia used in ceremonial dances and other traditional
27 activities. Because of the December 22 Decision, I will be subject to criminal prosecution
28

1 if I gather or possess these materials, and therefore I am unable to collect the materials
2 needed for ceremonial purposes.

3
4 14. Along with other members of the Tribe, I am involved in efforts to
5 construct a traditional brush house for the Tribe on U.S. Forest Service ("USFS") land at
6 Sourgrass, near the Tribe's ancestral village. A brush house is an open-roofed building for
7 conducting dances and other traditional ceremonies. It is a key element in Indian cultural
8 and religious traditions, equivalent to a tribe's church. The traditional materials needed for
9 construction of a brush house are found on federal lands to which the USFS controls
10 access. The Tribe does not have the resources to obtain these materials on its own, without
11 the cooperation of the USFS.

12
13 15. The Assistant Secretary's December 22 Decision deprives me of
14 membership in the Tribe, because it allows Burley to deny membership to anyone who is
15 not a member of her immediate family. As a result of this deprivation, I feel a loss of my
16 cultural identity and my place in the Native American community. In addition, I will not
17 have access to federal medical benefits and other services available to members of
18 federally recognized Indian tribes.

19
20 I declare under penalty of perjury under the laws of the United States of
21 America that the foregoing is true and correct.

22
23 Executed March 6, 2011, at San Joaquin County, California.

24
25
26 Gilbert Ramirez 3-6-11
27 Gilbert Ramirez
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