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7 Attorneys for THE CALIFORNIA VALLEY
MIWOK TRIBE, THE TRIBAL COUNCIL,
8 YAKIMA DIXIE, VELMA WHITEBEAR,
ANTONIA LOPEZ, MICHAEL MENDIBLES,
9 GILBERT RAMIREZ, JR, ANTOINETTE
LOPEZ AND IVA SANDOVAL

10
11 UNITED STATES DISTRICT COURT

12 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

13
14 CALIFORNIA VALLEY MIWOK TRIBE, a
15 federally-recognized Indian tribe, THE
GENERAL COUNCIL, SILVIA BURLEY,
16 RASHEL REZNOR; ANGELICA PAULK; and
TRISTIAN WALLACE,

17 Plaintiffs,

18 v.

19 SALLY JEWEL, in her official capacity as U.
20 S. Secretary of Interior; LAWRENCE S.
ROBERTS, in his official capacity as Acting
21 Assistant Secretary of Interior - Indian Affairs;
MICHAEL BLACK, in his official capacity as
22 Director of the Bureau of Indian Affairs,

23 Defendants.

Case No. 2:16-01345 WBS CKD

**DECLARATION OF VELMA
WHITEBEAR IN SUPPORT OF MOTION
TO INTERVENE**

Judge: Hon. William B. Shubb

1 County Indians (1929 Census Descendants), whom the 2015 Decision also identified as eligible to
2 participate in Tribal organization with the consent of the Eligible Groups.

3 8. All individuals who meet the criteria defined in the 2013 Constitution are welcome
4 to apply to the Tribal Council for membership. All members of the Eligible Groups and 1929
5 Census Descendants are eligible for Tribal membership if they choose to affiliate with the Tribe
6 and are not members of another federally recognized tribe.

7 9. Plaintiffs in this action are Silvia Burley, her two daughters Rashel Reznor and
8 Anjelica Paulk, and her granddaughter Tristian Wallace (collectively, the Burleys). On
9 information and belief, the Burleys are members of the Eligible Groups, but they have never
10 applied to the Tribal Council for membership. The Burleys maintain that the Tribe's membership
11 is limited to themselves and Yakima Dixie (a total of five people), and is governed by a general
12 council consisting of those five people. Neither I nor the Tribal Council recognize the Burleys or
13 their general council as representatives of the Tribe.

14 10. On April 18, 2016, the Tribe (through its attorneys) submitted a request to the
15 Bureau of Indian Affairs (BIA) Regional Director, Pacific Regional Office, to recognize the 2013
16 Constitution and Tribal Council government ratified through the July 2013 Tribal election. The
17 request included information demonstrating that members of the Eligible Groups, as defined in the
18 2015 Decision, received adequate notice and opportunity to participate in the ratification of the
19 2013 Constitution and that the 2013 Constitution was validly ratified.

20 11. The Tribe's April 18, 2016 request documented that, of 200 adult members eligible
21 to participate in the July 2013 Tribal election, 183 were members of the Eligible Groups, and the
22 remainder were 1929 Census Descendants. More than half (104) of the eligible voters cast ballots
23 in the election, and they ratified the 2013 Constitution by a vote of 90 to 10, with 4 abstentions.

24 12. To my knowledge, the Pacific Regional Director has not yet made a decision
25 whether to recognize the Tribe's 2013 Constitution and Tribal Council.

26 13. Until the BIA recognizes the Tribal Council, the Tribe will not have a government-
27 to-government relationship with the United States and will not be eligible for benefits that flow
28 from such a relationship, including the availability of federal funding under Public Law 93-638 to

1 fund Tribal government services. The Tribe also will not be eligible to receive the Revenue
2 Sharing Trust Fund money allocated to the Tribe by the State of California and currently held in
3 trust for the Tribe pending federal recognition of a Tribal government. The Tribe urgently needs
4 such funding in order to provide its members with essential services such as health care, legal
5 assistance, and economic development programs. The BIA has not recognized a Tribal
6 government in more than 10 years; further delays in the BIA's decision making will injure the
7 Tribe, the Tribal Council and its members, including me.

8 14. If Plaintiffs are able to enjoin or overturn the 2015 Decision stating that members
9 of the Eligible Groups are entitled to participate in Tribal organization, that the Burleys do not
10 represent the Tribe and that the Tribe's membership is not limited to five people, I and other
11 members of the Eligible Groups will be denied our right to participate in Tribal organization and
12 to be represented by a Tribal government that reflects the will of a majority of the Tribal
13 community. I and all other members of the Tribe will be denied our other rights as Tribal
14 members. The Tribal Council will be denied the opportunity for recognition by the United States
15 as the Tribe's government, and its authority will be infringed.

16
17 I declare under penalty of perjury that the foregoing is true and correct.

18 Executed July 25, 2016, at San Joaquin County, California.

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20 /s/ Velma WhiteBear (original signature retained
21 by attorney James Rusk)
22 Velma WhiteBear
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